

Proactive Release

1/02/2022

The following Cabinet papers and related Cabinet minutes have been proactively released by the Minister of Foreign Affairs

Title	Reference
<i>Cabinet Priorities Committee – Minute of Decision</i>	CPC-22-MIN-0039
<i>New Zealand Assistance for Ukraine: Continuing Existing Mandates</i>	

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 OIA). Where this is the case, the relevant sections of the OIA that would apply have been identified. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Key to OIA redaction codes:

- 6(a): to avoid prejudicing the security or defence of New Zealand or the international relations of the New Zealand Government;
- 6(b)(i): to protect the passing of information from another government on a confidential basis;
- 9(2)(g)(i): to protect the free and frank expression of opinions by departments;
- 9(2)(f)(iv): to protect the confidentiality of advice tendered by Ministers of the Crown and officials;
- 9(2)(h): to maintain legal professional privilege; and



Cabinet Priorities Committee

Minute of Decision

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New Zealand Assistance for Ukraine: Continuing Existing Mandates

Portfolios **Foreign Affairs / Defence**

On 8 November 2022, the Cabinet Priorities Committee:

- 1 **noted** the contents of the submission under CPC-22-SUB-0039;
- 2 **referred** the submission to Cabinet on 14 November 2022 for further discussion, revised as appropriate in light of the discussion at the meeting.

Jenny Vickers
Committee Secretary

Present:

Rt Hon Jacinda Ardern (Chair)
Hon Grant Robertson
Hon Dr Megan Woods
Hon Chris Hipkins
Hon Carmel Sepuloni
Hon Andrew Little
Hon David Parker
Hon Nanaia Mahuta
Hon Damien O'Connor
Hon Stuart Nash
Hon Peeni Henare
Hon Jan Tinetti
Hon Michael Wood
Hon Kiri Allan
Hon Dr David Clark
Hon Kieran McAnulty

Officials present from:

Office of the Prime Minister
Department of the Prime Minister and Cabinet
Officials Committee for CPC

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Office of the Minister of Foreign Affairs

Office of the Minister of Defence

New Zealand Assistance for Ukraine: Continuing Existing Mandates

Proposal

1 This paper provides Vote Foreign Affairs and Vote Defence Force options to continue to provide assistance for Ukraine and its existential struggle in the face of Russia's illegal invasion. The paper presents options for continued assistance through our diplomatic, economic and military support pillars, ^{s6(a)}

and extending current New Zealand Defence Force (NZDF) deployments. It also seeks to respond to global food insecurity exacerbated by Russia's invasion of Ukraine.

Relation to Government Priorities

2 New Zealand's response to Russia's illegal war of aggression, including our diplomatic, economic, and military support to Ukraine, as well as our efforts ^{s6(a)}

aligns with our strategic interests and our longstanding and unwavering commitment to the international rules-based system. New Zealand's support is a visible and tangible demonstration of our values and independent foreign policy, as well as our support for international law and the United Nations Charter. Our contributions to the international response are guided by a Cabinet-endorsed Strategic Framework, ensuring that our support to Ukraine's defence of its territorial integrity and sovereignty is calibrated in an appropriate way that protects and advances New Zealand's interests.

3 ^{s6(a)}

4 The proposed deployments also support the Minister of Defence's 'People' priority. Deployments of this nature have proven to enhance morale and have a positive effect on those NZDF personnel involved.

Executive Summary

5 Cabinet is presented with options to provide support for Ukraine across three pillars of diplomatic, economic, and military assistance, ^{s6(a)}

These options would ensure New Zealand continues to provide tangible and credible support to Ukraine over the upcoming northern winter months, ^{s9(2)(f)(iv)}

6 The paper presents Vote Foreign Affairs (VFA) options in Financial Year (FY) 2022/23 worth ^{s6(a)}

including:

Through existing funding

6.1 ^{s6(a)}

6.2 ^{s6(a)}

Funded through ^{s6(a)}

6.3 ^{s6(a)}

6.4 **VFA Option Four** - \$1.850M to **provide equipment for Ukraine's military** over the northern winter, to be delivered via the NATO Trust Fund.

6.5 **VFA Option Five** - \$1.850M for the **World Food Programme to respond to global food insecurity** exacerbated by Russia's illegal invasion of Ukraine.

