

Chinese Foreign Minister Wang Yi's Visit to the Pacific: Update as at 31 May

Chinese State Councillor and Foreign Minister Wang Yi is now halfway through his visit to the Pacific. Our current understanding of the ten-day visit is that the itinerary includes eight stops:

- **Solomon Islands** (26-27 May)
- **Kiribati** (27 May)
- **Samoa** (27-28 May)
- **Fiji** (28-30 May)
- **Tonga** ^{s6(a), s6(b)(i)}
- **Vanuatu** ^{s6(a), s6(b)(i)}
- **Papua New Guinea** ^{s6(a), s6(b)(i)}
- with a final stop in **Timor-Leste** before returning to China.

2 Minister Wang's programme also includes separate virtual calls with **Niue** (Premier) ^{s6(a), s6(b)(i)}, **Federated States of Micronesia** (Foreign Secretary) ^{s6(a), s6(b)(i)} and **Cook Islands** (Prime Minister).

The trip so far

3 In **Solomon Islands** (26-27 May), Minister Wang met with Prime Minister Sogavare, Foreign Minister Manele, the Acting Attorney General, and the Governor General; and participated in a meeting with Cabinet. The two sides also confirmed a number of new and re-packaged joint agreements and documents, including a ceremonial signing of the Agreement on Security Cooperation, as well as the announcement of MoUs on Blue Economy, Health Cooperation, and Disaster Risk Management; and Agreements on Civil Aviation, Economic and Technical Cooperation, and Visa Exemptions for diplomatic passport holders. Foreign Minister Manele also announced proposals for increased security cooperation, including the establishment of a Police Training Centre and support for police infrastructure and assets.

5 In **Kiribati** (27 May), Minister Wang's four-hour visit included meetings with President Maamau, and with Vice President Toatu. Minister for Line and Phoenix Island Development Temari also attended the meetings. ^{s6(a)}

Press releases

from the Government of Kiribati indicate a key focus of discussions was on the two sides' joint aspirations for mutual sustainable development, including "China's readiness to assist on climate action, COVID-19, medical cooperation, and fisheries production and processing to maximize Kiribati's benefits from our abundant resources." The two sides announced ten outcome documents, including Agreements on Economic and Technical Cooperation, Disaster Risk Reduction, and Belt & Road Implementation, as well as announcements on COVID-19 supplies, visits by Chinese medical personnel, a landing craft for the Line Islands, and funding for the Boutu Bridge reconstruction.

6 In **Samoa** (27-28 May), Minister Wang met with Prime Minister Fiamema and Deputy Prime Minister Tuala. He also paid a courtesy call on the Head of State. According to the Joint Statement released following the visit, the focus of discussions was on key regional priorities such as climate change, the pandemic, and peace and security. The two sides made three announcements: the signature of an Economic and Technical Cooperation Arrangement; Handover Certificates for the construction of an Arts & Culture Centre and the Samoa-China Friendship Park ^{s6(a)} and an Exchange of Letters for a Fingerprint Laboratory, which was described as "complementary" to China's existing undertaking to fund a Police Academy in Apia. ^{s6(a)}

7 In **Fiji** (28-30 May), Minister Wang met with Prime Minister Bainimarama, which the latter characterised to media as an "excellent discussion" on the opportunities to strengthen China-Fiji engagement. Bainimarama reportedly pushed for stronger commitment by China on climate change, and

the two sides also discussed combatting IUU fishing, sustainable oceans management. s6(a)

Separately, Minister Wang also undertook a call on **Pacific Islands Forum** Secretary-General Puna, who highlighted climate change, economic recovery, and the 2050 Strategy for the Blue Pacific Continent.

8 While in Fiji, Minister Wang also had a virtual call with **Niue's** Premier Dalton Tagelagi on Sunday (29 May). According to official press releases, Wang and Tagelagi discussed bilateral ties, with Chinese state media highlighting opportunities to further deepen collaboration under the Belt and Road Initiative. Premier Tagelagi emphasised to Wang the importance of new regional initiatives complementing existing regional strategies and priorities. We understand similar calls with **Federated States of Micronesia** s6(a), s6(b)(i) and **Cook Islands** s6(a), s6(b)(i) are still to take place.

Coming up...

9 Minister Wang is due to arrive in **Tonga** today, s6(a), s6(b)(i)

10 Minister Wang is subsequently due to arrive in **Vanuatu** s6(a), s6(b)(i)

There has also been significant media reporting in Vanuatu over the past week s9(2)(g)(i) that the Government of Vanuatu has signed a contract with China Civil Engineering Construction Corporation (CCECC) to upgrade Pekoa airport.

11 Minister Wang is then expected to visit **Papua New Guinea** s6(a), s6(b)(i)

China-Pacific Foreign Ministers' Meeting

12 Meanwhile, the **China-Pacific Foreign Ministers' Meeting** took place yesterday, as expected, in hybrid format. Invitees included Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Niue, Papua New Guinea, Solomon Islands, Samoa, Tonga, and Vanuatu. s6(a), s6(b)(i)

13 China had earlier proposed that the meeting also adopt a *Common Development Vision* (and an associated action plan). s6(a), s6(b)(i), s6(b)(ii)

14 s6(a), s6(b)(i), s6(b)(ii)

reportedly agreed to defer the outcome documents, s6(a), s6(b)(i), s6(b)(ii)

China

s6(a), s6(b)(i), s6(b)(ii)

Key Themes / Insights

15 We have noticed a few key themes throughout the visit so far. Notably, several Pacific Leaders have been up-front in publicly emphasising core **Pacific priorities** such as climate change, and the need for human/economic development in the context of the region's post-COVID recovery. Some Leaders have also highlighted the importance of regional institutions, processes and priorities – including the need to consult on new proposals as a region. s6(a), s9(2)(g)(i) Fijian Prime Minister Bainimarama told media yesterday that “geopolitical point-scoring means less than little to anyone whose community is slipping beneath the rising seas, whose job has been lost to a pandemic, or whose family is impacted by the rapid rise in the price of commodities”. s6(a), s6(b)(i)

16 s6(a) has been framed in terms of ‘**South-South Cooperation**’ or the idea of developing countries helping developing countries s6(a), including with references to climate change, disaster risk management, and infrastructure development. s6(a)

17 s6(a)

18 s6(a) China has been active in putting out press releases, s6(a)

s6(a)

s6(a), s6(b)(i), s9(2)(g)(i)

20 s6(a)

. Alongside regular bilateral engagements, the upcoming Pacific Islands Forum meetings present a key opportunity for us to continue to engage with Pacific counterparts on the importance of emphasising key regional norms, to highlight our long-term partnership with Pacific countries, and to reiterate the importance of working together to respond to geostrategic challenges.

*Pacific Regional Division, Ministry of Foreign Affairs and Trade
31 May 2022*

Annex I: Proposed Media lines

s9(2)(g)(i)

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s9(2)(g)(i)

- We tell all our partners in the region that it is important that engagement in the Pacific takes place in a manner which advances Pacific priorities, is consistent with established regional practices, and supportive of Pacific regional institutions. As part of that, we have emphasised that we would be concerned with any developments that might undermine existing frameworks.
- The Pacific Islands Forum serves as the pre-eminent regional organisation for Pacific leaders to discuss, build consensus and act on shared challenges.
- We welcome comments by the Pacific Islands Forum Chair noting that the region will take forward cooperation with Forum Dialogue Partners – including China – under the framework of the Forum's *2050 Strategy for the Blue Pacific Continent*, which our Leaders will consider and agree at their upcoming meeting.

s9(2)(g)(i)

Released under the Official Information Act

RESTRICTED

s6(a), s6(b)(i)

Released under the Official Information Act

RESTRICTED

RESTRICTED

s6(a), s6(b)(i)

Released under the Official Information Act

RESTRICTED

Briefing for call with Wang Yi, State Councilor and Minister of Foreign Affairs, 13 June 2022 at 7pm

Haurongo – Biography



Wang Yi (pron: *wahng-ee*) serves concurrently as a member of China's State Council (State Councilor), and Minister of Foreign Affairs. He has been Foreign Minister since 2013, and was appointed State Councilor in March 2018. The State Council is China's most senior government administrative body, chaired by Premier Li Keqiang.

State Councilor Wang Yi is a career diplomat specialising in Asian affairs. He has an undergraduate degree in Japanese, a Masters of Economics, and a Doctorate in International Relations. He is married with one daughter.

You last spoke with Wang Yi almost exactly one year ago on 22 June 2021 via video call, and prior to that your introductory phone call was held in December 2020. Your last call covered issues including responses to COVID-19, economic recovery in the Pacific, our significant trade and economic ties, and the need for Chinese leadership in the global response to climate change. You also stressed Aotearoa New Zealand's grave concerns over the human rights situation in Xinjiang province, and the erosion of political freedoms in Hong Kong.

He last visited New Zealand in 2014 and 2017 (accompanying Premier Li).

