



Proactive Release

The following document has been proactively released by the Department of the Prime Minister and Cabinet (DPMC), on behalf of Rt Hon Christopher Luxon, Prime Minister:

Government Response to the Petition of Focus on Iran: Designate the IRGC as a Terrorist Entity

The following documents have been included in this release:

Title of paper: Government Response to the Petition of Focus on Iran: Designate the IRGC as a Terrorist Entity (CAB-24-SUB-0202 refers)

Title of minute: Government Response to the Petition of Focus on Iran: Designate the IRGC as a Terrorist Entity (CAB-24-MIN-0202 refers)

Title of document: Government Response to the Petition of Focus on Iran: Designate the IRGC as a Terrorist Entity

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

Key to redaction codes:

- section 6(a), to protect the security or defence of New Zealand or the international relations of the Government of New Zealand
- section 6(d), to maintain the safety of any person
- section 9(2)(f)(iv), to maintain the confidentiality of advice tendered by or to Ministers and officials
- section 9(2)(g)(i), to maintain the effective conduct of public affairs through the free and frank expression of opinion

Office of the Prime Minister
Office of the Minister of Foreign Affairs
Chair, Cabinet

Government response to the *Petition of Focus on Iran: Designate the IRGC as a terrorist entity*

Proposal

- 1 This paper seeks approval of the Government's response to the Petitions Committee referral of the *Petition of Focus on Iran: Designate the IRGC as a terrorist entity* (the *Petition*).

Background

- 2 On 11 March 2024, the Petitions Committee referred the *Petition of Focus on Iran* to the Prime Minister for response under Standing Order 380.
- 3 The *Petition* requests that the House of Representatives urge the Prime Minister to designate the Islamic Revolutionary Guard Corps (IRGC) as a terrorist entity.

Comment on the government response

- 4 s6(a) [redacted]
International reports note that the IRGC's Quds Force is Iran's primary mechanism for cultivating and supporting terrorist activity abroad.¹
s9(2)(g)(i) [redacted]
- 5 Under New Zealand's Terrorism Suppression Act 2002 (the Act), 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 United Nations Security Council Resolutions.
- 6 All designation decisions must satisfy the strict legal tests outlined in the Act and require considering a range of complex foreign policy and security considerations.
- 7 The New Zealand Government is not currently considering the designation of the IRGC as a terrorist entity. s9(2)(g)(i), s6(a), s6(d) [redacted]


¹ For example, see US Department of State Bureau of Counterterrorism *Country Reports on Terrorism 2022*, dated November 2023.

8 However, the Government has taken a clear and determined stance over the past 18 months against Iran's repressive domestic policies and its aggressive foreign policy, which is undermining stability in the Middle East and supporting Russia's illegal invasion of Ukraine. A range of tools other than designation are at the Government's disposal and have been used. Since September 2022, New Zealand has:

- 8.1. unequivocally condemned the tragic death of Mahsa Amini and the subsequent use of violence against peaceful protestors, including through Ministerial statements (including jointly with other countries), press releases, social media posts, in multilateral forums, and directly to Iranian officials both in Wellington and in Tehran;
- 8.2. suspended bilateral mechanisms for engagement with Iran, including the bilateral human rights dialogue;
- 8.3. co-sponsored resolutions on human rights in Iran in 2022 and 2023 at the UN Third Committee (on Human Rights) and in 2024 in the Human Rights Council;
- 8.4. spearheaded successful efforts to remove Iran from the membership of the UN Commission on the Status of Women;
- 8.5. implemented travel bans on 55 Iranians connected to the death of Mahsa Amini and the violent response to subsequent protests;
- 8.6. sanctioned a number of Iranian individuals and Iranian entities involved in the manufacture and supply of drones in support of Russia's illegal invasion of Ukraine;
- 8.7. removed Iran from the list of less developed countries in New Zealand's Generalised System of Preferences, meaning it no longer receives tariff preferences on its exports to New Zealand; and
- 8.8. made clear and unambiguous representations to Iranian officials to withdraw their support for the Houthi and their enabling of attacks on commercial shipping.

9 New Zealand will continue to raise concerns directly with Iranian authorities at every opportunity, play a vocal role in relevant multilateral fora, and consider further potential response actions – including in consultation with other partners – to ensure any future measures are appropriate and coordinated to achieve their aims.

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



11 The Government wants all communities in New Zealand to feel safe and included, and to be able to freely exercise their rights and freedoms. Individuals should approach New Zealand Police or the NZSIS if they have any concerns.

Timing of the Government response

- 12 The Government response must be presented to the House by Wednesday 5 June 2024, in accordance with Standing Order 380.

Consultation

- 13 The Department of the Prime Minister and Cabinet and the Ministry of Foreign Affairs and Trade incorporated views from the New Zealand Police, the Ministry of Defence and Crown Law. The Cabinet paper and response were provided to the following agencies that had no comment: the Combined Threat Assessment Group, the New Zealand Defence Force, and the Ministry of Justice.

Financial Implications

- 14 There are no financial implications for New Zealand.

Publicity

- 15 There is no publicity planned.

Proactive Release

- 16 This paper is proposed for proactive release, subject to redaction as appropriate under the Official Information Act 1982.