7 s9(2)(g)(i) but the options are not interdependent. The Ministry of Foreign Affairs and Trade (MFAT) does not have capacity to meet these costs from baseline. By way of example, it recently funded increased resilience of its offshore network through s6(a) MFAT proposes that Cabinet reprioritise s6(a), s9(2)(g)(i)

8 s6(a)

9 s6(a)

10 Cabinet is also presented with an option to continue the current NZDF military support to Ukraine.

10.1 **NZDF Option One – extend and enhance all current NZDF support and increase Vote Defence Force baseline (recommended)**: This would be across the themes of intelligence, liaison, logistics and training. This is estimated to cost \$10.206M in FY 2022/23 and \$2.328M in FY 2023/24.

11 Officials recommend Cabinet agree to NZDF Option One. s9(2)(f)(iv)

12 s9(2)(f)(iv)

13 Officials do not recommend concluding or reducing the NZDF military contributions given the significant upside reputational benefits New Zealand has received to date in recognition of our responsive, targeted and meaningful contributions in support of Ukraine and partner efforts. Extending and enhancing NZDF support as proposed would reinforce these benefits, and support New Zealand interests through providing meaningful support to Ukraine's defence.

14 The proposed Foreign Affairs and NZDF options for assistance to Ukraine meet the criteria in the Strategic Framework as agreed by Cabinet.¹ Detailed analysis of these options against the Framework criteria is in Annex B.

Background

Current state of conflict

15 After several months of limited change to the frontline, in late-August and early-September 2022, Ukraine launched counter-offensives in Kherson and Kharkiv Oblasts. The Kharkiv counter-offensive resulted in the rapid reclamation of large swathes of territory, while the Kherson counter-offensive continues in a slower and more attritional

¹ CBC-22-MIN-0034 refers.

manner. ^{s6(a)}

16 ^{s6(a)}

President Putin's "partial" mobilisation announced on 21 September 2022 and Russia's illegal annexation of Russian controlled territories in eastern and southern Ukraine have further illustrated that the Kremlin, however, is in no mood to back down.²

17 ^{s6(a)}

European and other NATO partners recognise that Russia's strategy of attrition relies on superior access to manpower, weapons and ammunition. ^{s6(a)}

18 ^{s6(a)}

In response to the bombing of the Kerch bridge (linking occupied-Crimea to Russia), Russia has targeted numerous civilian facilities in Ukraine with no plausible military rationale for the attacks. Russia has also demonstrated a willingness to target Ukraine's energy infrastructure, destroying 30% of Ukraine's power stations in the week following 10 October, with the apparent objective of compounding the suffering of Ukraine's civilian population. ^{s6(a)}

Previous New Zealand support

19 Since February this year, New Zealand has taken significant and unprecedented decisions to provide diplomatic, economic and military support to Ukraine's self-defence. Our contributions continue to be strongly welcomed and acknowledged by Ukraine and key partners. New Zealand has contributed more than \$45.800M of financial and in-kind assistance in addition to sanctions targeting over 1200 Russian and Belarussian individuals and entities, and imposing comprehensive trade measures. New Zealand's full response to-date is in Annex A.

Rationale for further New Zealand support

20 New Zealand has consistently pledged "further support" for Ukraine on multiple occasions in recent months, ^{s6(a)}

21 Cabinet has previously noted New Zealand's interests in continuing to support Ukraine.³ These interests remain unchanged, and include: ensuring the defence of the international rules-based system, including to avoid precedents being set for similar

² The oblasts of Luhansk, Donetsk, Zaporizhzhia, and Kherson. Russia controls the majority of these oblasts, but did not exercise exclusive control in any of them at the time of claimed annexation.

³ CAB-22-MIN-0131, CAB-22-MIN-0191 and CBC-22-MIN-0034 refer.

action by other states; upholding international law in the face of violations; and contributing to ongoing collective security interests.