Ngā whakaritenga – Call logistics

- He-Mihi – Greeting; “nin hao”: [pron: *neen-how*] Hello
- Connection details/platform to be confirmed.
- s6(a)
-
- s9(2)(g)(i)

Ngā Whāinga – Objectives

- Emphasise the importance of the New Zealand-China relationship in the context of the 50th anniversary of diplomatic relations, and the many connections between us.
- Welcome the opportunity to reconnect, after one year between calls. Note that scheduling difficulties have meant it has been a challenge to settle on timing for a visit in either direction, but that you hope this will be possible before too long.
- Record New Zealand's views on sensitive issues, including Xinjiang and Hong Kong.

- s6(a) restate our position regarding s6(a) the importance of advancing Pacific priorities and engaging through existing architecture.
- Register New Zealand's concern regarding the Democratic People's Republic of Korea's (DPRK's) ballistic missile tests this year, and our opposition to nuclear tests.
- Underscore the importance New Zealand places on ASEAN centrality in the Indo-Pacific, and the need to ensure that key ASEAN architecture such as the East Asia Summit withstands the current challenges.
- Strongly encourage China to use its access and influence with Russia to promote a return to diplomacy, noting China's responsibility as a permanent member of the United Nations Security Council.

Ngā Take – Issues

Bilateral

Emphasise the importance of the New Zealand China relationship, and welcome the opportunity to reconnect as Foreign Ministers

- Welcome the opportunity to connect again as counterparts.
- Note the significance of 2022 as the 50th anniversary of the establishment of diplomatic relations between NZ and China. This is an important milestone for our relationship, as noted by Prime Minister Ardern and President Xi when they spoke in November 2021. Agreement on the entry into force of the Upgraded FTA was a welcome start the year. In addition to high level engagements such as the virtual meeting between Speakers in January, and this discussion today, a series of events are being progressed by both sides.
- For New Zealand, we are looking to celebrate both new and existing areas of cooperation under the headings of Tangata/People, Aorangi/Planet, and Tōnuitanga/Prosperity.
- Express regret that you have not yet had the opportunity to meet in person but confirm your interest in visiting China this year. s6(a)
- Note that you would also welcome a visit by Minister Wang to Aotearoa New Zealand.
- Confirm that both countries benefit from our Comprehensive Strategic Partnership.
- Reaffirm that Aotearoa New Zealand's relationship with China is one of our most important, encompassing significant economic, people-to-people, and cultural connections.
- Note that Aotearoa New Zealand is committed to our one-China policy.
- Note that we cooperate effectively in many areas that advance the well-being of both countries, such as trade, business, agriculture, science, combatting climate change and the environment. Strong people-to-people links underpin the relationship.
- Welcome the entry-into-force of the Upgrade to the China-New Zealand Free Trade Agreement in April. This was a significant and positive development for our bilateral relationship, and our businesses, and a fitting way to mark the 50th anniversary.

- Highlight that New Zealand will be welcoming all visa holders from China again when our borders fully reopen on 31 July, three months earlier than planned. Note that we look forward to welcoming Chinese visitors, including students and tourists, back to Aotearoa New Zealand.
- Note, as the Prime Minister has stated publicly, that – given our different histories and systems – there are some issues on which our viewpoints differ and where we need to work together to manage those differences, such as Xinjiang and Hong Kong.
- New Zealand will continue to address these challenging issues in a consistent and predictable way, according to our independent assessment of our interests and values, in line with our long-standing commitment to international rules and norms.

Regional Issues

s6(a)

- Emphasise the significance of the Pacific to Aotearoa New Zealand: the Pacific matters deeply to us – our identity, prosperity and security are intertwined through deep cultural, people to people, historical, and economic linkages. New Zealand is in and of the Pacific, and a peaceful, stable, prosperous and resilient region is of central importance to us. We follow with intense interest developments in our home region.
- Acknowledge that China has had political and economic relationships with Pacific island nations for many years; it is not new that relationships exist.
- Note that there was much international attention on Minister Wang Yi's visit to the Pacific, which wrapped up in early June, and seek insights from Minister Wang on the trip. ^{s9(2)(g)(i)}
- In line with our Pacific resilience approach, emphasise that Aotearoa New Zealand's clear message to all of our partners is that it is important that engagement in the Pacific takes place in a manner which advances Pacific priorities and has a high degree of Pacific ownership.
- Note that our consistent message to all is that we would be concerned by any developments that undermined existing processes or architecture.
- Note that engagement consistent with established regional practices, and supportive of Pacific regional institutions, is important to the stability of our region.
- Reiterate the critical role of the Pacific Islands Forum as the preeminent regional organisation for Pacific Leaders to discuss, build consensus and act on shared challenges.
- Note the value of regular engagement on the Pacific with Chinese officials, including the Pacific Consultations that took place in March, ^{s9(2)(g)(i)} ; and the recent call between Vice Foreign Minister Xie Feng (pron. *Share Fung*) and Secretary of Foreign Affairs and Trade Chris Seed.
- Restate that the China-Solomon Islands Security Cooperation Agreement is both unwelcome and unnecessary. Reiterate that Pacific Islands Forum members have a strong commitment to support each other to meet our broader ambitions for our region's security as set out in the Biketawa Declaration. In Solomon Islands, the violence stopped following the deployment of Pacific Islands Forum members, and peace was supported through a commitment of personnel by regional neighbours over many years.

- Reiterate that we remain concerned at the lack of transparency regarding the agreement, particularly given its regional implications. Underscore that it is important that the text of the agreement is made public as soon as possible.
- Emphasise that Pacific countries continue to feel the significant economic impacts of Covid-19. Note that Aotearoa New Zealand has provided over NZ\$300m in direct budget support to the Pacific. ^{s6(a)}
- ^{s9(2)(g)(i)} Climate change is an area of high ambition in Pacific island countries, given their experience with rising sea levels and the challenges of adaptation and food security. It is important that any engagement and cooperation in the region focuses on Pacific approaches and is in line with Pacific priorities.

Background: ^{s6(a)}, ^{s6(b)(i)}

Register New Zealand's position on the DPRK

- Register New Zealand's concern regarding the Democratic People's Republic of Korea's (DPRK's) record number of ballistic missile tests this year, all of which have violated United Nations Security Council resolutions (UNSCRs) and threaten regional security.
- Highlight New Zealand's steadfast opposition to all nuclear tests and our concern that the DPRK appears to be preparing for its seventh nuclear test.
- We strongly encourage China: to use its access and influence to encourage the DPRK to return to diplomacy and dialogue, ^{s6(a)}
- Convey our disappointment at China's veto of further UN Security Council sanctions on the DPRK. Thirteen other members supported the resolutions and, if enacted, the resolution will further deter the DPRK's pursuit of its nuclear and ballistic weapons programme. ^{s6(a)}
- Outline our concern for the humanitarian situation in the DPRK with the current COVID-19 outbreak and ask whether China is providing any practical support to the DPRK. The international community is poised to provide supplies including vaccines to the DPRK and we would implore the DPRK to take up these offers of assistance.

- s9(2)(g)(i) New Zealand is committed to supporting the diplomatic effort to achieve the complete, verifiable and irreversible denuclearisation of the DPRK, including through our implementation of UN Security Council sanctions. They are the best tool the international community has to limit the DPRK's access to materials for its illicit weapons programmes and there are clear exemptions for humanitarian aid.

Background: In June, China and Russia vetoed a UN Security Council resolution tabled by the US to impose further sanctions in response to the DPRK's escalatory ballistic missile tests. s6(a)

Emphasise ASEAN-led architecture – ASEAN Regional Forum / East Asia Summit

- (Separate to the question of a bilateral visit), note that you look forward to seeing Minister Wang at the ASEAN-led Foreign Ministers' meetings in Phnom Penh in early August.
- Emphasise the importance New Zealand places on ASEAN centrality as a core element of a peaceful, stable and prosperous Indo-Pacific region.
- In the difficult global context, this is a particularly challenging year for the key ASEAN-led architecture of which we are both members, including the ASEAN Regional Forum and the East Asia Summit.
- It is in all our interests that the architecture is able to "weather the storm" of the current challenges and retain its value as a key platform to address strategic issues and risks.
- s6(a)

Background: The ARF and EAS Foreign Ministers' meetings are scheduled to take place in person in Phnom Penh, Cambodia on 5 August. s6(a)

International Issues

Register New Zealand's position on Ukraine

- Note that Aotearoa New Zealand stands with the international community in condemning President Putin's unjustified and illegal attack on Ukraine.
- Highlight that New Zealand is united in support of Ukraine's sovereignty and territorial integrity. New Zealand, in concert with others in the international

community, is applying tough and targeted sanctions on Russia, as a means of bringing an end to the invasion of Ukraine and to the harm being visited on civilians.

- Strongly encourage China to use its access and influence to call on Russia to act consistently with its international obligations, cease military operations in Ukraine, withdraw its troops and return to diplomatic negotiations as a pathway to resolve this conflict.
- Urge China to be clear, in line with its commitment to the UN Charter, that it does not support Russia's unlawful actions – nor will it take actions that undermine the international response.
- s6(a), s9(2)(g)(i)

Background: s6(a)

s6(a), s9(2)(g)(i)

s9(2)(g)(i)

Human rights/Xinjiang

- Aotearoa New Zealand has taken a consistent and predictable approach to expressing concerns about specific issues, including credible reports of severe human rights abuses against ethnic Uyghurs and other Muslim minorities in **Xinjiang**. This is an issue on which we receive regular correspondence from concerned New Zealanders, including some with family members detained in Xinjiang.
- New Zealand remains concerned about the human rights situation in the region which is why we have taken part in multilateral statements on this issue, most recently in the UNGA Third Committee last October.
- That is also why the Prime Minister raised New Zealand's concerns about Xinjiang directly with President Xi during their phone call last November.

