



Cabinet Priorities Committee

Minute of Decision

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New Zealand Assistance for Ukraine: Options for Further Support

Portfolios Foreign Affairs / Defence

On 21 June 2022, the Cabinet Priorities Committee:

Background

- 1 **noted** that in the current phase of continued hostilities and attrition warfare, Ukraine has an urgent and ongoing need for support— [REDACTED] s6(a)
- 2 **noted** that, further New Zealand contributions to Ukraine now will have a direct and positive impact on the broad range of New Zealand interests that are engaged through the conflict;
- 3 **noted** that the options outlined in the paper under CPC-22-MIN-0020 have been assessed against the strategic framework agreed by the Cabinet Business Committee in June 2022 [CBC-22-MIN-0034];

Diplomatic support

- 4 **agreed** to a further contribution of \$0.600 million to the International Criminal Court in the 2021/22 financial year, from Ministry of Foreign Affairs and Trade departmental underspend this financial year;
- 5 **agreed** that New Zealand announce its intention to intervene in the International Court of Justice case to support Ukraine's efforts to hold Russia to account for its illegal war of aggression;
- 6 **agreed** to the secondment of [REDACTED] s9(2)(g)(i) to the International Criminal Court's Office of the Chief Prosecutor for up to two years (up to 30 June 2024) (the secondment):
 - 6.1 **noted** that the cost of the secondment cannot be fully met from the existing baseline of Vote Defence Force;
 - 6.2 **noted** that an underspend of approximately \$0.800 million is expected for 2021/22 in departmental output expense category 'Delivery of New Zealand's foreign policy' of the Vote Foreign Affairs multi-category expenses and capital expenditure appropriation 'Act in the world to build a safer, more prosperous and more sustainable future for New Zealanders';

- 6.3 **agreed** an in-principle transfer of up to \$0.800 million from 2021/22 to 2022/23 and 2023/24 in the multi-category expenses and capital expenses appropriation described in paragraph 6.2 above, to provide for the costs associated with the secondment;
- 6.4 **authorised** the Minister of Finance, Minister of Foreign Affairs, and Minister of Defence (joint Ministers) to jointly approve fiscally neutral adjustments totalling up to \$0.800 million from the Vote Foreign Affairs multi-category expenses and capital expenditure appropriation ‘Act in the world to build a safer, more prosperous and more sustainable future for New Zealanders’ to the Vote Defence Force multi-category expenses and capital expenditure appropriation ‘Protection of New Zealand and New Zealanders’ in 2022/23 and in 2023/24, subject to confirmation of the in-principle transfer described in paragraph 6.2 above, to partly fund the secondment;
- 6.5 **noted** that under the decision in paragraph 6.4 above, joint Ministers will be asked to approve the following fiscally neutral changes to appropriations with no impact on the operating balance or net debt across the forecast period:

	\$m – increase / (decrease)			
	2021/22	2022/23	2023/24	2024/25 & Out years
Vote Foreign Affairs Minister of Foreign Affairs				
Multi-Category Expenses and Capital Expenditure				
Multi-Category Expenses and Capital Expenditure: Act in the world to build a safer, more prosperous and more sustainable future for New Zealanders MCA. Departmental Output Expense: Delivery of New Zealand’s foreign policy. (funded by revenue Crown)		(0.400)	(0.400)	-
Vote Defence Force Minister of Defence				
Multi-Category Expenses and Capital Expenditure				
Multi-Category Expenses and Capital Expenditure: Protection of New Zealand and New Zealanders MCA. Departmental Output Expense: Defence International Engagement. (funded by revenue Crown)	-	0.400	0.400	-

Economic support

- 7 **noted** that, while the Ukraine humanitarian response is well funded in the short-term, the Minister of Foreign Affairs can consider further humanitarian assistance contributions from the humanitarian allocation in the 2022/23 financial year;
- 8 **noted** that when the conflict transitions to the next phase, Ukraine will need significant further international support to recover from the devastation to its infrastructure and its economy;

9 [Redacted] s9(2)(f)(iv)

Military support

10 **agreed** to a further contribution of \$4.500 million to the North Atlantic Treaty Organization Trust Fund in the 2021/22 financial year, towards priority equipment and supplies;

10.1 **noted** that the \$4.500 million can be met from existing Vote Foreign Affairs baseline funding;

11 [Redacted] s9(2)(f)(iv)

[Redacted]

	\$m – increase / (decrease)
[Redacted] s9(2)(f)(iv)	[Redacted]

11.2 [Redacted] s9(2)(f)(iv)

11.3 [Redacted]

11.4 [Redacted]

s6(a)

- 12 **agreed** to allocate \$0.100 million in the 2021/22 financial year to procure s6(a) that New Zealand has already purchased for Ukraine;
- 12.1 **noted** that the \$0.100 million can be met from existing Vote Foreign Affairs baseline funding;
- 13 **noted** that New Zealand Defence Force commitments can be funded within existing Vote Defence Force baseline funding;