22 s9(2)(f)(iv)

s0(d)

23 The announcement of further New Zealand assistance to Ukraine at this time would be timely, ^{s6(a)}

The economic cost of Russia's invasion on Ukraine has been immense: Ukraine's GDP is expected to fall by 35-40% this year; an estimated 40% of people have lost their jobs; and Ukraine needs US\$5.000B every month to balance its budget. Humanitarian impacts have also been severe; the Ukraine crisis remains amongst the most severe of humanitarian crises globally.⁴

24 Support from distant countries, such as New Zealand, has been deeply appreciated by Ukraine as it helps to illustrate the systemic interests at stake for all members of the international community in the sustainment of Ukraine's self-defence and national resilience. ^{s6(a)}

25 s6(a)

New Zealand's military contributions continue to be highly valued by Ukraine, and by our key partners who are leading the international military effort in support of Ukraine's self-defence. ^{s6(a)}

A further contribution to the NATO Trust Fund at this time would represent a tangible contribution to the ongoing wellbeing of AFU personnel over winter.

26 As noted in previous advice to Cabinet, New Zealand is able to provide professional, respected and capable personnel to make a meaningful contribution to train AFU members and to support our key partners in their own efforts.⁷ Extending the current NZDF training, logistics, liaison and intelligence deployments to support Ukraine will reinforce our interests and enhance our reputation.⁸

27 The proposed types of deployments align well with the skills and capabilities of the NZDF personnel, and would support the Minister of Defence's "People" priority. The ability to engage personnel, many of whom are junior members of the NZDF, in overseas activity following a long period of support to New Zealand's COVID-19 response is likely to improve morale and job satisfaction for those involved.

s6(b)(i)

⁶ s6(a)

These figures exclude economic and humanitarian assistance to Ukraine.

⁷ CAB-22-MIN-0317 refers.

⁸ The UK Secretary of Defence recently commented to the UK Parliament that s6(b)(i) is already "making a difference to the combat effectiveness of Ukraine."

is already "making a

Furthermore, the individual and collective training and development opportunities within the proposed options would complement planned NZDF regeneration activities.

Proposed options: Vote Foreign Affairs

28 s9(2)(g)(i)

29 Officials have developed a menu of options for further assistance to Ukraine from Vote Foreign Affairs, across the diplomatic, economic and military pillars. These options extend or enhance New Zealand's existing actions to support Ukraine. s6(a)

s6(a)

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s6(a)

Military: NATO Trust Fund

- 42 Ukraine continues to signal that military assistance (both lethal and non-lethal) remains its number one priority. The NATO Trust Fund remains a valuable funding mechanism, for non-lethal support. On 27 June 2022, Cabinet agreed a \$4.500M contribution, following an earlier contribution of \$4.240M agreed on 21 March 2022. Initial support from the fund has focused on providing Ukraine with medical and first aid supplies, fuel, army boots, and explosive ordnance disposal equipment.
- 43 Ahead of Ukraine's winter, NATO is still looking for funding for ^{s6(b)(i)}
- 44 Officials recommend a further \$1.850M contribution, which would represent a tangible contribution to the wellbeing of AFU personnel during winter, and would respond to Ukraine's consistent asks for these forms of non-lethal military support.

Addressing Global Food Insecurity: World Food Programme

- 45 The war in Ukraine has significantly disrupted global food supply chains and exacerbated food insecurity across the world. Russia has used this disruption to its own advantage, pushing its counter-narrative that western sanctions on Russia are to blame for rising prices and reduced supply. Countries such as Afghanistan, Ethiopia, Somalia, South Sudan and Yemen have very large numbers of people considered severely food insecure, populations at risk of famine or in famine-like conditions already, and conditions that could lead to significant deterioration in the coming period. Recognising these impacts, officials recommend a \$1.850M contribution to the World Food Programme to help address global food insecurity at this stage. This contribution builds on recent New Zealand food security support in Afghanistan, the Horn of Africa, Myanmar and Sri Lanka.

s6(a), s9(2)(h)

Assessment of Vote Foreign Affairs Options against the Strategic Framework

- 49 The proposed Vote Foreign Affairs options for assistance to Ukraine meet the criteria in the Cabinet-endorsed Strategic Framework. Detailed analysis of these options against the Framework criteria is in Annex B.
- 50 s9(2)(f)(iv)

Proposed NZDF options

- 51 Alongside the above Vote Foreign Affairs options, Cabinet is also presented with the option to continue NZDF support to Ukraine. Each of the NZDF deployments are due to conclude by 30 November 2022, s9(2)(f)(iv)

Option One – extend and enhance NZDF support and increase Vote Defence Force baseline (recommended)

- 52 Officials recommend Cabinet agree to the proposed deployments in Option One which would include a command and administration support team, which would cost an estimated total of \$10.206M in FY 2022/23 and \$2.328M in FY 2023/24. s6(a), s9(2)(f)(iv)

The deployments proposed under Option One are below.