- s9(2)(g)(i) We followed the High Commissioner's visit closely and will be carefully examining the outcomes of her visit.
- s9(2)(g)(i)] Aotearoa New Zealand places great importance on the protection and promotion of universal human rights, and we strongly support UN mechanisms such as the Human Rights Council and the Third Committee. We consider these fora are appropriate settings to discuss country-specific human rights issues. We will continue to raise human rights concerns in these fora, consistent with their core mandate and our independent foreign policy.

Background: A joint statement on Xinjiang will be delivered during the 50th session of the Human Rights Council in Geneva on 14/15 June. Officials have recommended that New Zealand join the statement again this year. New Zealand's Senior Official to ASEAN raised Xinjiang (and Hong Kong) in our national statement at the EAS Senior Officials' Meeting on 8 June. Note that Wang Yi met the UN High Commissioner for Human Rights Michele Bachelet on 23 May, s6(a), s9(2)(g)(i)

s6(a), s6(c), s9(2)(a)

Hong Kong

- Aotearoa New Zealand's support for civil and political rights is an integral part of our independent foreign policy.
- New Zealand has consistently raised its long-standing concerns regarding the erosion of rights and freedoms in Hong Kong, including in relation to the passing of the National Security Law, a series of troubling arrests, including of journalists and members of civil society, as well as changes to Hong Kong's electoral system.

Taiwan

- s9(2)(g)(i) New Zealand firmly abides by our one China policy.
- s6(a), s9(2)(g)(i) Aotearoa New Zealand has an important interest in peace and stability across the Taiwan Strait and encourages peaceful resolution of cross-Strait issues. s6(a), s9(2)(g)(i)

- s6(a), s9(2)(g)(i)

we clearly have an interest in the maintenance of peace and stability in our region. We are therefore concerned about any increased tensions and encourage peaceful dialogue and constructive relations across the Taiwan Strait.

s6(a), s9(2)(g)(i)

s6(a), s9(2)(g)(i)

Indo-Pacific Economic Framework / Indo-Pacific

- New Zealand has welcomed the increased engagement by the United States in the Indo-Pacific region.
- We welcome the Indo-Pacific Economic Framework as an opportunity to grow our economic cooperation with the United States and across our wider home region.
- s6(a), s9(2)(g)(i)

s6(a), s9(2)(f)(iv), s9(2)(g)(i)

s6(a), s9(2)(g)(i)

s6(a)

South China Sea and East China Sea

- Maritime stability and security is fundamental to the maintenance of peace and prosperity in our region.
- New Zealand strongly supports the peaceful resolution of disputes in accordance with international law, particularly the UN Convention on the Law of the Sea (UNCLOS). UNCLOS provides the definitive legal framework within which all activities in the oceans and seas must be carried out.
- New Zealand's position is principles-based and does not target any one country. It applies in respect of both the South China Sea and East China Sea. We do not take a position on claims of territorial sovereignty.

- But we do have interests at stake. As a trade-dependent nation, for New Zealand continued unimpeded access to shipping and air routes is vital. We also have direct interests in the region's peace and security and the maintenance of the international rules-based system, particularly the law of the sea, including the regime of maritime zones and freedoms of navigation and overflight.
- Given the nature of our interests in the South China Sea, we have expressed our views on these issues over many years. We have done this consistently and predictably. We can be expected to continue to do so both privately and publicly in the future.
- We are concerned that tensions have increased in the South China Sea, including through militarisation and destabilising activities that challenge international rules and norms. We have seen an increase in worrying incidents in recent years.
- We are similarly concerned about behaviours in the East China Sea and have spoken out against unilateral actions that raise tensions.
- We encourage China, as a regional leader, to avoid actions that risk escalating tensions or undermining efforts to achieve an enduring solution.

Background: As part of our revised South China Sea policy, New Zealand submitted a diplomatic note outlining our view on how UNCLOS applied in the South China Sea in August 2021. s9(2)(g)(i)

Released under the Official Information Act



4 July 2022

Minister of Foreign Affairs

For approval by

11 July 2022

Myanmar: 17 Months after the Coup

BRIEFING Decision Submission

PURPOSE To provide an update on New Zealand's interests 17 months after the coup in Myanmar and suggest refinements to New Zealand's settings on Myanmar.

Tukunga tūtohua – Recommended referrals

Prime Minister	For information by	18 July 2022
Minister for Trade and Export Growth	For information by	18 July 2022
Minister of Defence	For information by	18 July 2022
Minister of State for Trade and Export Growth	For information by	18 July 2022

Taipitopito whakapā – Contact details

NAME	ROLE	DIVISION	WORK PHONE
Mary Thurston	Unit Manager	South and South East Asia Division	s9(2)(a)
Samantha Beckett	Senior Policy Officer	South and South East Asia Division	

Mā te Tari Minita e whakakī – Minister's Office to complete

<input type="checkbox"/> Approved	<input type="checkbox"/> Noted	<input type="checkbox"/> Referred
<input type="checkbox"/> Needs amendment	<input type="checkbox"/> Declined	<input type="checkbox"/> Withdrawn
<input type="checkbox"/> Overtaken by events	<input type="checkbox"/> See Minister's notes	

Comments

Myanmar: 17 Months After the Coup

Key Points

- 17 months after the coup the situation in Myanmar has become acutely difficult. Around 47% of the population (approximately 25 million people) are now believed to be living in poverty and there are over a million internally-displaced people. The Tatmadaw military regime (and its State Administrative Council – SAC) is resisting international pressure to engage and there are no clear pathways to normalisation.
- The SAC and the National Unity Government (NUG, made up of MPs elected pre-coup) both continue to seek legitimacy as the official government, domestically and externally.
- While New Zealand's existing policy settings on Myanmar (including our policy of not making formal statements of recognition) remain broadly fit for purpose, there are some opportunities to make nuanced changes to reflect the evolving situation.
- New Zealand has a substantial development programme in Myanmar. In response to the coup and the pandemic, the programme has shifted focus towards support for immediate humanitarian needs. All support is being shaped so as not to benefit, nor be delivered in partnership with, the military regime.
- With pandemic risk easing, the New Zealand Embassy in Myanmar will reopen this year. This will improve our insights on Myanmar and ^{s6(a), s9(2)(g)(i)}
- s6(a), s9(2)(g)(i)
- Canada and the Netherlands have signalled plans to intervene in support of The Gambia's case against Myanmar at the International Court of Justice, in relation to the Rohingya population. ^{s6(a)}
- s9(2)(g)(i)
sb(a)
- s9(2)(g)(i)
- Asia Regional Division is developing separate advice specifically on engagement with ASEAN on Myanmar. ^{s6(a)}

Mark Sinclair
for Secretary of Foreign Affairs and Trade

Tūtohu – Recommendations

It is recommended that you:

- | | | |
|---|---|----------|
| 1 | s6(a), s9(2)(g)(i) | Yes / No |
| 2 | Note that the New Zealand Embassy in Myanmar will fully reopen in 2022 and s6(a) | Yes / No |
| 3 | Agree that s6(a), s9(2)(g)(i) | Yes / No |
| 4 | Note that officials will provide separate advice should a visit by the NUG foreign affairs representative be proposed. | Yes / No |
| 5 | Note that s6(a) | Yes / No |
| 6 | Note that s6(a), s9(2)(g)(i) | Yes / No |
| 7 | Note that New Zealand's established bilateral policy settings on Myanmar otherwise remain fit for purpose. | Yes / No |
| 8 | Refer a copy of this submission to the Prime Minister, Minister of Trade and Export Growth, Minister of State for Trade and Export Growth and Minister of Defence. | Yes / No |

Hon Nanaia Mahuta
Minister of Foreign Affairs / Minita Take Aorere

Date: / /

Pūrongo – Report

Myanmar: a challenging trajectory and few good options

1. The situation in Myanmar following the 1 February 2021 coup is increasingly difficult. The Tatmadaw (Myanmar's military) is continuing its brutal treatment of activists and civilian populations in conflict-afflicted areas, with few indications that it is willing to engage in de-escalation. Many of Myanmar's coup opposition groups and some Ethnic Armed Organisations (EAO) are fighting the Tatmadaw forces, ^{s9(2)(g)(i)}. Against this backdrop the UNDP suggests that 47% of the population (around 25 million people) have fallen below the poverty line. Mass population movement, spread of COVID, trafficking of weapons, drugs and people and conflict along already porous borders are all likely to increase should Myanmar society move closer to breakdown.
2. There is no easily identifiable solution to these challenges. Both the NUG and SAC continue to seek legitimacy as the official government, domestically and internationally. ^{s6(a), s9(2)(g)(i)}
3. ^{s9(2)(g)(i)} New Zealand has suspended high-level bilateral contact, reviewed and made adjustments to our development programme and imposed a travel ban on coup leaders. Likeminded partners have also responded, with the addition of sanctions from some with autonomous sanctions regimes. ^{s6(a), s9(2)(g)(i)}

New Zealand Interests

4. New Zealand's core interests in Myanmar are:
 - **Reputational:** preserving New Zealand's reputation as a good international citizen and active regional player that supports ASEAN centrality;
 - **Security:** support for a stable and secure region, including mitigating irregular movement of people and transnational crime arising from the ongoing conflict;
 - **Consular:** maintaining an ability to keep New Zealanders safe. Since the coup Safetravel numbers have dropped to 13 registrants and consular assistance has been limited to assisting with passport deliveries; MFAT advice is currently Do Not Travel due to civil unrest and armed conflict. However, Myanmar is opening for tourism and there have been some business people returning; and
 - **Commercial:** with the near-collapse of the economy **trade and economic interests** for the foreseeable future will be minimal.