New Zealand Deployments

- 14 **agreed** to extend the New Zealand Defence Force intelligence support from 1 July to 30 November 2022, including:
- 14.1 extending the deployment of six intelligence analysts to the United Kingdom;
- 14.2 extending the use of the New Zealand-based open-source intelligence capability to support partner intelligence requirements;
- 14.3 **noted** that the estimated cost of this extension is \$0.571 million in 2022/23;
- 15 **agreed** to enhance the New Zealand Defence Force intelligence support by deploying six s6(a) analysts to the United Kingdom, from 1 July to 30 November 2022;
- 15.1 **noted** that the estimated cost of this enhancement is \$0.568 million in 2022/23;
- 16 **agreed** to extend the deployment of four logistics specialists to Europe from 1 July to 31 August 2022;
- 16.1 **noted** that the estimated cost of this extension is \$0.376 million in 2022/23;
- 17 **agreed** to extend the deployment of two New Zealand Defence Force liaison officers to the United Kingdom and Belgium from 1 July to 30 November 2022;
- 17.1 **noted** that the estimated cost of this extension is \$0.209 million in 2022/23;
- 18 **agreed** to enhance the New Zealand Defence Force liaison support by deploying a s6(a) Liaison Officer to Europe from 1 July to 31 August 2022;
- 18.1 **noted** that the estimated cost of this enhancement is \$0.045 million in 2022/23;
- 19 **authorised** the Minister of Defence, within the mandated deployment period, to drawdown the New Zealand Defence Force contribution when it is considered appropriate and return those forces to New Zealand;
- 19.1 **noted** that the Minister of Foreign Affairs will be notified on occurrence;
- 20 **noted** the threat to New Zealand Defence Force personnel operating in Europe (less Ukraine, Belarus and Russia) is considered to be s6(a)

Jenny Vickers
Committee Secretary

Attendance: see over

Present:

Rt Hon Jacinda Ardern (Chair)
Hon Grant Robertson
Hon Kelvin Davis
Hon Dr Megan Woods
Hon Chris Hipkins
Hon Carmel Sepuloni
Hon Andrew Little
Hon David Parker
Hon Damien O'Connor
Hon Stuart Nash
Hon Peeni Henare

Officials present from:

Office of the Prime Minister
Officials Committee for CPC

Proactively Released by the
Minister of Foreign Affairs

Office of the Minister of Foreign Affairs
Office of the Minister of Defence
Cabinet Priorities Committee

New Zealand Assistance for Ukraine: Options for Further Support

Proposal

- 1 This paper considers:
 - options for New Zealand to provide further support for international legal accountability efforts, including international criminal accountability and efforts to hold the Russian state to account;
 - options for further military assistance funding (for priority supplies and equipment) aligned with Ukraine’s needs during the current phase of the conflict;
 - options for extending existing New Zealand Defence Force (NZDF) deployments in intelligence, logistics and liaison; and
 - options for enhancing existing NZDF deployments in intelligence and liaison.
- 2 These proposed options would utilise the remaining \$8 million in departmental underspend previously identified for support to Ukraine in financial year 2021/22.

Relation to Government priorities

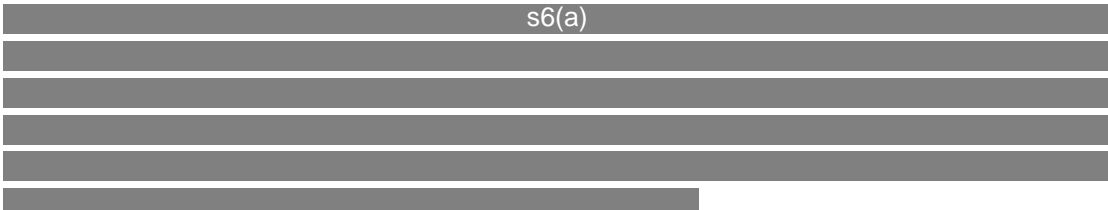
- 3 Providing additional support to Ukraine as the conflict continues to unfold enables Aotearoa New Zealand to support our strategic interests in the defence of the international rules-based system, and is a demonstration of our values and independent foreign policy. Our ongoing role assisting and adding value to an international response supports Ukraine in protecting its territorial integrity and sovereignty as it continues to defend its interests.

Executive Summary

- 4 Cabinet has agreed to a strategic framework for the consideration of further New Zealand assistance to Ukraine. Officials have prepared a package of additional support options for Cabinet’s consideration, which have been assessed against the framework criteria.

- 5

s6(a)



Diplomatic:

Further support for international legal accountability

- A further \$0.600 million contribution to the International Criminal Court (ICC), to support the ICC Trust Fund for Victims.
- Secondment to the ICC of a senior NZDF military adviser to support the investigation into war crimes in Ukraine, for up to two years.
- Public announcement that New Zealand plans to intervene in Ukraine's International Court of Justice (ICJ) case against Russia, to support Ukraine's efforts to hold Russia to account for its illegal war of aggression.

Economic:

- Sanctions: New Zealand continues to apply sanctions against Russian entities and individuals under the current legislative framework.

- [Redacted] s9(2)(g)(i)
[Redacted]
[Redacted]
[Redacted]

Military:

Additional military assistance funding

- **(Recommended option)** A further \$4.5 million contribution to the North Atlantic Treaty Organization (NATO) Trust Fund this financial year towards priority equipment and supplies, [Redacted] s9(2)(f)(iv)
[Redacted]
[Redacted]
[Redacted]

or

- [Redacted] s9(2)(g)(i)
[Redacted]
[Redacted]
- \$0.100 million to provide [Redacted] s6(a)
[Redacted]

NZDF Deployments

- Proposed options for extending existing NZDF deployments in intelligence, logistics and liaison.
- Proposed options for enhancing existing NZDF deployments in intelligence and liaison.

Background

New Zealand's response to date

6 Over the last three months New Zealand has taken significant and unprecedented decisions to provide diplomatic, economic and military support to Ukraine. Our contributions continue to be strongly welcomed and acknowledged by Ukraine and key partners. New Zealand has contributed a significant overall package of more than

\$33 million of financial and in-kind assistance as well as sanctions actions (including unprecedented trade sanctions and other measures). New Zealand's full response to-date is detailed in Annex A.