- 52.1 *Intelligence*: Extend New Zealand's existing intelligence contributions of up to 12 personnel and the New Zealand-based OSINT from 30 November 2022 to 30 June 2023, and enhance the NZDF intelligence support with two additional support positions to s6(a) in the UK from 30 November 2022 to 30 June 2023.
- 52.2 *Liaison*: Extend New Zealand's existing liaison contributions of up to three personnel in the UK and Europe from 30 November 2022 to 30 June 2023.

¹³ CBC-22-MIN-0034.

¹⁴ CAB-22-MIN-0243; CAB-22-MIN-0191; CAB-22-MIN-0317.

- 52.3 *Logistics:* Recommence New Zealand’s logistics contributions through the deployment of up to four NZDF personnel to the ^{s6(a)} IDCC structures in Europe from 30 November 2022 to 30 June 2023.
- 52.4 *Training:* Extend New Zealand’s support to ^{s6(b)(i)} through the deployment of one training team of up to 66 NZDF personnel to continue training members of the AFU in the UK from 30 November 2022 to 31 July 2023.
- 52.5 *Command and administration support:* The deployment of up to eight NZDF personnel to Europe from 30 November 2022 to 31 July 2023 to provide support to deployed NZDF personnel throughout Europe supporting Ukraine’s self-defence efforts.

53 Should Ministers agree to Option One, any unforecast regional or global contingency response, humanitarian and disaster relief operation, as well as any changes to existing mandates in FY 2022/23 may require a fiscally neutral adjustment and/or a Vote Defence Force baseline increase.

Intelligence contribution

- 54 Option One proposes the extension of the existing intelligence contributions from 30 November 2022 to 30 June 2023 and enhancement of the NZDF intelligence support with two additional support positions to ^{s6(a)} in the UK from 30 November 2022 to 30 June 2023.
- 55 On 28 June 2022, Cabinet agreed to extend the deployment of the following contributions to 30 November 2022:
- 55.1 two NZDF strategic analysts to ^{s6(a)} in the UK to support intelligence requirements;
- 55.2 four NZDF intelligence analysts to the ^{s6(a)} the UK to support intelligence requirements; and
- 55.3 the use of a New Zealand-based Open-Source Intelligence Team (OSINT) capability to support intelligence requirements.¹⁵
- 56 In addition to these contributions, on 28 June 2022 Cabinet also agreed to enhance the contribution by deploying a further ^{s6(a)} analysts to the UK.¹⁶
- 57 The 12 analysts have added to the analytical output and enhanced the resilience of ^{s6(a)} The New Zealand-based OSINT has provided partners in different time zones with overnight analysis and updates of intelligence, allowing those partners to better manage their own resources. It is anticipated that the demand for partner intelligence support will remain constant throughout this conflict, even with the potential reduction in on-the-ground military activity during the winter period.
- 58 The proposal for a continuation of the ^{s6(a)} deployment maintains the current scope of employment and ensures legal compliance within the existing authority.^{s6(a)}

s such, the actions undertaken by

^{s6(a)} personnel deployed remain consistent with New Zealand law.

59 ^{s6(a)}

¹⁵ CAB-22-MIN-0098 refers.

¹⁶ CAB-22-MIN-0243 refers.

NZDF personnel would be based in the UK and at no time would they enter the territories of Russia, Belarus or Ukraine.

Liaison contribution

60 Under Option One, Cabinet is asked to consider extending the existing liaison support of three personnel from 30 November 2022 to 30 June 2023.

61 On 28 June 2022, Cabinet agreed to extend the deployment of the following personnel to 30 November 2022:

61.1 one Liaison Officer to augment the existing Defence Attaché and New Zealand Military Representative to NATO to help manage the volume of messaging and engagement occurring in response to the Russian invasion; and

61.2 one Liaison Officer to the UK's Permanent Joint Headquarters to assist with maintaining New Zealand's engagement with partners and understanding of their responses.