Myanmar: 17 Months After the Coup

New Zealand Settings

5. New Zealand's current policy framework for Myanmar in practice involves:

- Suspension of high-level bilateral political contact with Myanmar and limiting contact at officials' level with the SAC to key interests (the latter has, in practice, been limited further by lack of in-country presence, and by a shift to virtual regional meetings).
- Continuation of New Zealand's long-standing non-recognition policy – namely that New Zealand does not make formal statements of recognition ^{s6(a), s9(2)(g)(i)}
- Informal engagement with the NUG ^{s6(a), s9(2)(g)(i)}
- Ensuring no New Zealand International Development Cooperation assistance benefits, or is delivered in partnership with or through, the military regime.
- Raising our concerns about Myanmar at all relevant regional meetings, and bilaterally with ASEAN member states and likemindeds, and continuing to participate in a full range of Human Rights Council sessions and statements on Myanmar.
- Expressing support for the international accountability and international justice process through statements.

6. ^{s9(2)(g)(i)}

New Zealand's existing policy settings remain broadly fit for purpose. However, we consider that there are opportunities for us to further support New Zealand's interests by revising some elements of our current approach to be more consistent with the approach of others. The reopening of the embassy in Myanmar, after a prolonged period of remote operation, also presents opportunities to recalibrate aspects of our approach.

New Zealand Embassy re-opening

7. In 2020, the New Zealand Embassy in Myanmar was closed due to the COVID-19 pandemic. As proposed in our submission of May 2022, planning is under way for the reopening of the embassy in 2022 and for Stephanie Lee to take up the role of chargé d'affaires a.i. Since submitting our May advice we have heard that more countries are replacing departing ambassadors with a chargé d'affaires, and the ^{s9(2)(g)(i)}
8. The reopening of the embassy is a signal of New Zealand's on-going commitment to South East Asia, including during times of trouble. It will also allow us to gain a better understanding of the situation on the ground in Myanmar. ^{s6(a)}
9. The reopening of the embassy will likely lead to greater contact between New Zealand officials and those of the SAC (and in regional forums – see paragraph 30 and forthcoming submission). ^{s6(a), s9(2)(g)(i)}

It is also likely to involve some engagement for reasons of operational necessity.

Myanmar: 17 Months After the Coup

Engagement with the NUG

10. s6(a), s9(2)(g)(i)

. This would be consistent with New Zealand's support for the ASEAN Five-Point Consensus, which calls for dialogue with all parties, as well as providing opportunities to reiterate New Zealand's position to a key stakeholder. s6(a), s9(2)(g)(i)

s6(a)

s6(a), s9(2)(g)(i)

s6(a)

s6(a), s9(2)(g)(i)

s6(a)

14. NUG foreign affairs representative Daw Zin Mar Aung has met, in person, the foreign ministers of Malaysia (publicised) s6(b)(i) as well as the Swedish foreign minister. Zin Mar Aung has also met US State Department Deputy Secretary Sherman, US senators and other senior State Department and White House officials, and vice-ministers and parliamentarians from European states. She has also met UK Minister of State for Asia Amanda Milling twice virtually. s6(a)

s6(a)

15. s6(a), s6(b)(i)
s6(a)

s9(2)(a)

New Zealand Development Programme and peace support

16. New Zealand's development programme is a significant pillar of our engagement and a tangible demonstration of our long-term and ongoing support to the people of Myanmar and the region. Despite the challenges presented by the coup and COVID-19, we have been

Myanmar: 17 Months After the Coup

able to maintain a significant and balanced portfolio of over NZ\$50 million in development and humanitarian support to Myanmar for the 2021-2024 triennium. All support is delivered in alignment with our current settings, as agreed by you in February 2021.

17. Some changes have been necessary. The NZ\$17 million of International Development Cooperation funding for Myanmar approved since the coup has focused on immediate basic needs and COVID-19 support. A small number of bilateral activities and the Myanmar element of some ASEAN regional activities have been suspended due to the requirement of government partnership or participation. An example of this was the premature conclusion of our mine action activity in Myanmar.

International accountability processes: the ICJ Case in relation to the Rohingya

18. In 2019, The Gambia brought a case against Myanmar at the International Court of Justice (ICJ) alleging that Myanmar was in breach of its obligations under the Genocide Convention, in relation to the Rohingya population. The case has not yet proceeded to its substantive stage, and the Court has not yet ruled upon the merits of the claims brought by The Gambia. However, it has ordered provisional measures which require Myanmar to prevent genocide and to preserve evidence for the case.
19. In September 2020, Canada and the Netherlands indicated their intention to intervene in the case to support The Gambia in its efforts to address these violations. However, no formal intervention has yet been lodged with the ICJ.
20. s6(a), s9(2)(g)(i)

21. New Zealand can and should continue to make public statements in support of The Gambia's case when and where appropriate.

Further support to governance and international justice in Myanmar

22. There have been credible reports of human rights abuses in Myanmar since the coup. New Zealand continues to engage in the UN Human Rights Council on Myanmar to share our concerns and call for action. We have also, in statements, called for accountability in Myanmar and expressed our support to the work of accountability initiatives such as the Independent Investigative Mechanism for Myanmar (IIMM), but have not provided practical support (e.g. financial) to work in this area to date. The IIMM was established by the UN Human Rights Council to investigate crimes against the Rohingya but is collecting evidence, including through working with groups on the ground in Myanmar, of grave human rights violations since the coup.
23. The NUG has formed a National Unity Consultative Council (NUCC) which has brought together, for the first time, many of the key opposition groups. A federal charter and interim constitutional plan have since been agreed, prior to forming a vision of the future that is more inclusive than any previous political structure in Myanmar.
24. There may be opportunities to offer small-scale practical support for the international accountability process s9(2)(g)(i)
This would be consistent with New Zealand's overall approach to Myanmar and our positioning on international accountability. s6(a)

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s6(a)

. We would provide further advice to you in this event.

Balancing ASEAN Centrality

25. s6(a), s9(2)(g)(i)

26. Further advice on our bilateral engagement with ASEAN and in ASEAN-led architecture, including through support to implement the ASEAN-New Zealand Plan of Action, bilateral initiatives with ASEAN, and through attendance at political level ASEAN-led meetings where Myanmar may be present, will be provided in a separate submission. However, the s6(a)

Released under the Official Information Act

Collective rights in international human rights law

Individual Rights

The development of international human rights in the 20th century marked a major shift in international law – which had traditionally governed state-to-state relations – by creating legally binding obligations on States to respect the rights of individuals.

With some exceptions (outlined below) international human rights law governs the relationship between the state and the individual, with the individual as the rights-holder and governments as the duty-bearer.

The rights of collective groups (i.e. the national population, iwi Māori, the disabled community,¹ and other community groupings) are realised predominantly through ensuring the rights of the individuals belonging to the group.

For example, international law's protection of minorities is achieved through the cumulative effect of individual rights, such as Article 27 of the International Covenant on Civil and Political Rights (ICCPR). This protects the rights of “persons belonging to minorities...in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language”.² In this way, the religious rights of minorities are protected by guaranteeing the right of individuals to practice their own religion.

While this focus on individual rights is sometimes criticised for prioritising individual interests and autonomy over the collective public good, it is still the dominant paradigm in international human rights discourse and a foundational principle of the United Nations system.

¹ The rights of persons with disabilities are protected by the Convention on the Rights of Persons with Disabilities, which protects the rights of disabled individuals rather than the collective rights of groups of disabled persons or the disabled community as a whole.

² Section 20 of the New Zealand Bill of Rights Act 1990.

Collective Rights

The key point of difference with collective rights is that a group (or peoples rather than a person) is the rights-holder meaning that the right cannot be possessed or exercised by an individual person.

The most well-known example of a collective right is the right of peoples to self-determination.³ This guarantees groups the right to freely determine their political status and freely pursue their economic, social and cultural development. An individual cannot logically hold that right – it is a right that exists only in the context of a group.

The UN Declaration on the Rights of Indigenous Peoples (UNDRIP) also contains collective rights held by indigenous people as groups rather than as individuals.⁴ As it was adopted as a UN General Assembly Resolution, UNDRIP is non-binding but has dual character in that it has a mixture of legally binding and aspirational rights.