Further New Zealand Assistance to Ukraine

- 7 Cabinet has previously noted New Zealand's national interests in continuing to support Ukraine.¹ These interests remain unchanged, and include: ensuring the defence of the international rules-based system, [REDACTED] s6(a) [REDACTED] upholding international law in the face of violations; and contributing to ongoing collective security interests.
- 8 In the current phase of the conflict Russia has refocused its immediate military objectives to the capture of Ukraine's Donbas region. [REDACTED] s6(a) [REDACTED]
- 9 Ukraine has prioritised military support in this current phase of hostilities [REDACTED] s6(a) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- 10 In parallel, efforts to ensure international legal accountability are gaining in momentum, and will remain important over the long term. [REDACTED] s6(a) [REDACTED]
[REDACTED]
[REDACTED]
- 11 Officials have prepared a package of additional support options for Cabinet's consideration, all of which have been assessed against the criteria set out in the strategic framework. Detailed analysis of these options against the framework is in Annex B, and summarised as below.
- 12 **Diplomatic:** The proposed options for further support to international legal accountability efforts directly advance New Zealand's interests in defending the international rules-based system and upholding international law. Further support is a demonstration of New Zealand's values and independent foreign policy, and would help reinforce the multilateral system. International criminal accountability for individuals (through the International Criminal Court) as well as efforts to hold the Russian state to account (through the International Court of Justice) are priorities for Ukraine, and will remain so over the long-term. New Zealand has relevant expertise, and can make a valued contribution.
- 13 **Military (military assistance funding):** Ukraine continues to seek a broad array of support to sustain its self-defence efforts, with a priority focus on military support during this phase of the conflict. An additional funding contribution to the NATO Trust Fund and the [REDACTED] s6(a) [REDACTED] would provide further material assistance, aligned with specific needs. Further funding supports our foreign policy

¹ CAB-22-MIN-0131, CAB-22-MIN-0191 and CBC-22-MIN-0034 refer.

interests as contributor to collective security. Military assistance funding is consistent with international legal and human rights obligations.

- 14 **Military (NZDF deployments):** The proposed NZDF options are consistent with international legal and human rights obligations, and aligned with Ukraine's priority focus on military support during this phase of the conflict s6(a)

[Redacted]

[Redacted] Working with international partners allows New Zealand's contribution to be coordinated and responsive. The commitments are for a defined period with no expectation given that these would be ongoing. None of the proposed commitments would impact on the NZDF's ability to operate in, or respond to, domestic or regional contingencies in the Pacific.

- 15 Officials advise that proceeding with all of the recommended options in this paper as a single package is the preferred approach. This would allow New Zealand to provide a comprehensive package of assistance that is balanced across the different domains of support, is well aligned with Ukraine's needs at this time, and is proportionate and appropriate at this current phase of the conflict.

- 16 The options presented are consistent with international legal and human rights obligations and can be delivered in a timely and coordinated manner. s9(2)(f)(iv)

[Redacted]

- 17 s6(a)

[Redacted]

- 18 s6(a)

[Redacted]

Diplomatic support

- 19 A move towards substantive diplomatic dialogue is highly unlikely at the current stage of the conflict, s6(a)

[Redacted]

s6(a)

Further support for international criminal accountability

- 20 The ICC investigates and, where warranted, tries individuals charged with the gravest crimes of concern to the international community: genocide, war crimes, and crimes against humanity. The Office of the Prosecutor (OTP) is an independent organ of the Court. It is responsible for examining situations under the jurisdiction of the Court where genocide, crimes against humanity and war crimes appear to have been committed, and carrying out investigations and prosecutions against the individuals who are allegedly most responsible for those crimes.
- 21 Officials recommend making a further \$0.600 million contribution to the ICC from remaining Ministry of Foreign Affairs and Trade (MFAT) departmental underspend in financial year 2021/22. This would go directly to the ICC Trust Fund for Victims, and would complement and be in addition to the \$0.715 million New Zealand has already allocated to the ICC’s OTP Trust Fund.² The Trust Fund for Victims plays a vital role in supporting victims of war crimes and crimes against humanity through the legal processes of the ICC and also helps with the collection of evidence for prosecutions.³ This would take New Zealand’s total financial support to the ICC to \$1.315 million.
- 22 Additionally, the ICC’s Chief Prosecutor is seeking the secondment of a senior military officer s9(2)(g)(i) to support the investigation into war crimes in Ukraine. This role is expected to be based in The Hague. s9(2)(g)(i)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] This would be a significant and highly valued contribution to the ICC’s work.
- 23 Cabinet is asked to consider the secondment of s9(2)(g)(i) to the ICC for a period of up to two years, to be funded from Vote Defence Force and Vote Foreign Affairs baselines.

² On 26 March, the Minister of Foreign Affairs announced a \$0.315 million contribution to the ICC from departmental baseline. On 11 April Cabinet agreed to earmark \$0.500 million for international legal accountability from MFAT departmental underspend in FY 2021/22. On 29 May, the Minister of Foreign Affairs and the Attorney-General agreed that any remaining balance of this \$0.500 million not spent supporting Ukraine’s case at the International Court of Justice (ICJ) in FY 2021/22 should be directed to the ICC. The ICJ case is estimated to cost \$0.100 million in FY 2021/22, leaving \$0.400 million for the ICC.