62 s6(a)

63 To date the Liaison Officers have provided significant value through physical attendance at engagements in Europe and provided an important visible New Zealand presence, without adding to the heavy workload of other European-based personnel or diplomats. Extending their mandate would ensure that New Zealand remains engaged with international efforts and that our response continues to be co-ordinated with partners, which is a key principle underpinning our support to Ukraine.

Logistics support

64 Under Option One, Cabinet is asked to consider recommencing logistics support of 4 personnel from 30 November 2022 to 30 June 2023.

65 On 11 April 2022, Cabinet approved the deployment of:

65.1 an NZDF C-130H Hercules aircraft and 50 personnel to Europe to assist with the transportation and distribution of donated aid to Ukraine to 17 June 2022; and

65.2 eight NZDF logistics specialists to the IDCC in Europe to assist with the processing and handling of donated military aid to 30 June 2022.

66 On 28 June 2022, Cabinet agreed to extend the deployment of four logistics specialists to 31 August 2022 to help the IDCC^{s6(a)} All personnel have returned to New Zealand.

67 While the IDCC's role is primarily to manage the flow of military equipment into Ukraine, s6(a)

68 The NZDF's contribution was valued and appreciated by the IDCC and the NZDF has been asked to consider deploying personnel to fill staff officer and planning roles in the s6(a) IDCC.¹⁹ The envisaged roles would be in line with the previous NZDF contribution. The headquarters are co-located in Weisbaden, Germany, and at no time would NZDF personnel enter the territories of Russia, Belarus or Ukraine.

Infantry training

¹⁷ s6(b)(i)

¹⁸ By Cabinet on 15 August 2022, CAB-22-MIN-0243 and CAB-22-MIN-0317 refer.

¹⁹ The NZDF has received direct feedback from IDCC members, including the Commander that New Zealand's presence and expertise was valued and would be welcomed again.

- 69 Under Option One, Cabinet is asked to consider the deployment of one training team of 66 NZDF personnel (a reduction from the two teams currently) to the UK to continue training members of the AFU from 30 November 2022 to 31 July 2023.
- 70 On 15 August 2022 Cabinet approved the deployment of two training teams totalling up to 120 personnel to the UK to support infantry training.²⁰
- 71 The current ^{s6(b)(i)} programme will conclude in mid-December 2022, and the NZDF teams are on track to complete their approved training programmes by 30 November 2022. The NZDF has made a meaningful, visible and highly credible contribution through the provision of respected, professional and skilled personnel, who have supported Ukraine through the training of personnel in core soldier skills. A summary of the NZDF's contribution to ^{s6(b)(i)} is attached at Annex C.
- 72 The UK has confirmed that ^{s6(b)(i)} will continue beyond the current programme of 10,000 trainees, with a new training programme (matching the syllabus of the previous programme) commencing in January 2023. ^{s6(b)(i)}
- UK Defence officials have invited New Zealand to contribute to ^{s6(b)(i)} of the proposed ^{s6(b)(i)} programme in 2023.
- 73 The training cycles are tentatively scheduled to take place from ^{s6(a)} and would comprise ^{s6(a)} This would involve ^{s6(a)} NZDF personnel. As this activity would span two consecutive FY's there is a cost of \$5.354M in FY 2022/23 and \$2.099M in FY 2023/24. ^{s9(2)(f)(iv)}
- 74 This deployment would be a continuation of the same training programme approved by Cabinet in August 2022 with training again to be conducted in the UK. At no time would NZDF personnel enter the territories of Russia, Belarus or Ukraine. The reduction from two training teams to one is to enable a sustained contribution through 2023, ^{s6(a)}
- Officials assess that a reduction to a single training team will not erode New Zealand's credibility, and would be welcomed by partners.

Command and administration support

- 75 Should Cabinet agree to Option One, officials recommend the deployment of a command and administration support element to Europe from 30 November 2022 to 31 July 2023.
- 76 This team would consist of up to eight personnel to provide administrative support and oversight to NZDF personnel deployed to Europe in support of Ukraine's self-defence.²¹ The mandate to 31 July 2023 is to provide support to the ^{s6(b)(i)} deployment. Recent Ukraine support has placed additional pressure on existing London-based Defence personnel where staff structures are not resourced to support continued NZDF personnel contributions within Europe. Additionally, the deployment of a support element would help the flow of information from in-theatre operations to headquarters NZDF, in line with recommendations from the Expert Review Group Report. It is likely any support team would be based from the UK, however subject to confirming any arrangements the team may be located elsewhere in Europe. At no time would NZDF personnel enter the territories of Russia, Belarus or Ukraine.

