

10 April 2020

Minister of Foreign Affairs

For action by

11 April 2020

New Zealand – Chile Transit Arrangement and exception for third-country nationals coming from Rarotonga

BRIEFING General Purpose

PURPOSE To seek agreement that the current terms of the Chile-New Zealand transit arrangement be operationalised as soon as possible and to seek an exception to allow third-country nationals arriving from Rarotonga on Saturday to connect to an onward flight to Doha.

Recommended referrals

Prime Minister	For concurrence by	11 April 2020
Minister of Health	For concurrence by	11 April 2020
Minister of Finance	For concurrence by	11 April 2020
Minister for Trade and Export Growth	For concurrence by	11 April 2020
Minister of Education	For concurrence by	11 April 2020
Minister of Tourism	For concurrence by	11 April 2020
Minister for Social Development	For concurrence by	11 April 2020
Minister of Immigration	For concurrence by	11 April 2020

Contact details

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Minister's Office comments

New Zealand – Chile Transit Arrangement

Key Points

Chile banned New Zealanders from transiting Chile on 31 March ^{s6(a)}

Following a discussion between the New Zealand and Chilean Ministers of Foreign Affairs, it was agreed that a bilateral transit arrangement would be reached to facilitate the repatriation of New Zealanders and Chileans.

The arrangement was concluded with Chile in an expedited manner, ahead of the Cabinet meeting on 6 April, to ensure the imminent return via Santiago of New Zealanders stranded in South America.

As the Chile arrangement predated the 6 April Cabinet decisions, it does not include some of the specific transit conditions subsequently agreed by Cabinet.

^{s6(a)}, ^{s6(b)}

Because of this inconsistency with the Cabinet minute, the Minister of Immigration has yet to be given the Special Directions for approval for Chilean nationals to transit.

It is critical that this issue is resolved as a matter of urgency.

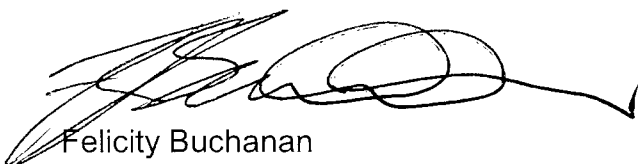
^{s6(a)} This would almost certainly disrupt the planned repatriation of New Zealanders currently stranded in Peru scheduled for 13/14 April.

Due to the lack of commercial flight options to Santiago and absence of firm government charter plans by Chile, large numbers of Chileans transiting New Zealand are not expected. The length of time for any transits could also be managed in this context. Airline health requirements imposed on passengers would provide a level of assurance.

The transit arrangement with Chile is the only outlier to the process that is now in place following the 6 April Cabinet decision on transits of foreign nationals. No other variant is therefore expected.

A number of third country nationals ^{s6(b)} are planning to depart Rarotonga on Saturday. Many will connect to a flight on to Doha on Qatar Airways from Auckland on Saturday evening. ^{s6(b)}

Given that Doha is open to transit by third-country nationals, an exception for those passengers coming from Rarotonga tomorrow would allow them to leave Rarotonga and return home.



Felicity Buchanan
for Secretary of Foreign Affairs and Trade

New Zealand – Chile Transit Arrangement

Recommendations

It is recommended that you:

- | | | |
|---|--|-----------------|
| 1 | Note that the Chile-New Zealand transit arrangement reached on 5 April does not refer to all the conditions for transit agreed by Cabinet on 6 April. | Yes / No |
| 2 | Note that the arrangement has not been operationalised and Chileans cannot currently transit New Zealand. | Yes / No |
| 3 | Note that if New Zealand does not implement current arrangement with Chile the scheduled New Zealand government charter flight out of Peru may be in jeopardy. | Yes / No |
| 4 | Note officials' view that the Chileans transiting through Auckland would likely meet the conditions agreed by Cabinet due to lack of commercial flights and practicalities on the ground. | Yes / No |
| 5 | Agree that the current terms of the Chile-New Zealand transit arrangement be operationalised. | Yes / No |
| 6 | Agree to refer this submission to your CVD Ministerial colleagues for concurrence | Yes / No |
| 7 | Agree that s6(b) an exception be made to allow third country nationals to travel from Rarotonga arriving in Auckland on 11 April, in order to transit Auckland to connect to the departing Qatar Airways flight on the evening of 11 April. | Yes / No |