³ Officials have also examined a range of additional accountability mechanisms which could potentially be supported s9(2)(g)(i)

[REDACTED], the ICC remains the most effective means of supporting international criminal accountability.

⁴ s9(2)(g)(i)

24 [REDACTED] s6(a), s9(2)(f)(iv)
[REDACTED]
[REDACTED]

Efforts to hold the Russian state to account

25 In addition to mechanisms to hold individuals responsible for criminal acts, it is equally important that Russia as a state is held to account for its actions, particularly its aggression and breaches of international humanitarian law. The International Court of Justice (ICJ) is the principal judicial organ of the UN and is the most significant remaining ‘guardrail’ to uphold respect for the international rule of law, particularly given the failure of the UN Security Council to act.

26 Under Article 63 of the Statute of the ICJ, third countries have the right to ‘intervene’ on questions of law before the Court. Intervening countries have the ability to make submissions to the Court on legal questions, which may help to support the legal arguments being advanced by Ukraine.

27 Ukraine has indicated it would welcome New Zealand intervening in its case against Russia under the Genocide Convention. The Minister of Foreign Affairs, in consultation with the Attorney-General, has agreed that New Zealand should intervene in the case. [REDACTED] s6(b)(i)
[REDACTED]
[REDACTED]

28 Officials propose it be publicly announced that New Zealand intends to intervene in the ICJ case, to support Ukraine’s efforts to hold Russia to account for its illegal war of aggression, and to reinforce respect for the fundamental rules of international law which Russia has undermined. The Minister of Foreign Affairs and the Attorney-General would issue a joint press release following Cabinet consideration of this paper.

Economic support

Humanitarian assistance

29 New Zealand has committed a total of \$8 million in humanitarian assistance for Ukraine, including a \$2 million pledge announced at the International Donor Conference on 5 May. This is a significant contribution for New Zealand outside our immediate region. [REDACTED] s9(2)(g)(i)
[REDACTED]

30 [REDACTED] s9(2)(g)(i)
[REDACTED]
[REDACTED]
[REDACTED]

31 With international partners pledging significant additional humanitarian funds at the May International Donor Conference, officials assess that the Ukraine humanitarian response is well funded in the short term, and that a further contribution from

[REDACTED] s6(a), s6(b)(i)
[REDACTED]

New Zealand is not the highest priority in the immediate term. The protracted nature of the conflict means that additional contributions will likely be appropriate in the future. Officials will provide advice on further humanitarian assistance to the Minister of Foreign Affairs in the coming months. [REDACTED] s9(2)(g)(i)

Longer-term support for Ukraine’s Recovery

32 When the conflict transitions to the next phase, Ukraine will need significant international support to recover from the devastation to its infrastructure and its economy. New Zealand is engaged in the emerging international dialogue on how international support might be provided. [REDACTED] s9(2)(g)(i)

33 [REDACTED] s9(2)(g)(i)

34 [REDACTED] s9(2)(g)(i)

35 [REDACTED] s9(2)(g)(i) Officials intend to provide Ministers with further advice on options for possible longer-term support in the coming months.

Military support

Additional military assistance funding

36 Ukraine has an urgent need for a diverse range of arms, ammunition and military equipment as they seek the upper hand in repelling the Russian invasion. [REDACTED] s6(b)(i)

[REDACTED] Officials have previously identified two effective and timely channels for providing support: funding for the NATO Trust Fund, towards priority non-lethal equipment and supplies; and bilateral funding for the UK to purchase materiel, including weapons and ammunition.

37 Building on the funding New Zealand has already provided, this paper recommends:

- A further \$4.5 million contribution to the NATO Trust Fund this financial year, from the remaining Vote Foreign Affairs underspend.⁶ NATO officials have provided an updated list of priority projects under development that require funding, which include first aid kits and supplies of pharmaceuticals, as well as communications systems, fuel and rations. Donor countries can indicate which projects they wish to support, although New Zealand's payment to the Trust Fund would be a non-earmarked contribution as this provides NATO with the flexibility to allocate funding across multiple projects s9(2)(g)(i)

And

- s9(2)(f)(iv)

38 s9(2)(g)(i)

39 s9(2)(g)(i)

40 New Zealand has previously supplied Ukraine s6(a)
recommend that \$100,000 be allocated for the purchase and supply s6(a)

This would ensure that New Zealand's contribution provides Ukraine with the most effective capability to match their needs.

Extended and Enhanced NZDF Deployments

41 New Zealand's military deployments continue to be highly valued by Ukraine and our key partners who are leading the international military effort in support of Ukraine's self-defence. s6(a)
To ensure these deployments remain proportionate to evolving

⁶ New Zealand has previously provided \$7.5 million for the UK to purchase s6(a)s, and \$4.24 million for the NATO Trust Fund, which has funded the purchase of medical first aid kits, chemical-biological-radiological-nuclear personal protective equipment, combat rations and fuels.

military needs, Cabinet is asked to consider extending and enhancing aspects of the current mandate.

- 42 During the current phase of the conflict, New Zealand’s response will be weighted towards diplomatic and military support, reflecting Ukraine’s priority needs. New Zealand’s support for the international rules-based system warrants targeted contributions which add value in concert with international partners. Given the size of the NZDF relative to our European partners, and the distance from the conflict, New Zealand stands to benefit most from committing small, high-value contributions of personnel and capabilities to fill specific or in-demand roles. As such, these deployments meet the strategic framework criteria, as detailed in Annex B.
- 43 None of the proposed commitments would impact on the NZDF’s ability to operate in, or respond to, domestic or regional contingencies. Costs for the proposed extended and enhanced NZDF deployments can be funded from within existing Vote Defence Force baselines.