Benefits and risks of Option One

Benefits	Assessment
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²⁰ CAB-22-MIN-0317 refers.

²¹ Roles would likely include; two personnel in command roles, and up to six staff, members to provide administrative and functional support, such as legal, communications and administration.

Support of the international rules-based system	Continuing our current levels of military support will enhance New Zealand's position as a strong supporter of the international rules-based system, guided by our independent foreign policy.
Partner perceptions	Maintaining our deployments in support of Ukraine will boost New Zealand's reputation as a responsive and values-based international player, seeking to make meaningful contributions to support Ukraine and partner efforts where possible.
NZDF morale	Deployments of this nature are likely to enhance morale and have a positive effect on those NZDF personnel involved.

Risks	Assessment
s6(a), s9(2)(f)(iv)	

Change in baseline assumptions	Should the conflict evolve to a stage where our assumptions about supporting Ukraine change and affect New Zealand's interests, then subject to Cabinet's decisions the Minister of Defence could withdraw NZDF personnel from the proposed deployments, on the advice of the Chief of Defence Force.
Training human rights assessment	Should officials be made aware of specific or substantial information which indicates a human rights breach may occur as a consequence of our training support, the training would be suspended and if the resulting risk was substantiated, officials would revert to Cabinet before training resumed.

s6(a)

Assessment of NZDF options against the Strategic Framework

77 The proposed NZDF options meet the criteria in the Strategic Framework. Detailed analysis of these options against the Framework criteria is in Annex B.

Potential for early return to New Zealand

78 While a defined deployment timeframe has been specified for each NZDF commitment, given the uncertainties of this conflict, it is possible that NZDF support may no longer be required during the duration of the mandate. Additionally, the conflict may evolve to a stage where our assumptions surrounding military support change, and affect New Zealand's interests. Cabinet is asked to consider authorising the Minister of Defence to

reduce the NZDF contributions, on advice from the Chief of Defence Force and return them to New Zealand, should support no longer be appropriate to the situation or required by Ukraine or partners. The Minister of Foreign Affairs would be notified.

Financial Implications

Vote Foreign Affairs

79 s9(2)(g)(i)
 MFAT’s operating budget is already managing cost pressures and new diplomatic initiatives from a flat operating budget baseline and has only been able to do so by a combination of squeezing budgets, s6(a) and one-off lower expenditure due to the impact of COVID-19. This approach is unsustainable as the tempo of diplomatic activity reverts to pre-COVID levels and, if unmitigated, increasing funding shortfalls are forecast from FY 2023/24.

80 MFAT’s starting budget for FY 2022/23 included some contingency for cost pressures but the increased support for Ukraine was not fully anticipated at that time. The Ministry’s internal budget update is currently under way. s9(2)(g)(i)

81 s6(a)

82 s6(a)

83 The below table summarises the Vote Foreign Affairs bids.

Summary of Vote Foreign Affairs Bids	(\$NZ million) FY 2022/23
s6(a)	
Military: NATO Trust Fund	1.850
Food Insecurity: Support to World Food Programme	1.850
Sub-Total	s6(a)
s6(a)	

NZDF options

84 s9(2)(f)(iv)

Option One – extend and enhance NZDF support and increase Vote Defence Force baseline (recommended)

85 This option would cost an estimated \$10.206M in FY 2022/23 and \$2.328M in FY 2023/24. s9(2)(f)(iv)

86 s6(a), s9(2)(f)(iv)

87 s6(a)

88 s9(2)(f)(iv), s9(2)(g)(i)

89 These deployments are not declared to be qualifying operational service under the Veterans' Support Act; therefore, there is no impact on the veterans' support entitlement obligation.