UNDRIP comprises both existing, legally binding, individual rights expressed as being held collectively by groups of indigenous peoples, like the right to be free from discrimination and the right to security of the person; and new aspirational rights, such as the requirements of free, prior and informed consent for decisions affecting indigenous peoples;⁵ and just, fair and equitable compensation for traditionally owned or used lands, territories and resources.⁶

Collective rights are also realised in New Zealand in our engagement in the UN Special Committee on Decolonization (C-24) in respect to Tokelau, given its status as a non-self-governing territory of New Zealand.^{s9(2)(h)}

³ International Covenant on Civil and Political Rights, Art 1, UN Charter, Art 1 and 55. This is also customary international law.

⁴ UNDRIP does not define indigenous peoples however contains three principles for identification: a group's self-identification as indigenous is a fundamental consideration in determining its status and scope, a non-recognition or misrecognition by the territorial State does not alter the applicable international law, and matters of membership are to be determined by the group itself, within some limits.

⁵ Article 32.

⁶ Article 28. Note that UNDRIP also contains the right to self-determination for indigenous peoples, but unlike the traditional right to self-determination this does not translate into territorial independence, as Art 46(1) provides '[n]othing in this Declaration may be interpreted as... authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States'.

Tokelau's General Fono has agreed to recommence discussions on self-determination in the lead-up to the 100-year anniversary of New Zealand administration in early 2026. Aotearoa New Zealand stands ready to support Tokelau through this process.

Individual and Collective rights in international fora

There are currently a number of competing narratives on collective and individual rights in the multilateral system.

With the exception of indigenous rights and UNDRIP, Aotearoa New Zealand and likeminded states generally focus our engagement in international fora on individual human rights - as expressed in the nine core human rights treaties.⁷

On the other hand, states like ^{s6(a)}

⁷ International Covenant on Civil and Political Rights, International Convention on the Elimination of All Forms of Racial Discrimination, International Covenant on Economic, Social and Cultural Rights, Convention on the Elimination of All Forms of Discrimination against Women, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Convention on the Rights of the Child, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, International Convention for the Protection of All Persons from Enforced Disappearance, Convention on the Rights of Persons with Disabilities.

s6(a)

New Zealand's position is that the state has primary responsibility for the promotion and protection of all human rights, including the right to development, and that the individual is the primary rights-holder.

s6(a)

Legal Division / United Nations, Human Rights and Commonwealth Division
July 2022

Released under the Official Information Act

Informal Note — Solomon Islands' parliamentary sitting

Context

- Solomon Islands Parliament is expected to table and pass in coming weeks ^{s6(a)} constitutional amendment to extend the current parliamentary term by 12 months:
 - The National General Election is due to be held between April – July 2023. The extension would defer this until April-July 2024.
 - The government's pretext for the amendment includes the difficulty of hosting the Election and Pacific Games in the same year ^{s6(a)} and the need to update the electoral roll and progress electoral reforms ^{s6(a)}
 - Once submitted to the Speaker, the bill must sit for at least four weeks before readings can start in Parliament. Solomon Islands Government (SIG) has not indicated when it intends to submit the bill.
- Two prominent opposition figures have publicly stated their intention to peacefully protest against the extension. ^{s6(a)}

s6(a)

- The Pacific Resilience approach and Pacific Islands Forum commitments establish our interests and responsibility to support peace and stability in Solomon Island ^{s6(a)}

- s6(a)

s6(a)

Released under the Official Information Act

s6(a)

Next steps

- s6(a)
- We will maintain regular updates on the Parliamentary sitting and provide further advice as necessary, including updated media points.

*Pacific Melanesia and Micronesia Division
Ministry of Foreign Affairs and Trade
1 August 2022*



18 August 2022

Minister of Foreign Affairs

For action by 12 September 2022

Climate Migration Action Plan – August 2022 Progress Update

BRIEFING Overview Submission

PURPOSE Update on progress on the 2018 Climate Migration Action Plan

Tukunga tūtohua – Recommended referrals

Minister for the Environment	For information by	19 September 2022
Minister of Immigration	For information by	19 September 2022
Minister for Pacific Peoples	For information by	19 September 2022
Minister of Climate Change	For information by	19 September 2022

Taipitopito whakapā – Contact details

NAME	ROLE	DIVISION	WORK PHONE
Llewellyn Roberts	Divisional Manager	Development (People and Planet)	s9(2)(a)
Ruth Loan	Lead Adviser	Development (People and Planet)	s9(2)(a)

Mā te Tari Minita e whakakī – Minister’s Office to complete

<input type="checkbox"/> Approved	<input type="checkbox"/> Noted	<input type="checkbox"/> Referred
<input type="checkbox"/> Needs amendment	<input type="checkbox"/> Declined	<input type="checkbox"/> Withdrawn
<input type="checkbox"/> Overtaken by events	<input type="checkbox"/> See Minister’s notes	

Comments

Climate Migration Action Plan – August 2022 Progress Update

Pito matua – Key points

- Climate change remains the greatest existential threat facing the Pacific with Pacific Islands Forum (PIF) Leaders recently declaring a climate emergency that “threatens the livelihoods, security and well-being of its people and ecosystems”.
- In 2018 Cabinet agreed that Aotearoa New Zealand adopt early, calibrated and transparent action on climate-change related displacement and migration in the Pacific. This submission responds to the request from Ministers to be regularly updated on progress and reports against the five key actions identified in the Action Plan.
- *Action one: utilise International Development Cooperation (IDC) funding to avert and delay climate-related displacement and prepare for Pacific climate migration* - We are funding Pacific adaptation activities to help people continue to live in their countries, and also support Pacific communities’ preparedness for relocation or migration if it becomes necessary. Specific climate mobility activities include funding work to help Fiji plan for community relocations and to prevent migration-related conflict. While experiencing COVID-19 related delays, these activities remain on track.
- *Action two: facilitate regional dialogue and explore a regional approach* – The Regional Dialogue held in June was a significant milestone towards the development of a Pacific Regional Framework on Climate Mobility. Aotearoa New Zealand remains actively engaged on the Joint Working Group to oversee the development of the Regional Framework and funds technical support for this initiative.
- *Action three: strengthen international language and frameworks through multilateral action* – We have prioritised developing a regional climate mobility approach ahead of multilateral action. Having agreed Pacific priorities will inform our future multilateral engagement.
- *Action four: champion progressive development of international law to protect coastal state rights in respect of maritime zones in the face of sea-level rise* - The ground breaking PIF Leaders “Declaration on Preserving Maritime Zones in the Face of Climate Change-Related Sea-Level-Rise” makes clear the region’s intention to maintain our maritime zones, without reduction. We continue to build international support for the Declaration.
- We are also working with PIF partners to develop a regional approach on the issue of sea-level rise and questions of statehood and the protection of persons. Officials will attend the first Regional Conference on these issues that is planned for September 2022. This work involves complex legal issues and further advice will be provided to Ministers as the scope of this work becomes clearer.
- *Action five: commission robust research* - Research on climate migration trends and impacts will help Aotearoa New Zealand and Pacific Governments to better respond to the challenges of climate mobility. We have faced some delays but are in the process of finalising research contracts. This research will acknowledge the whakapapa links Māori have with Te Moana-nui-a-Kiwa and the Treaty Partnership between Māori and the Crown.

Bernadette Cavanagh
for Secretary of Foreign Affairs and Trade

Climate Migration Action Plan – August 2022 Progress Update

Tūtohu – Recommendations

It is recommended that you:

- | | | |
|---|---|-----------------|
| 1 | Note the progress made on the 2018 Climate Migration Action Plan. | Yes / No |
| 2 | Note the work being undertaken: <ul style="list-style-type: none"> • to scale up existing development activities and identify new climate mobility initiatives under Aotearoa New Zealand’s increased climate financing commitment; • to support the development of a Pacific Regional Framework on Climate Mobility to be endorsed by PIF Leaders; • to build support for the “Declaration on Preserving Maritime Zones in the Face of Climate Change-Related Sea-Level-Rise”; • to contribute to discussions on the consequences of sea-level rise on statehood and the protection of persons within the Pacific Islands Forum; and • to undertake climate mobility research to support evidence-based policy making. | Yes / No |
| 3 | Refer a copy of this submission to the Minister for the Environment, the Minister of Immigration, the Minister for Pacific Peoples and the Minister of Climate Change. | Yes / No |

Hon Nanaia Mahuta
Minister of Foreign Affairs / Minita Take Aorere

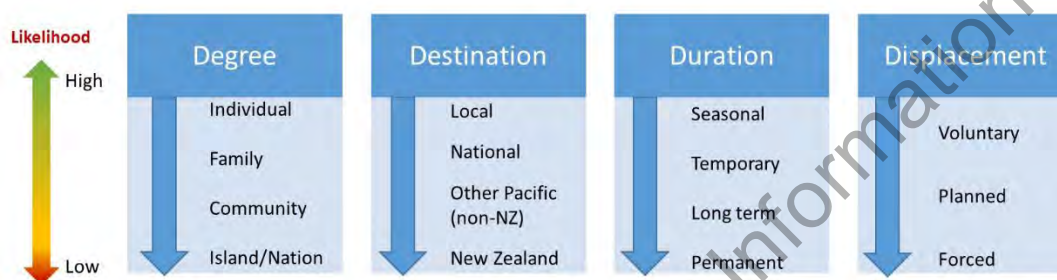
Date: / /

Climate Migration Action Plan – August 2022 Progress Update

Pūrongo – Report

1. Pacific Island countries are some of the most exposed in the world to the effects of climate change and natural disasters. This is already impacting Pacific mobility and migration – whether it is the relocation of communities within a country (e.g. moving villages inland in response to natural hazards such as flooding or sea-level rise), an individual’s temporary move to support community resilience (e.g. via labour mobility schemes), permanent migration within the Pacific or further afield (at the individual/family level), or the worst-case future scenario of the relocation of an entire island/nation.