Intelligence support

- 44 On 28 March 2022, Cabinet agreed to: deploy two NZDF strategic analysts to UK [redacted] s6(a) the UK to support intelligence requirements; and the use of the New Zealand-based open-source intelligence capability to support partner intelligence requirements.⁷ On 5 April 2022, Ministers with Power to Act approved the deployment of five NZDF intelligence analysts to [redacted] s6(a) [redacted] in the UK to support intelligence requirements.⁸ The current mandate for intelligence support ends on 30 June 2022.
- 45 Intelligence is an essential function throughout all phases of conflict which directly underpins all instruments of national statecraft. In this context, intelligence provides understanding of the situation on the battlefield and analytical insights on future trends to aid decision making, [redacted] s9(2)(g)(i) [redacted]
- 46 **Extend:** Given the ongoing demands for intelligence, the high-value nature of the NZDF contribution [redacted] s9(2)(g)(i) [redacted] Cabinet is asked to consider extending these intelligence contributions from 1 July to 30 November 2022.⁹
- 47 **Enhance:** Cabinet is also asked to consider enhancing the New Zealand intelligence contribution by deploying a further six [redacted] s6(a) [redacted] analysts from 1 July to 30 November 2022 [redacted] s6(a) [redacted]

⁷ CAB-22-MIN-0098 refers.

⁸ Ministers approved the deployment of five intelligence analysts. However, only four positions were required [redacted] s6(a) only four personnel subsequently deployed.

⁹ Intelligence support activity may either be directly in support of the war in Ukraine or in support of existing [redacted] s6(a) analytical functions.

Logistics support

48 On 11 April 2022, Cabinet approved the deployment of: an NZDF C-130H Hercules aircraft and up to 50 personnel to Europe to assist with the transportation and distribution of donated military aid to Ukraine (medical supplies and munitions); and eight NZDF logistics specialists to Europe to assist with the processing and handling of donated military aid.¹⁰ The mandate for the C-130H aircraft and personnel ended on 17 June 2022. The current mandate for the logistic support ends on 30 June 2022.

49 Logistics will continue to be an essential element of the international effort and will span all phases of the conflict. [redacted] s6(a)
[redacted]
[redacted]
[redacted]
[redacted]

50 **Extend:** Drawing on the experience of the NZDF personnel who have been supporting the IDCC’s activity since April, [redacted] s6(b)(i)
[redacted] Cabinet is asked to consider extending the deployment of four logistics specialists from 1 July to 31 August 2022 [redacted] s6(a).

51 [redacted] s6(a) there may be additional requests or opportunities for New Zealand to contribute. These would be tested by officials against the strategic framework and submitted to Cabinet for consideration if deemed appropriate.

Liaison Officers

52 On 28 March 2022, Cabinet approved the deployment of two NZDF personnel to Belgium and the UK to enhance New Zealand’s partner engagement and understanding of partner activities relating to Ukraine.¹¹ This mandate ends on 30 June 2022.

53 A key principle for New Zealand’s response is that it is coordinated with international partners. Deploying liaison officers has allowed officials to have visibility of partner nation activity and planning, which in turn has helped identify appropriate opportunities for New Zealand, and ensured New Zealand commitments add value and are deconflicted from other similar contributions.

54 **Extend:** In order to continue providing officials with insights of partner actions and activity, Cabinet is asked to consider extending the two NZDF liaison officers to Belgium and the UK from 1 July to 30 November 2022.

55 **Enhance:** Cabinet is also asked to consider enhancing the NZDF liaison network by approving the deployment of a [redacted] s6(a) Liaison Officer to Germany, from 1 July to 31 August 2022 [redacted] s6(a)
[redacted]

¹⁰ CAB-22-MIN-0125 refers.
¹¹ CAB-22-MIN-0098 refers.

Potential for early return to New Zealand

56 While a defined deployment timeframe has been specified for each NZDF commitment, given the uncertainties faced in the nature of this conflict, it is possible that demand for NZDF support may wane during the mandate. Cabinet is asked to consider authorising the Minister of Defence to drawdown the NZDF contributions, on advice from the Chief of Defence Force, when their services are no longer required and return them to New Zealand. The Minister of Foreign Affairs will be notified on occurrence.

s6(a)

57

s6(a)

58

Threat Assessment

59 New Zealand Defence Intelligence assess that the threat to NZDF personnel operating in Europe (less Ukraine, Belarus and Russia) would likely be equivalent to the NZDF Strategic Military Threat Assessment of s6(a). The operational threat posed to NZDF personnel is similar to that associated with normal peacetime activities in New Zealand.

s6(a)

Legal Considerations

60 All options discussed in this paper are consistent with international law. Under the UN Charter, New Zealand is entitled to provide support to Ukraine to act in self-defence in response to Russia's aggression. None of the options proposed would present a significant risk of being a party to a conflict.¹² Operational parameters for any support will be tailored to ensure compliance with New Zealand's legal obligations, including open-source intelligence approvals in accordance with NZDF orders, policies and

¹² A State is a party to a conflict if there is participation by armed force and this behaviour can be attributed to the State in question.

procedures. The NZDF will ensure that any assistance provided will be consistently monitored to ensure compliance.