Rt Hon Winston Peters
Minister of Foreign Affairs

New Zealand – Chile Transit Arrangement

Report

1. s6(a)
2. In your conversation with the Chilean Foreign Minister on 1 April, you agreed that New Zealand and Chile would enter into a bilateral arrangement to allow transit as part of efforts to repatriate respective nationals. The basis for this was agreement was the Cabinet decision on 25 March 2020 that exemptions to New Zealand's transit restrictions would be permitted as part of repatriation where there was a Government to Government agreement in place. [CAB-20-MIN-0130]. You and the Minister of Immigration subsequently endorsed this approach via submission on 3 April 2020.
3. A bilateral arrangement was reached with Chile on 5 April through an exchange of Third Person Notes between the New Zealand Embassy in Santiago and the Chilean Ministry of Foreign Affairs. Officials were operating with a matter of urgency given the imminent transit of New Zealanders through Santiago (the only remaining transit point for New Zealand in Latin America). Because of this urgency, this arrangement was entered into ahead of the Cabinet discussion on 6 April.
4. The provisions in the Chile / New Zealand arrangement are high-level. In the case of Chilean transits, it provides for Chileans, in international transit to enter New Zealand, provided they do not leave the international area of the airport. This language is mirrored for New Zealanders and residents seeking to transit Chile. s6(a)
s6(b)
5. In light of the Cabinet agreement, officials have sought to revise the transit arrangement with Chile. s6(a), s6(b)
6. It is critical that this matter is resolved as a matter of urgency. s6(a)

This would almost certainly disrupt the repatriation of New Zealanders currently stranded in Peru. Arrangements for the charter flight are well-advanced. The flight will depart Lima on 13/14 April and will transit Santiago en route to New Zealand.

s6(a)

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Practical effect of current Chile arrangements in New Zealand

7. Officials do not anticipate large numbers of Chileans seeking to transit Auckland en route to Chile. We are aware of some stranded Chileans in the Pacific and Asia, in addition to those in New Zealand, but the lack of commercial flight options means they are largely sheltering in place. The Chilean government does not have firm plans at this stage to conduct their own charter flight to repatriate its citizens although they are looking to take advantage of other charter flights to the region as they may arise.

8. s6(a), s6(b)

As noted above, there are no commercial options to fly between Auckland and Santiago at this stage. s6(a), s6(b)

9. s6(a), s6(b)

Recommendation for Chile

10. In light of the imperative to have this transit arrangement operationalised as a matter of urgency to protect the Peru charter flight, and given the practicalities outlined above regarding any Chilean transits through Auckland, officials recommend that the current terms of the Chile-New Zealand transit arrangement be operationalised as soon as possible, despite its inconsistency with the subsequent Cabinet decisions. Given that this arrangement is the only one agreed before Cabinet's decision, we don't expect any further exemptions for other nationals.

Exemption to allow transit passengers to board Qatar Airlines

11. Officials have confirmed that Qatar has received the proposed transit agreement from New Zealand. s6(b)

The New Zealand Embassy in Abu Dhabi has indicated this should arrive on Sunday.

12. There are a number of third-country nationals (including around 80 European passengers) hoping to depart Rarotonga on Saturday (NZT) to arrive in Auckland Saturday evening. Many of these will transit onto the QR 923 service to Doha departing at 2030. Doha remains open for transits and s6(b)

European nationals departing Auckland can transit via Doha, but under current settings, European nationals flying in from the Pacific are not able to until we receive confirmation of agreement to the proposed transit arrangement. Officials therefore propose that an exception be made to allow passengers from Rarotonga arriving in Auckland on 11 April, to be able to connect

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to the departing Qatar Airways flight on the evening of 11 April. In doing so they will meet the other stipulated transit condition. Facilitating their departure from Rarotonga will also ease potential pressure from stranded nationals on the health system in the Cook Islands.

13. Many of the Europeans looking to leave Rarotonga tomorrow were also unable to board a flight out two weeks ago because of New Zealand's shifting transit rules, so we would be blocking their return home a second time if we do not make an exception for them to connect to the Qatar Airways flights on Saturday. s6(a)
14. The Qatar Airways connection through Doha is one of very few routes left for Europeans to get home from New Zealand. A key reason Qatar Airways has maintained flights to New Zealand is to help them get home.

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