Climate Mobility Scenarios



2. The 2018 Climate Migration Action Plan identified five early actions for Aotearoa New Zealand to respond to the challenges of climate mobility. These are to:
 - 2.1. utilise International Development Cooperation (IDC) funding to avert and delay climate-related displacement and prepare for Pacific climate migration;
 - 2.2. facilitate regional dialogue and explore a regional approach;
 - 2.3. strengthen international language and frameworks through multilateral action;
 - 2.4. champion progressive development of international law to protect coastal state rights in respect of maritime zones in the face of sea level rise; and
 - 2.5. commission robust research.
3. Our work is guided by the “reset to resilience” principles and the core values set out in the Action Plan agreed by Cabinet. These core values include honouring the Pacific’s social and cultural identity, the Pacific’s desire to live in their own countries where possible, Pacific countries’ sovereignty, and encouraging transparency and inclusive dialogue.
4. We have made solid progress under the Action Plan, notably with the PIF Leaders’ ‘Declaration on Preserving Maritime Zones in the Face of Climate Change-related Sea-Level Rise’; and the first negotiations on a Pacific Regional Framework on Climate Mobility.
5. Progress against each of the actions and the key activities are summarised in Appendix A. We also report on these actions below.

Climate Migration Action Plan – August 2022 Progress Update

Action 1: Utilise IDC funding to avert and delay climate-related displacement and prepare for Pacific climate migration

6. Addressing climate change and its impacts in the Pacific region requires a multi-sectoral approach. Aotearoa New Zealand provides IDC funding through a range of multilateral, regional and bilateral mechanisms and initiatives to build climate resilience. In the past four years we have directed over NZ\$310 million towards climate adaption activities in the Pacific.
7. The following IDC-funded activities specifically focus on climate mobility:
 - 7.1. **Fiji Relocation Trust Fund** – in December 2019 we pledged NZ\$2 million to support the establishment of the Fiji Relocation Trust Fund. The Fund is expected to be established later this year (subject to Fiji's domestic processes) and will support the planned relocation of Fijian communities affected by climate change. We have committed NZ\$500,000 of that initial pledge to the development of Standard Operating Procedures (SOPs) to guide the Fund's implementation. Having these SOPs in place is one of the steps for the successful operationalisation of the Fund and one of our requirements for the release of the remaining NZ\$1.5 million contribution to the Fund.
 - 7.2. **Building Peace in Communities Affected by Climate Change** – we fund an international NGO that works in three rural districts in Fiji to help prevent and manage conflicts emerging as a result of climate-change related displacement and relocations. The NGO is working with local partners in Solomon Islands to establish similar peace building activities.
 - 7.3. **Pacific Climate Change, Migration and Human Security Programme**
s9(2)(f)(iv)
It works with Pacific governments, NGOs and civil society to strengthen the Pacific's capacity to respond to the challenges of climate mobility. This programme is led by the International Organization for Migration and works with the PIF Secretariat (PIFS), UN agencies and the Platform on Disaster Displacement.
 - 7.4. **Climate mobility research** – please see Action Point 5 below.
8. The COVID-19 pandemic has slowed progress of climate mobility activities. Closed borders and/or national lockdowns have delayed some face to face discussions that are vital for shaping these activities, such as community consultations to pilot Fiji's Planned Relocation Guidelines. Other projects have had to adapt to virtual formats, such as regional and national consultations on climate mobility convened by the International Organization for Migration.

What are the next steps?

9. Aotearoa New Zealand's increased climate financing commitment provides opportunities to scale up existing activities and to work with our Pacific partners to invest in new initiatives. We expect that negotiations on a Regional Framework (discussed below) will identify priority areas for future funding.

Action 2: Facilitate regional dialogue and explore a regional approach

10. Climate mobility is a sensitive issue in the Pacific. It raises issues of loss of culture and identity and can be challenging for both moving and receiving communities. Historical relocation experiences have not always been voluntary or positive.

Climate Migration Action Plan – August 2022 Progress Update

11. However, the dial has shifted from a reluctance to engage on climate mobility discussions to holding a Regional Dialogue with Pacific governments and non-State actors to discuss the first draft in June 2022. This would not have been conceivable five years ago. While acknowledging the desire of Pacific people to remain in place, there is a recognition that planning for climate mobility provides the best option for people to move with dignity where necessary.

12. We are working with PIF partners to develop a Regional Framework that:

- guides Pacific government action on climate mobility, including identifying priority areas for regional action;
- draws on existing experience within the region, including Aotearoa New Zealand’s domestic experiences; and
- provides a unified regional position that we can advocate for in international settings.

An inclusive and consultative approach has been adopted for the Regional Framework:



13. The Regional Framework reflects the wide range of complex and challenging climate mobility issues faced by the region,¹ including the movement of people, the protection of culture, and sustainable financing.^{s9(2)(g)(i)}

What are the next steps?

14. ^{s9(2)(g)(i)}

. We remain actively involved in the Joint Working Group, co-chaired by Fiji and Tuvalu, to help guide this process. This includes bringing future negotiations within existing PIF processes and ensuring that the Regional Framework is aligned with existing regional work and the priorities set out in the 2050 Strategy for the Blue Pacific Continent.

15. ^{s9(2)(g)(i)}

^{s6(b)(i)}

Climate Migration Action Plan – August 2022 Progress Update

s9(2)(g)(i) Our funding for the Pacific Climate Change Migration and Human Security programme will enable technical support to develop and implement the Regional Framework.

Action 3: Strengthen international language and frameworks through multilateral action

16. Work to strengthen international language and frameworks through multilateral action has progressed slowly. COVID-19 travel restrictions have reduced opportunities for in person meetings and we have also prioritised regional action.
17. We have actively engaged with our Pacific partners as initiatives arise, such as participating in the Regional Consultations on the UN Secretary General's High Level Panel on Internal Displacement.

What are the next steps?

18. As a member of the Technical Working Group on Human Mobility (convened through the Pacific Resilience Partnership) we work with a broad range of stakeholders to identify and engage on climate mobility initiatives relevant to the Pacific.
19. As noted above, having clarity on regional priorities through the Regional Framework will also enable us to advocate for Pacific interests within multilateral settings.

Action 4: Champion progressive development of international law to protect coastal state rights in respect of maritime zones in the face of sea level rise

20. The impact of sea-level rise on maritime zones is a priority issue for Aotearoa New Zealand and our PIF partners. Last year PIF Leaders issued the "Declaration on Preserving Maritime Zones in the Face of Climate Change-Related Sea-Level-Rise", which sets out the region's collective position on how the United Nations Convention on the Law of the Sea's rules on maritime zones should apply in the situation of climate change-related sea-level rise.
21. Our focus over the last year has been on maintaining momentum on the issue through promotion of the Declaration, in particular through targeted outreach at key multilateral events, and in bilateral engagements. Overall the Declaration has been well-received, and there is widespread support for the objective of preserving maritime zones. s6(b)(i)

Aotearoa New Zealand is open to other countries and groups taking complementary approaches that achieve the same objective of the Declaration.

What are the next steps?

22. We continue to work closely with PIF partners to build support for the Declaration.
23. Aotearoa New Zealand and the PIF, through the Forum Officials' Committee specialist sub-committee on sea-level rise and International Law, have also begun engaging on the critical issue of statehood and the protection of persons in the face of sea-level rise.
24. The legal questions underlying this new work-stream are difficult and will take time to work through, but need to be answered. For example, in the case of permanent relocation of entire

Climate Migration Action Plan – August 2022 Progress Update

Pacific populations, how is sovereignty and the right to self-determination to be accommodated? Similarly, what will the legal status of these States be if they lose their territory? Under existing international law concepts, loss of territory could eventually lead to loss of statehood, and Pacific Island countries are already acutely concerned about this.

25. A planned regional conference in September 2022 will be an opportunity to move towards collective regional action on this complex and novel issue. This work will likely be an important contribution to promoting climate change and natural disaster resilience in the Pacific. Further advice will be provided as the scope of this work becomes clearer.

Action 5: Commissioning robust research to better understand climate mobility trends and their potential impacts

26. The lack of reliable data on climate mobility in our region impedes our ability, and the ability of our Pacific partners, to develop evidence-based policy. We are commissioning multi-year research to better understand climate mobility trends and the impact on communities in the Pacific and Aotearoa New Zealand.
27. Research will build on existing literature and seek to fill current knowledge and data gaps. Examples include: a qualitative study on how multi-generational (and often trans-national) family units experience climate mobility; and quantitative analysis of large data sets to inform projections of population and asset risk exposure to climate change across time.