- 61 **Legal basis for presence in host nation.** The legal basis for all of the NZDF deployments is with the permission of the host Government.
- 62 **Status of forces and application of host nation law.** For NZDF personnel in the UK, New Zealand maintains an Exchange of Personnel Memorandum of Arrangement with the UK. Exchange personnel in the UK are subject to the provisions of the Great Britain and Northern Ireland Visiting Forces Act 1952. For NZDF personnel in Germany, New Zealand maintains a Visiting Forces Agreement with Germany. For other European partner nations, New Zealand does not maintain agreements of this nature, as such NZDF personnel will be subject to their domestic laws and regulations.
- 63 **Human Rights Risk Assessment.** There is a negligible likelihood of the options in this paper causing or contributing to a human rights breach as there is no general possibility the interaction could contribute to a breach of human rights.

Financial Implications

- 64 All of the proposed contributions could be funded from within existing Vote Foreign Affairs and Vote Defence Force baselines although some require the transfer of funding within or between the two Votes. The NZDF deployments are not declared to be qualifying operational service under the Veterans’ Support Act; there is no impact on the veterans’ support entitlement obligation.

Estimated Direct Costs	(NZ \$million)			
	2021/22	2022/23	2023/24	Total
MFAT				
• International Legal Response:				
○ ICC contribution	0.600	-	-	0.600
○ NZDF secondment to ICC	0.800	[0.400]	[0.400]	0.800
• Military Assistance (NATO Trust Fund)		-	-	
• s6(a)	0.100	-	-	0.100
Sub-Total	8.000	-	-	8.000
NZDF				
• Intelligence Support				
○ Extend	-	0.571	-	0.571
○ Enhance	-	0.568	-	0.568
• Logistic Support				
○ Extend	-	0.376	-	0.376
• Liaison Support				
○ Extend	-	0.209	-	0.209
○ Enhance	-	0.045	-	0.045

¹³ See recommendations for options on the use of this funding.

Sub-Total	0.000	1.769	-	1.769
s9(2)(g)(i)				-
MFAT and NZDF Total	8.000	1.769	-	9.769

Impact Analysis

65 Impact analysis requirements do not apply to this paper.

Consultation

66 This Cabinet paper has been jointly prepared by the Ministry of Foreign Affairs and Trade, the Ministry of Defence and the New Zealand Defence Force. The Department of Prime Minister and Cabinet (National Security Group and Policy Advisory Group) and the Treasury were consulted.

Next Steps, Communications and Proactive Release

67 If options for the provision of funding for any of the recommended options is approved officials will work with partner agencies and governments to progress the deployment of personnel and assets, the supply of equipment and the payment of contributions (including, where applicable, ensuring appropriate safeguards are in place).

68 The options which Cabinet agrees to will be publicly announced if appropriate. The Prime Minister’s planned travel in June to the NATO Summit in Madrid and other European capitals provides a high-profile opportunity to announce further New Zealand support for Ukraine.

69 The paper will be proactively released in due course.

Recommendations

The Minister of Foreign Affairs and Minister of Defence recommend that Cabinet:

- 1 **Note** that in the current phase of continued hostilities and attrition warfare, Ukraine has an urgent and ongoing need for support— s6(a)
[REDACTED]
- 2 **Note** that further New Zealand contributions to Ukraine now, will have a direct and positive impact on the broad range of New Zealand interests that are engaged through this conflict.
- 3 **Note** that the proposed options outlined in this paper have been assessed against the strategic framework previously agreed by the Cabinet Business Committee.

Diplomatic support

- 4 **Agree** to a further contribution of \$0.600 million to the International Criminal Court in FY 2021/22, from Ministry of Foreign Affairs and Trade departmental underspend this financial year.
- 5 **Agree** that New Zealand announce its intention to intervene in the International Court of Justice case to support Ukraine’s efforts to hold Russia to account for its illegal war of aggression.

- 6 **Agree** to the secondment of s9(2)(g)(i) to the International Criminal Court’s Office of the Chief Prosecutor for up to two years (up to 30 June 2024).
- 6.1 **Note** that the cost of the above secondment cannot be fully met from the existing baseline of Vote Defence Force.
- 6.2 **Note** that an underspend of approximately \$0.800 million is expected for 2021/22 in departmental output expense category ‘Delivery of New Zealand’s foreign policy’ of the Vote Foreign Affairs multi-category expenses and capital expenditure appropriation ‘Act in the world to build a safer, more prosperous and more sustainable future for New Zealanders’.
- 6.3 **Agree** an in-principle transfer of up to \$0.800 million from 2021/22 to 2022/23 and 2023/24 in the multi-category expenses and capital expenses appropriation described in the recommendation 6.2 above, to provide for the costs associated with the secondment described in recommendation 6 above.
- 6.4 **Authorise** the Minister of Finance, Minister of Foreign Affairs and Minister of Defence (joint Ministers) to jointly approve fiscally neutral adjustments totalling up to \$0.800 million from the Vote Foreign Affairs multi-category expenses and capital expenditure appropriation ‘Act in the world to build a safer, more prosperous and more sustainable future for New Zealanders’ to the Vote Defence Force multi-category expenses and capital expenditure appropriation ‘Protection of New Zealand and New Zealanders’ in 2022/23 and in 2023/24, subject to confirmation of the in-principle transfer described in recommendation 6.2 above, to partly fund the secondment to the Office of the Chief Prosecutor described in recommendation 6 above.
- 6.5 **Note** that under the decision in recommendation 6.4 above, joint Ministers will be asked to approve the following fiscally neutral changes to appropriations with no impact on the operating balance or net debt across the forecast period:

	\$m – increase / (decrease)			
Vote Foreign Affairs Minister of Foreign Affairs	2021/22	2022/23	2023/24	2024/25 & Out years
Multi-Category Expenses and Capital Expenditure				
Multi-Category Expenses and Capital Expenditure: Act in the world to build a safer, more prosperous and more sustainable future for New Zealanders MCA. Departmental Output Expense: Delivery of New Zealand’s foreign policy. (funded by revenue Crown)		(0.400)	(0.400)	-
Vote Defence Force Minister of Defence				
Multi-Category Expenses and Capital Expenditure				
Multi-Category Expenses and Capital Expenditure: Protection of New Zealand and New Zealanders MCA.	-	0.400	0.400	-

Departmental Output Expense: Defence International Engagement. (funded by revenue Crown)				
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Economic support

7 **Note** that while the Ukraine humanitarian response is well funded in the short term, the Minister of Foreign Affairs can consider further humanitarian assistance contributions from the humanitarian allocation in FY 2022/23.

8 **Note** that when the conflict transitions to the next phase, Ukraine will need significant further international support to recover from the devastation to its infrastructure and its economy.

9 s9(2)(g)(i)
[Redacted]

Military support

Recommended option

10 **Agree** to a further contribution of \$4.500 million to the North Atlantic Treaty Organization Trust Fund in FY 2021/22 towards priority equipment and supplies.

10.1 **Note** that the \$4.500 million can be met from existing Vote Foreign Affairs baseline funding.

11 s9(2)(f)(iv)
[Redacted]

11.1 s9(2)(f)(iv)
[Redacted]

	\$m – increase / (decrease)
s9(2)(f)(iv) [Redacted]	

11.2 s9(2)(f)(iv)
[Redacted]

- 11.3 [REDACTED] s9(2)(f)(iv)
[REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Or

Alternative option

- 12 [REDACTED] s9(2)(g)(i)
[REDACTED]
[REDACTED]
[REDACTED] [REDACTED]
[REDACTED]

- 13 **Agree** to allocate \$0.100 million in FY 2021/22 to procure [REDACTED] s6(a) [REDACTED] that New Zealand has already purchased for Ukraine.
- 13.1 **Note** that the \$0.100 million can be met from existing Vote Foreign Affairs baseline funding.
- 14 **Note** the proposed New Zealand Defence Force commitments can be funded within existing Vote Defence Force baseline funding.
- 15 **Agree** to extend the New Zealand Defence Force intelligence support from 1 July to 30 November 2022, including:
- 15.1 extending the deployment of six intelligence analysts to the United Kingdom; and
- 15.2 extending the use of the New Zealand-based open-source intelligence capability to support partner intelligence requirements.
- 15.3 **Note** the estimated cost of this extension is \$0.571 million in FY 2022/23.
- 16 **Agree** to enhance the New Zealand Defence Force intelligence support by deploying six [REDACTED] s6(a) [REDACTED] analysts to the United Kingdom, from 1 July to 30 November 2022.
- 16.1 **Note** the estimated cost of this enhancement is \$0.568 million in FY 2022/23.
- 17 **Agree** to extend the deployment of four logistics specialists to Europe from 1 July to 31 August 2022.
- 17.1 **Note** the estimated cost of this extension is \$0.376 million in FY 2022/23.
- 18 **Agree** to extend the deployment of two New Zealand Defence Force liaison officers to the United Kingdom and Belgium from 1 July to 30 November 2022.

- 18.1 **Note** the estimated cost of this extension is \$0.209 million in FY 2022/23.
- 19 **Agree** to enhance the New Zealand Defence Force liaison support by deploying a s6(a) Liaison Officer to Europe from 1 July to 31 August 2022.
- 19.1 **Note** the estimated cost of this enhancement is \$0.045 million in FY 2022/23.
- 20 **Authorise** the Minister of Defence to drawdown the New Zealand Defence Force contribution when considered appropriate and return those forces to New Zealand.
- 20.1 **Note** the Minister of Foreign Affairs will be notified on occurrence.
- 21 **Note** the threat to New Zealand Defence Force personnel operating in Europe (less Ukraine, Belarus and Russia) is considered to be s6(a).

Authorised for lodgement

Hon Nanaia Mahuta
Minister of Foreign Affairs

Hon Peeni Henare
Minister of Defence

Proactively Released by the
Minister of Foreign Affairs

Annex A: New Zealand assistance to Ukraine (as at 13 June)

Date	Topic	Announcement	Value of assistance NZ\$ million			Status
			Military	Economic	Diplomatic	
	Total	34.607	23.042	8.750	1.815	
9 June	Economic	Contribution to USAID project supporting Ukraine's cyber resilience (not yet announced)		0.750		Funding was approved by the Cyber Security Strategy Coordination Committee (CSSC) on 9 June
23 May	Military	Artillery Training team, surplus equipment and training ammunition.	1.205			Deployment under way.
3 May	Economic	\$2 million to New Zealand Disaster Response Partnership NGOs.		2.000		Contestable funding round launched on 9 May. Proposals from NZ Disaster Response Partnership NGO partners have been received and approved, with funds to be paid prior to 30 June..
11 Apr	Military	C-130H Hercules and 50-strong NZDF team to Europe to carry equipment and supplies.	3.977			The NZDF C-130H has completed 54 operational flights from s6(a) to logistics nodes in s6(a). The aircraft has flown 149 flying hours and transported 192,000kg of stores and 92 passengers. ¹⁴
11 Apr	Military	Eight NZDF logistics specialists based in Germany.	0.575			The NZDF logistics specialists have embedded in the International Donor Coordination Centre in Germany and are working alongside senior AFU officials and partner nation representatives. Their main task is to prioritise aid deliveries and schedule them for transportation with the nations who are providing airlift capabilities. The mobile logistics team have supported each mission conducted by the NZDF C-130H in order to certify the load and ensure all cargo requirements have been met, particularly in respect to the carriage of munitions.
11 Apr	Military	\$7.5 million to contribute to weapons and ammunition procurement via the United Kingdom.	7.500			Paid to UK MoD, and purchase of materiel s6(a) confirmed with the UK.
11 Apr	Military	\$4.1 million to support commercial satellite access for the Ukrainian Defence Intelligence.	4.129			Paid.
11 Apr	Diplomatic	\$1 million to the Office of the High Commissioner for Human Rights.			1.000	Working with OHCHR to agree grant contribution letter and transfer funds before end-June; OHCHR comfortable with funding timeframe.

