



3 December 2021

Minister of Foreign Affairs

For action by

9 December 2021

Escalating Tensions in Ukraine: Getting ready to respond at short notice

BRIEFING	Overview Submission
PURPOSE	To advise the range of actions that Aotearoa New Zealand could consider in response to further Russian hostility against Ukraine.

Tukunga tūtohua – Recommended referrals

Prime Minister	For information by	9 December 2021
Minister Responsible for the NZSIS and GCSB	For information by	9 December 2021
Minister of Immigration	For information by	9 December 2021
Minister of Defence	For information by	9 December 2021
Associate Minister of Foreign Affairs	For information by	9 December 2021

Taipitopito whakapā – Contact details

NAME	ROLE	DIVISION	s9(2)(a)
Kurt Murphy	Policy Officer	Europe Division	
Taha Macpherson	Divisional Manager	Europe Division	

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

<input type="checkbox"/> Approved	<input type="checkbox"/> Noted	<input type="checkbox"/> Seen
<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 Withdrawn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

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Pito matua – Key points

- A recent build-up of over 100,000 Russian troops near the Ukrainian border has raised concern amongst the international community. This is the second intensification of military activity by Russia near the border this year, following major military exercises in April.
- Moscow's current intentions remain unclear. It maintains publicly that it poses no threat and that military movements within its borders are a "domestic" issue. The build-up may represent posturing designed to pressure further concessions from Ukraine and its allies.
- There is a real possibility, however, that Russia is preparing a military incursion. It attaches historical and strategic importance to Ukraine. President Putin has expressed willingness to act militarily in response to perceived threats from NATO and the West as Ukraine's relationship with Western partners deepens. ^{s6(a)}
- Recent efforts to resolve the crisis between the US and Russia have not been effective. It is expected that President Biden and President Putin will talk in coming days with the hope of finding a way to de-escalate.
- Even if Russian forces do not advance into Ukraine, Moscow will likely look to provoke, and capitalise on ongoing tensions. As these build, so too will the risk of a miscalculation by either side, which could lead to military clashes. Should these escalate (possibly quickly) other countries could be drawn into a serious regional conflict.

s6(a)

- Officials judge that the threshold has not yet been met for Aotearoa New Zealand to take immediate action in support of Ukraine. Should the situation worsen – which could occur quickly - a response would be required, either bilaterally and/or as part of a concerted likeminded response.
- Based on the Aotearoa New Zealand Response Kete you considered earlier this year, officials have identified possible diplomatic actions that Aotearoa New Zealand could consider which are set out in **Annex 1**. These range from demarches on Russian officials; to statements of concern from Ministers; to more concrete steps such as travel bans.

s6(a)

We expect we may need to provide short notice advice in the event that the situation in Ukraine deteriorates markedly and/or should we be approached to join a concerted likeminded response. This advice will be underpinned by the framework we provided for managing our interests with Russia, outlined in our submission of February 2021.

Rob Taylor
for Secretary of Foreign Affairs and Trade

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Tūtohu – Recommendations

It is recommended that you:

- | | | |
|----------------------|---|-----------------|
| 1 | Note that Russia has moved significant military assets to the Ukraine border increasing regional tensions, exacerbating instability on the border, and raising the risk of possible military conflict. | Yes / No |
| <small>s6(a)</small> | | |
| 2 | | Yes / No |
| 3 | Note the attached kete of possible diplomatic responses | Yes / No |
| 4 | Agree that officials provide you advice on a suggested Aotearoa New Zealand response(s) if the situation in Ukraine escalates and/or we are invited by partners to join a collective response. | Yes / No |
| 5 | Refer a copy of this submission to the Prime Minister, Minister Responsible for NZSIS and GCSB, Minister of Immigration, Minister of Defence, and Associate Minister of Foreign Affairs. | Yes / No |

Hon Nanaia Mahuta
Minister of Foreign Affairs

Date: / /

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Pūrongo – Report

A second build-up of Russian troops at the Ukrainian border this year is concerning the international community

A recent build-up of over 100,000 Russian troops, and military assets near the Ukrainian border has raised tensions with Ukraine, and concerns amongst the international community. This is the second such military build-up by Russia this year. In April, it moved tens of thousands of troops to the border in an effort to force Ukrainian concessions in the ‘Minsk II Protocol’ peace talks and to test the resolve of the then new US administration. Moscow subsequently announced a partial pull-back, though many key Russian military assets were not withdrawn at the time.

Russian intent remains unclear but the risk of conflict (or serious miscalculation) is real

2 Russia’s current intentions remain unclear. Moscow says it poses no threat to Ukraine and that military movements within its borders are a “domestic issue.” The latest actions may be designed to exert further political pressure on Ukraine and its allies.

3 The scale of the military build-up, however, suggests there is a real possibility that Russia is preparing for a major military incursion designed to secure direct control over more Ukrainian territory. Ukraine is of considerable strategic importance to both Russia and the West (see map – Annex 2) – being bordered by European Union (EU) Member States on the west.

4 ^{s6(a)}

Moscow, therefore, considers Ukraine a ‘buffer zone’ and views its increasing alignment with the West, and public request for NATO membership (a red line for Moscow), as further evidence of this growing threat. ^{s6(a)}

These views are a factor in Putin’s apparent desire to regain control of the “breakaway republics” of Donetsk and Luhansk in Ukraine’s eastern Donbass region, where conflicts between separatist forces have killed more than 10,000, and injured nearly 24,000 since 2014.