What are the next steps?

28. This research is foundational to understanding the scale and potential impact of Pacific climate mobility. We have experienced some delays in commissioning this research due to COVID-19 and procurement delays (e.g. extending the process for suppliers affected by the Tongan eruption). We are close to finalising contracts with our preferred suppliers that will see ongoing research until mid-2024.
29. Mindful that officials will need to draw on this research to consider Aotearoa New Zealand's long term approach to Pacific climate mobility, we are working with the researchers to mitigate the impact of these delays. We want to ensure that the research informs ongoing policy discussions, rather than focusing on an end report. A communications plan will be developed to ensure there are 'early harvest' opportunities to inform policy makers in the Pacific and in Aotearoa New Zealand, such as publishing short policy briefs and holding workshops and webinars to disseminate research findings.

Cross-cutting issues

Domestic consultations will inform our climate mobility response

30. We acknowledge the whakapapa links Māori have with Te Moana-nui-a-Kiwa and the interest in this work from Pasifika communities in Aotearoa New Zealand. For example, the Climate Migration Action Plan is referenced in the Communities Chapter of New Zealand's National Adaptation Plan, which was consulted widely earlier this year.

31. ^{s9(2)(g)(i)}

s9(2)(g)(i)

Released under the Official Information Act

Appendix – Summary of Progress against the Climate Migration Action Plan

Action	Key activities	Level of NZ influence/control	Assessment
1 Use aid initiatives to avert and delay climate-related displacement and prepare for Pacific climate migration	<ul style="list-style-type: none"> Supporting a peace-building NGO to help communities in Fiji prevent and manage conflicts that may result from climate-change related displacement. Supporting the establishment of the Fiji Relocation Trust Fund. This includes a partnership with the German Development Agency to support the Government of Fiji in developing standard operating procedures for the planned relocation of communities in Fiji. Funding a consortium of UN agencies, the PIFS and the Platform on Disaster Displacement to assist Pacific Governments to develop national policies and support NGO and civil society engagement on climate mobility issues. 	Moderate/High	Delayed, but broadly on track
2 Facilitate regional dialogue and explore a regional instrument on Pacific climate migration through the Pacific Islands Forum	<ul style="list-style-type: none"> Active support for the development of a Regional Framework. Member of the Joint Working Group, Co-Chaired by Fiji and Tuvalu to oversee the development of a draft Regional Framework, including active participation in regional consultations. Funding a consortium of UN agencies, the PIFS and the Platform on Disaster Displacement to provide technical support on the Regional Framework. 	Moderate	On track
3 Strengthen international language and frameworks through multilateral action	<ul style="list-style-type: none"> Participation in the Executive Committee of the Warsaw International Mechanism for Loss and Damage (established under the UN Framework Convention on Climate Change). Regional engagement with the Geneva-based Platform on Disaster Displacement and UN agencies. Participation in the Technical Working Group on Human Mobility. Participation in other regional dialogues and consultations, including Pacific Regional Consultations on the UN Secretary General's High Level Panel on Internal Displacement. 	Low	Slow progress
4 Champion progressive development of international law to protect coastal state rights in respect of maritime zones in the face of sea-level rise	<ul style="list-style-type: none"> Continuing to advocate for the "Declaration on Preserving Maritime Zones in the Face of Climate Change-Related Sea-Level Rise" at bilateral and multilateral fora. Working with the Pacific, including making a submission to the International Law Commission on Aotearoa New Zealand's state practice in line with the Declaration; contributing to PIF submissions and statements; and planned attendance at Sea Level rise and International Law conference in September 2022. 	Moderate/High	Largely completed, with further opportunities identified
5 Commission robust research to better understand future climate migration trends and the social and economic impacts on New Zealand and Pacific Island countries	<ul style="list-style-type: none"> Scoping study completed in 2020 to establish research state of play. Currently contracting with preferred suppliers to deliver a multi-year research programme. 	High	Delayed, but close to contracting



NEW ZEALAND
FOREIGN AFFAIRS & TRADE



18 August 2022

Minister of Foreign Affairs

For action by 22 August 2022

New Zealand's response to the release of the United Nations High Commissioner for Human Rights' report on Xinjiang

BRIEFING General Purpose

PURPOSE This submission seeks your in principle approval to New Zealand's response to the release of the United Nations High Commissioner for Human Rights' report on Xinjiang.

Tukunga tūtohua – Recommended referrals

Prime Minister

For information by 22 August 2022

Taipitopito whakapā – Contact details

NAME	ROLE	DIVISION	MOBILE PHONE
David Evans	Unit Manager	North Asia	s9(2)(a)
Kathryn Beckett	Unit Manager	United Nations, Human Rights and Commonwealth	s9(2)(a)

Mā te Tari Minita e whakakī – Minister's Office to complete

<input type="checkbox"/> Approved	<input type="checkbox"/> Noted	<input type="checkbox"/> Referred
<input type="checkbox"/> Needs amendment	<input type="checkbox"/> Declined	<input type="checkbox"/> Withdrawn
<input type="checkbox"/> Overtaken by events	<input type="checkbox"/> See Minister's notes	

Comments

Pito matua – Key points

- In September 2021, the United Nations High Commissioner for Human Rights, Michelle Bachelet, stated that her Office was finalising an assessment of the available information on the allegations of serious human rights violations in Xinjiang (the report), with a view to making it public by the end of 2021. The report was not released in 2021, ^{s6(a)}

In February 2022 you called for the report's release during your address to the United Nations Human Rights Council.

- In May 2022, Bachelet visited China for six days, including two days in Xinjiang. However the Xinjiang programme had serious constraints, including the High Commissioner's inability to examine or assess the full scale of the detention centres. During a press conference at the conclusion of her visit Bachelet noted her trip was "not an investigation into China's human rights policies" but an opportunity to "engage with the government." There was no mention of the report at any point during the press conference.

- In June 2022 Bachelet confirmed the report would be released before she steps down at the end of August 2022. ^{s6(a)}

. We understand the most likely window for the report's release is 22-31 August 2022, but it could be sooner.

- While the content of the report is unknown, it is likely it will corroborate recent credible reports of human rights abuses taking place in Xinjiang, including forced labour, forced birth control, extra-judicial detentions and restrictions on freedom of religion and culture. ^{s9(2)(g)(i), s6(a)}

- The release of the report will represent a significant milestone. ^{s9(2)(g)(i)}, Bachelet's report will represent an independent assessment from a credible multilateral organisation ^{s6(a)}

We expect the report will attract international attention from media, NGOs and civil society and the New Zealand Government will be called upon to react promptly to the report's release.

- Officials consider that it is in Aotearoa New Zealand's interest to make a ministerial statement in response to the release of the report, given our consistent focus on Xinjiang issues and our long-standing commitment to universal human rights. There will be an opportunity to take further follow-up actions, including at the forthcoming United Nations Human Rights Council session (commencing 12 September 2022). We will provide you with further advice on these options in due course.

- ^{s6(a), s9(2)(g)(i)}

- ^{s6(a), s9(2)(g)(i)}

Aotearoa New Zealand's principled support for universal human rights is an integral part of our independent foreign policy and commenting publicly would be consistent with our approach on Xinjiang to date. In addition to your public call for the report's release in February, both you and the Prime Minister have raised Xinjiang during recent

engagements with Chinese counterparts (most recently by you on 4 August) and in high profile speeches (Lowy Institute, 7 July 2022; China Business Summit, 1 August 2022). You and your Australian counterpart issued a joint statement in March 2021 expressing grave concerns about Xinjiang and Parliament passed a motion on Xinjiang in May 2021.

- s9(2)(g)(i)
s6(b)(i)
- A draft statement, accompanying tweet and media lines are enclosed as Annexes 1 and 2. The proposed content of the statement assumes a strong and credible report but our approach may need to be adjusted depending on the report's findings.
- s6(a), s9(2)(g)(i)
- If you agree to the recommendations in this submission, officials will promptly assess the report's findings once released, ascertain partners' views, and will confirm our recommended approach via email to your office. s9(2)(g)(i)

Mark Sinclair
for Secretary of Foreign Affairs and Trade

Tūtohu – Recommendations

It is recommended that you:

- | | | |
|---|--|-----------------|
| 1 | Note that the United Nations High Commissioner for Human Rights is due to release her report on Xinjiang (“the report”) assessing the available information on allegations of serious human rights violations in that region; | Yes / No |
| 2 | Note the report’s release will represent a significant milestone and will likely corroborate recent credible reports of severe human rights abuses taking place in Xinjiang; | Yes / No |
| 3 | Note the report may be released at any time between now and the end of August 2022; | Yes / No |
| 4 | Note that officials consider that, given our predictable and consistent approach to Xinjiang and our commitment to universal human rights, the release of the report warrants a public statement; | Yes / No |
| 5 | Agree in principle that New Zealand should publicly respond to the report’s release ^{s9(2)(g)(i)} | Yes / No |
| 6 | s6(a) | Yes / No |
| 7 | Note that officials will assess the report as soon as it is released and will confirm with your office our recommended approach in light of the report’s findings; | Yes / No |
| 8 | Note officials will provide additional advice on further options on how to respond to the report’s release, including in the context of the forthcoming United Nations Human Rights Council session, in due course. | Yes / No |

Hon Nanaia Mahuta
Minister of Foreign Affairs / Minita Take Aorere

Date: / /

Annex 1: Draft Statement

DRAFT TWEET

s9(2)(g)(i)

DRAFT STATEMENT

s9(2)(g)(i)

Released under the Official Information Act

Annex 2: Draft media lines

s9(2)(g)(i)

Released under the Official Information Act



25 August 2022

Minister of Foreign Affairs

For action by

8 September 2022

United Nations Human Rights Council: 51st Session

BRIEFING Decision Submission

PURPOSE To agree Aotearoa New Zealand's approach to the 51st session of the United Nations Human Rights Council that will take place in Geneva from 12 September to 7 October 2022.