¹⁴ As at 13 June 2022.

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Date	Topic	Announcement	Value of assistance NZ\$ million			Status
			Military	Economic	Diplomatic	
11 Apr	Diplomatic	\$500,000 for the International Court of Justice and International Criminal Court.			0.500	s9(2)(g)(i)
28 Mar	Military	Nine New Zealand Defence Force personnel to the United Kingdom and Belgium, to support intelligence and engagement work.	0.656			<p>Intelligence—The NZDF analysts have integrated seamlessly with s6(a) and provided a meaningful contribution to the analytical output and resilience of s6(a)</p> <p>Liaison—NATO and the UK are critical players in supporting Ukraine's self-defence. The NZDF liaison officers have enhanced the flow of information, ensuring New Zealand's contributions were clearly understood by partners. They have also informed New Zealand-based officials on what Ukraine's ongoing needs are and the niche areas where we may add value.</p>
26 Mar	Diplomatic	\$315,000 to help the International Criminal Court's urgent resource needs.			0.315	s9(2)(g)(i)
21 Mar	Military	\$5 million for non-lethal military assistance, of which \$4.24 million to NATO Trust Fund and \$0.76 million purchase of Tait communications equipment.	5.000			NATO Trust Fund contribution paid. s6(a) have been delivered, s6(a)
15 Mar	Economic	\$2 million to the UN Ukraine Humanitarian Fund.		2.000		Paid.
15 Mar	Economic	\$2 million to UN Refugee Agency (UNHCR).		2.000		Paid.
28 Feb	Economic	\$2 million to International Committee of the Red Cross.		2.000		Paid.

Summary of New Zealand's Sanctions actions (as at 13 June 2022)

Date announced	Topic	Focus	Notable targets	Details
8 June	Sanctions	Tranche 7: State-owned enterprises and other companies of strategic importance to Russia	Gazprom, Russia's largest company; defence entities, weapons manufacturers, who form part of Russia's vast military-industrial complex.	44 entities: (38 Russian, 6 Belarusian) 780+ total sanctioned.
16 May	Sanctions	Tranche 6: Belarusian leaders and defence entities	President Lukashenko, military leaders	27 sanctioned 12 previously travel banned now have full suite of prohibitions applied
10 May	Sanctions	Tranche 5: Russian disinformation and malicious cyber actors, automatic extension of some sanctions measures to 'immediate family members' and associates of those sanctioned	Troll farm, Ministry of Defence spokesperson, military intelligence head and units	8 sanctioned (5 individuals and 3 entities)
2 May	Sanctions	Tranche 4: Additional Russian political elites and defence entities, extension of sanctions prohibitions on those travel banned	Members of Upper House	170 Upper House members, 6 defence companies and organisations sanctioned 400+ individuals previously travel banned now have full suite of prohibitions applied
19 April	Sanctions	Tranche 3: Russian financial institutions	Central Bank, sovereign wealth fund, biggest banks	18 entities sanctioned
6 April	Sanctions (trade-related)	Application of 35% tariff on imports of Russian origin		
		Extension of export prohibitions of certain strategic industrial products to Russia and Belarus		
4 April	Sanctions	Tranche 2: Russian oligarchs	Chief Executives, founders, owners of major companies and financial entities, family members	36 individuals sanctioned

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Date announced	Topic	Focus	Notable targets	Details
18 March	Sanctions	Tranche 1: Political, military and economic elites and entities, additional travel ban targets, ban on entry into New Zealand of Russian government aircraft and vessels	Putin, Prime Minister, Ministers, Security Council, State Duma	13 individuals and 19 entities sanctioned 364 other individuals sanctioned (travel ban only) Prohibition on all Russian military and government ships and aircraft entering New Zealand
15 March	Export prohibition	Export prohibition of 25 February 2022 on controlled strategic goods to Russian military and security forces expanded to cover Belarus	Russian and Belarusian military, paramilitary, militia and police forces	Any goods (no exclusions) to the entities listed in the Gazette Notice that are listed in the NZ Strategic Goods List or which materially enable or support operations and activities of a military or internal security nature
9 March	<i>Passing of Russia Sanctions Act</i>			
25 February	Export prohibition	Export prohibition on controlled strategic goods and any other goods to Russian military and security forces	Russian military, paramilitary, militia and police forces	Any goods (no exclusions) to the 4 entities listed in the Gazette Notice that are listed in the NZ Strategic Goods List or which materially enable or support operations and activities of a military or internal security nature
24 February	Travel ban	Travel ban against Russian Government officials and other individuals associated with Russia's invasion	Putin, Foreign Minister	100+ individuals travel banned

Annex B: Options for further New Zealand assistance: assessment against strategic framework criteria (as at 13 June)

s6(a)



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