5 Similar factors are considered to have been a significant motivation behind Russia’s invasion and illegally annexation the Crimean Peninsula in 2014. This action was denounced by the international community, and led to the activation of a broad suite of sanctions and other actions against Russia.

6 ^{s6(a)}

7 Even if Russian forces do not advance directly into Ukraine, the situation will remain dangerous. Moscow will likely look to provoke, and capitalise on ongoing tensions. As these build, so too will the risk of a miscalculation by either side, which could lead to military clashes.

8 With the US recently stating its support for Ukraine’s territorial integrity is “iron clad”, there is also the potential for an escalation that could draw other countries into a serious regional conflict. ^{s6(b)(i)}

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s6(a)

President Putin has accused Western countries of "escalating" the Ukraine conflict by holding drills in the Black Sea and flying bombers near its borders.

9 MFAT is aware of four New Zealanders currently in Ukraine, although there are likely to be more. MFAT is updating its travel advisory for Ukraine to note the unusual military activity in border areas and advising New Zealanders to stay informed of developments

The US and Russia are trying to find a way through, but no progress yet

10 A meeting between US Secretary of State Anthony Blinken and his Russian counterpart Sergei Lavrov in Sweden on 2 December failed to find a way forward in de-escalating tensions. Presidents Biden and Putin are expected to meet virtually in the coming days.

11 Putin has made two explicit comments this week - first in highlighting that stationing NATO missiles in Ukraine would be a red-line for Russia, and second in stating explicitly that Russia is now seeking formal legal guarantees that Ukraine will not join NATO.

Partner countries have expressed concern and may ask Aotearoa New Zealand to join a coordinated response

12 Members of the international community, including the US, UK, Australia, the European Union (EU) and many of its member states, have expressed concern publicly about the risk of a Russian attack on Ukraine. ^{s6(a)})

If tensions increase Aotearoa New Zealand may need to respond, at short notice

13 Officials are of the view that the threshold has not yet been crossed for Aotearoa New Zealand to take immediate action in support of Ukraine, beyond our support for the Crimean Platform¹. NATO, the US, European partners and the Organization for Security and Co-operation in Europe (OSCE) continue to engage proactively and we judge that they are best placed presently to lead de-escalation attempts.

14 The situation could, however, escalate and possibly quickly. Examples of actions that might lead to this could include Russia taking an open part in hostilities in Ukraine; an increased tempo in clashes in the Donbass, or a significant intensification in provocative Russian rhetoric and/or so-called "grey operations" (activities below the threshold of open conflict such as seeking to destabilise the Ukraine government.)

15 Should the situation deteriorate to an extent that officials consider a response by Aotearoa New Zealand warranted consistent with our broader foreign policy principles and values; and/or should other countries seek New Zealand support for some form of collective response, we will provide further advice on options. Given the fluid nature of developments on the ground, this might be provided at short-notice.

s6(b)(i)

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16 Options for actions that Aotearoa New Zealand could consider as part of our kete are set out in **Annex 1**. It should be noted that partner countries may immediately seek to impose sanctions on Russia. Currently Aotearoa New Zealand does not have the option of imposing autonomous sanctions, and there is no prospect that the UN Security Council will agree to impose sanctions on Russia, which is a P5 member and has a power of veto.

Out of scope

s6(a), s6(d)

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Annex 1: Kete of Potential Diplomatic Actions and Associated Risks

Set out below, in ascending order of significance and severity, are a range of possible diplomatic options to respond to increased Russian hostility towards Ukraine, ranging from ongoing destabilisation to a possible territorial incursion. We propose to move up and down this scale, based on the level of Russian aggression. There are other potential non-diplomatic options that might be requested by partners in the event of a serious conflict (e.g. military). These are not considered below.

In the absence of a United Nations Security Council resolution, New Zealand is very limited in the type of sanctions we can impose within existing policy and legal frameworks...

	Potential Actions	Rationale	Possible bilateral consequences
1	Join partners in publicly expressing support for Ukraine, by adding Aotearoa New Zealand's name to collective statements, including in multilateral fora.	Clearly communicates our position to Russia and internationally, and demonstrates Aotearoa New Zealand acting in good company in support of its foreign policy principles and values.	s6(a)
2	Demarching Russian officials in Moscow; summoning the Russian Ambassador in Wellington; delivering formal protest via a Third Person Note.	Allows Aotearoa New Zealand to directly convey our concerns to Russia – clearly articulating our position, while potentially mitigating the risk of public retaliation.	s6(a), s6(d)
3	Taking bilateral steps to express solidarity with Ukraine, by calling their Foreign Minister, or issuing a ministerial statement or tweet.	Demonstrates to Russia and internationally Aotearoa New Zealand's willingness to act unilaterally in defence of its foreign policy principles and values; and reaffirms our position of support for Ukraine's sovereignty and territorial integrity.	s6(a)
4	Taking specific actions to impose costs on Russia such as limiting bilateral contacts, introducing travel bans on individuals or exploring other domestic policy actions.	Demonstrates to Russia, and internationally, that Aotearoa New Zealand is willing to act unilaterally in defence of its foreign policy principles and values. Reaffirms, in strong terms, our position of support for Ukraine's sovereignty and territorial integrity.	s6(a)
s6(a)			s(a)

Annex 2: Map of Ukraine



(Source: *The Economist*)