Recommendations

The Prime Minister and Minister of Foreign Affairs recommend that the Cabinet Legislation Committee:

1. note that, on 11 March 2024, the Petitions Committee referred the petition entitled "*Petition of Focus on Iran: Designate the IRGC as a terrorist entity*" to the Prime Minister for response under Standing Order 380;
2. note that the Government is not currently considering the designation of the Islamic Revolutionary Guard Corps (IRGC) as a terrorist entity;
3. approve the Government response, attached as an Appendix entitled "Government Response to The Petition of Focus on Iran: Designate the IRGC as a terrorist entity";
4. note that the Government response must be presented to the House by 5 June 2024;
5. invite the Prime Minister to present the Government response to the House in accordance with Standing Order 380; and
6. invite the Prime Minister to write to the petitioner enclosing a copy of the Government response on the Petition, after the response has been presented to the House.

Authorised for lodgement

Rt Hon Christopher Luxon
Prime Minister

Rt Hon Winston Peters
Minister of Foreign Affairs

Date:

Proactively Released

**Government Response to
The Petition of Focus on Iran
On Designating the IRGC as a Terrorist Entity**

Presented to the House of Representatives

In accordance with Standing Order 380

Proactively Released

Government response to the *Petition of Focus on Iran: Designate the IRGC as a terrorist entity*

Introduction

- 1 The Government has carefully considered the *Petition of Focus on Iran*, which asks the House of Representatives to urge the Prime Minister to designate the Islamic Revolutionary Guard Corps (IRGC) as a terrorist entity, along with the written submission that accompanied the Petition.
- 2 The Petition was presented to the House on 11 December 2023 and referred to the Petitions Committee. On 11 March 2024 the Petitions Committee agreed to refer the petition to the Prime Minister for response. This Government response is prepared in accordance with Standing Order 380.

Government response to petition

- 3 Recommendation: That the House of Representatives urge the Prime Minister to designate the IRGC as a terrorist entity.
- 4 Response: Terrorist designations are complex and include a range of foreign policy, security and legal considerations. The New Zealand Government is not currently considering the designation of the IRGC as a terrorist entity.

The Government is acting against Iran's repressive domestic policies and its aggressive foreign policy using other mechanisms

- 5 The Government has taken a clear and determined stance against Iran's repressive domestic policies and its aggressive foreign policy, which is undermining stability in the Middle East and supporting Russia's illegal invasion of Ukraine. A range of tools other than designation are at the Government's disposal and have been used. Since September 2022, New Zealand has:
 - 5.1 unequivocally condemned the tragic death of Mahsa Amini and the subsequent use of violence against peaceful protestors, including through Ministerial statements (including jointly with other countries), press releases, social media posts, in multilateral forums, and directly to Iranian officials both in Wellington and in Tehran;
 - 5.2 suspended bilateral mechanisms for engagement with Iran, including the bilateral human rights dialogue;
 - 5.3 co-sponsored resolutions on human rights in Iran in 2022 and 2023 at the United Nations (UN) Third Committee (on Human Rights) and in 2024 at the Human Rights Council;
 - 5.4 spearheaded successful efforts to remove Iran from the membership of the UN Commission on the Status of Women;

- 5.5 implemented travel bans on 55 Iranians connected to the death of Mahsa Amini and the violent response to subsequent protests;
 - 5.6 sanctioned a number of Iranian individuals and Iranian entities involved in the manufacture and supply of drones in support of Russia's illegal invasion of Ukraine;
 - 5.7 removed Iran from the list of less developed countries in New Zealand's Generalised System of Preferences, meaning it no longer receives tariff preferences on its exports to New Zealand; and
 - 5.8 made clear and unambiguous representations to Iranian officials to withdraw their support for the Houthi and their enabling of attacks on commercial shipping.
- 6 New Zealand will continue to raise concerns directly with Iranian authorities at every opportunity, play a vocal role in relevant multilateral fora, and consider further potential response actions – including in consultation with other partners – to ensure any future measures are appropriate and coordinated to achieve their aims.
 - 7 The Government wants all communities in New Zealand to feel safe and included, and to be able to freely exercise their rights and freedoms. Individuals should approach New Zealand Police or the NZSIS if they have any concerns.

Conclusion

- 8 While the New Zealand Government is not currently considering the designation of the IRGC as a terrorist entity, it remains committed to taking a clear and determined stance against Iran's repressive domestic policies and aggressive foreign policy.



Cabinet

Minute of Decision

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

Government Response to the Petition of Focus on Iran: Designate the IRGC as a Terrorist Entity

Portfolios Prime Minister / Foreign Affairs

On 4 June 2024, Cabinet:

- 1 **noted** that on 11 March 2024, the Petitions Committee referred the petition entitled *Petition of Focus on Iran: Designate the IRGC as a terrorist entity* to the Prime Minister for response under Standing Order 380;
- 2 **noted** that the Government is not currently considering the designation of the Islamic Revolutionary Guard Corps (IRGC) as a terrorist entity;
- 3 **approved** the Government response, attached to the submission under CAB-24-SUB-0202, entitled *Government Response to The Petition of Focus on Iran: Designate the IRGC as a terrorist entity* (the Government response);
- 4 **noted** that the Government response must be presented to the House by 5 June 2024;
- 5 **invited** the Prime Minister to present the Government response to the House in accordance with Standing Order 380;
- 6 **invited** the Prime Minister to write to the petitioner enclosing a copy of the Government response on the Petition, after the response has been presented to the House.

Rachel Hayward
Secretary of the Cabinet