Tukunga tūtohua – Recommended referrals

Prime Minister

For information by

9 September 2022

Associate Minister of Foreign Affairs

For information by

9 September 2022

Taipitopito whakapā – Contact details

NAME	ROLE	DIVISION	WORK PHONE
Aramiro	Lead Adviser (Human Rights)	United Nations, Human Rights and Commonwealth	s9(2)(a)
Tai Rākena			
Hamish Kirk	Policy Officer	United Nations, Human Rights and Commonwealth]	s9(2)(a)

Mā te Tari Minita e whakakī – Minister's Office to complete

 Approved Noted Referred Needs amendment Declined Withdrawn Overtaken by events See Minister's notes**Comments**

United Nations Human Rights Council: 51st Session

Pito matua – Key points

- The 51st session of the United Nations Human Rights Council (HRC), the UN's principal human rights body, will take place in Geneva from 12 September to 7 October. This is the third of the HRC's three regular sessions for 2022.
- Participation in the HRC is an important tool in Aotearoa New Zealand's international human rights engagement kete. While Aotearoa New Zealand is not one of the 47 members on the HRC (and so cannot vote on resolutions), we use our position as an observer state to actively engage on and influence work in Aotearoa New Zealand's international human rights priority areas. This is done through delivering national statements, co-sponsoring joint statements, as well as leading, co-sponsoring and engaging in negotiations on the Council's resolutions.
- The previous session of the UN Human Rights Council took place in Geneva from 13 June – 8 July and had a focus on gender issues. Resolutions on violence against women and girls, discrimination against women and girls, the renewal of the mandate of the independent expert on sexual orientation and gender identity, and female genital mutilation were debated. These resolutions, while ultimately adopted, faced an unprecedented level of opposition^{s6(a)}
- This HRC session will focus heavily on country-specific human rights situations, many of which are of particular concern to Aotearoa New Zealand. The draft work programme for this session covers dialogues on the human rights situations in Afghanistan, Myanmar, Nicaragua, Sri Lanka, Ukraine, and Yemen. In addition, the United Nations High Commissioner for Human Rights^{s6(a), s9(2)(f)(iv)} has undertaken to issue her report on the human rights situation in Xinjiang, China before the end of her term on 31 August.
- There is currently no proposed resolution related to Russia's illegal occupation of Ukraine or Russia's domestic human rights situation announced for HRC51. Officials will monitor the work programme for HRC 51 as it develops and advise you if a resolution focused on Russia eventuates.
- While focused on country-specific human rights situations, the session will also address a wide range of thematic human rights issues. As with previous HRC sessions, we propose that Aotearoa New Zealand's engagement on thematic and country-specific resolutions and statements be guided by priorities set out in our International Human Rights Action Plan (IHRAP).¹ We will also consider engagement that advances Aotearoa New Zealand's foreign policy objectives, and where we are in the company of other states with progressive approaches to human rights issues.
- The final agenda for the session is often not confirmed until just before it begins, and can still change through to the last week. At this stage, we expect priorities for Aotearoa New Zealand's active engagement during the session to include:
 - **National statements:** Delivery of national statements on selected country-specific situations (Afghanistan, Cambodia, Myanmar, Nicaragua, Sri Lanka, Syria, Ukraine and Venezuela) as well as thematic statements on priority human rights issues

¹ Aotearoa New Zealand's International Human Rights Action Plan (IHRAP) 2019-2023 lists five leadership priorities: gender equality, the rights of persons with disabilities, sexual orientation and gender identity, the death penalty, freedom of expression and freedom of assembly, and indigenous rights.

United Nations Human Rights Council: 51st Session

- including on indigenous rights, sexual orientation and gender identity, and climate change and human rights.
- **Resolutions:** Engagement in negotiations and possible co-sponsorship of resolutions. We will prioritise thematic resolutions in line with Aotearoa New Zealand's International Human Rights Plan including discrimination and violence on the basis of sexual orientation and gender identity (SOGI), human rights and indigenous issues, and the question of the death penalty. We will prioritise country-specific resolutions base on the gravity of the situation, our relationships with the countries, past practice, the international political context, and our close partners' approaches.
 - **Protecting positions:** Engagement in negotiations to defend Aotearoa New Zealand's values and interests, ^{s6(a), s9(2)(f)(iv)}
 - **Supporting Pacific partners:** As we have done in previous sessions, Aotearoa New Zealand will engage with Pacific Island Countries on priority human rights issues arising during the session. Such outreach would likely focus on sharing New Zealand's priorities; seeking to understand Pacific priorities; ^{s6(a)}
- As in previous HRC sessions, officials will consult your office on any particularly contentious, sensitive or high profile national statements, resolutions, or issues that are likely to attract significant attention.

Deborah Geels
for Secretary of Foreign Affairs and Trade

United Nations Human Rights Council: 51st Session

Tūtohu – Recommendations

It is recommended that you:

- | | | |
|---|---|-----------------|
| 1 | Note that the 51st session of the United Nations Human Rights Council will take place in Geneva from 12 September to 7 October 2022; | Yes / No |
| 2 | Agree that officials should engage on thematic human rights issues in line with New Zealand's International Human Rights Action Plan; | Yes / No |
| 3 | Agree that officials should co-sponsor resolutions where the texts protect or strengthen human rights norms and standards, advance New Zealand's foreign policy objectives, and where we are in good company; | Yes / No |
| 4 | Agree that officials should prioritise engagement on country specific human rights situations based on the gravity of the situation, the findings of relevant reports, our relationship with that country, past practice, the international political context, and our close partners' approaches; | Yes / No |
| 5 | s6(a) | |
| 6 | s6(a) | Yes / No |
| 7 | Note that officials will consult your office on any particularly contentious, sensitive or high profile national statements, resolutions, or issues that are likely to attract significant attention; | Yes / No |
| 8 | Refer a copy of this submission to the Prime Minister and Associate Minister of Foreign Affairs. | Yes / No |

Hon Nanaia Mahuta
Minister of Foreign Affairs / Minita Take Aorere

Date: / /

Informal Note: International reactions to the Office of the United Nations High Commissioner for Human Rights' report on Xinjiang and next steps

International reactions

The Office of the United Nations High Commissioner for Human Rights' (OHCHR) released a report on the human rights situation in Xinjiang (Xinjiang report) on 31 August. Following this, New Zealand, the United States, Canada, the United Kingdom and Australia all issued Ministerial level statements welcoming the report's release. The German Federal Foreign Office, the French Foreign Ministry, Sweden's Foreign Minister, the EU's Representative for Foreign Affairs and Security Policy and a number of individual European parliamentarians have also publicly welcomed the report.

s6(a)

s6(b)(i), s9(2)(g)(i)

51st Session of the Human Rights Council (ongoing)

On 13 September 2022, the UN Human Rights Council (HRC) commenced its 51st session.
s6(a)

On the first day of the HRC, the Acting UN High Commissioner for Human Rights, Al-Nashif, delivered an "OHCHR Global Update" containing references to a number of global human rights situations of concern. However, the release of the Xinjiang report was mentioned only very briefly.

On the second day of the HRC a number of countries, including New Zealand, referred to the Xinjiang report during national statements under Item 2 "General Debate". Likeminded countries^{s6(a)}

welcomed the report and urged China to implement its recommendations.
s9(2)(g)(i)

Turkey delivered a statement in which it welcomed the report on the "Uyghur Turks" and said the report's recommendations should be implemented. In response, China delivered a statement^{s6(a)}

A number of countries delivered statements in line with the Chinese position.

On 14 September, the NGO Human Rights Watch hosted a side event in Geneva on the Xinjiang report. New Zealand attended the event at working level. The event was

extremely well-attended and featured testimonies from an internment camp survivor and Uyghur representatives.

Next steps

Our post in Geneva is liaising closing with likemindeds on potential next steps in the current session of the HRC s^{9(2)(g)(i)}

s6(b)(i)

Noting the current lack of clarity regarding next steps on the Xinjiang report, we undertake to keep your office abreast of any further developments, including our approach in the current HRC session s^{9(2)(g)(i)}

*NAD/UNHC
September 2022*

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