90 The following table provides financial estimates for the activities Cabinet has been asked to consider.

NZDF deployments			
Estimated Direct Costs	(NZ \$million)		
	2022/23	2023/24	Total
<u>Option One</u>			
• Intelligence	2.496	0.000	2.496
• Liaison	0.554	0.000	0.554
• Logistics	0.753	0.000	0.753
• Training	4.800	2.099	6.899
• Command/admin	1.603	0.229	1.832

²² Recent NZDF contingency operations include: Support to Australian bushfires - \$0.092M, Papua New Guinea COVID-19 Support - \$0.089M, Solomon Islands Support - \$1.101 M, and Pacific Relief in Tonga - \$2.347 M.

Total cost	10.206	2.328	12.534
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s9(2)(f)(iv)

Legal Considerations

- 91 The options discussed in this paper are consistent with international law, and with state practice in the wider international community. Under the UN Charter, New Zealand is entitled to provide support to Ukraine to act in self-defence in response to Russia's aggression. This proposal does not present a significant risk of being a party to a conflict. Operational parameters for any support will be tailored to ensure compliance with New Zealand's legal obligations. The NZDF will ensure that any assistance provided will be consistently monitored to ensure compliance.
- 92 **Status of forces and application of host nation law.** The legal basis for all of the NZDF deployments is with the permission of the host Government. 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.
- 93 **Health and Safety at Work Act 2015.** This activity is an operational activity as defined by section 7(4) (a) (ii) of the Act. The activity is to be carried out by the Armed Forces overseas, and should it be approved, will constitute an activity to which the Government of New Zealand wishes to provide assistance. Therefore, the provisions of the Health and Safety at Work Act will not apply.
- 94 **Human rights risk assessment.** New Zealand is obligated under international law to not aid or assist (or be complicit in) an internationally wrongful act by another State, such as acts of torture. The legal standard for complicity is high and officials assess it unlikely New Zealand's actions would meet it.
- 95 s6(a)

There

is no evidence to-date that the AFU are conducting themselves unlawfully in the conflict. There is nothing specific or substantial to indicate a human rights breach may occur.

Threat Assessment

- 96 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)}

Consultation

- 97 This paper was jointly prepared by the New Zealand Defence Force, the Ministry of Defence and the Ministry of Foreign Affairs and Trade. [The Treasury], Government Communications Security Bureau and Department of Prime Minister and Cabinet were consulted.

Next Steps, Communications and Proactive Release

- 98 If Cabinet agrees, New Zealand's further assistance to Ukraine and the deployment of personnel will be publicly announced with an appropriate level of detail regarding the nature of the support. The paper will be proactively released in due course.

Recommendations

The Ministers of Foreign Affairs and Defence recommend that Cabinet:

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1. **Note** Ukraine continues to engage in an existential struggle in the face of Russia's illegal invasion and will face additional military, economic and social challenges in the coming winter months.
2. **Note** that New Zealand contributions across the three pillars of economic, diplomatic and military assistance continue to be strongly welcomed and acknowledged by Ukraine and key partners.
3. **Note** that continuing to provide assistance across the economic, diplomatic and military pillars will illustrate New Zealand's commitment to sustaining Ukraine's self-defence and upholding the international-rules based system.
4. **Note** that the mandates for existing New Zealand Defence Force deployments in support of Ukraine's self-defence expire on 30 November 2022.
5. s6(a)
6. **Note** that the options outlined in this paper would ensure that New Zealand continues to provide a tangible and credible level of support to Ukraine over the coming months.
7. **Note** that all options outlined in the paper have been assessed against the Strategic Framework agreed by the Cabinet in June 2022 [CBC-22-MIN-0034].
8. s9(2)(f)(iv)
9. **Direct** officials to report back on New Zealand's assistance to Ukraine^{s9(2)(f)(iv)}

Vote Foreign Affairs

s6(a)

Proactively Released
by the Minister of Foreign Affairs

18. s6(a)

funded from the MFAT baseline.

s6(a)

- 22. **Agree** a contribution of \$1.850M to the North Atlantic Treaty Organisation Trust Fund to support the wellbeing of the Armed Forces of Ukraine personnel ahead of Ukraine’s winter.
- 23. **Agree** a contribution of \$1.850M to the World Food Programme to address global food insecurity which has been exacerbated by Russia’s invasion of Ukraine.

s6(a)

25. **Approve** the following changes to appropriations to provide for the decisions in recommendations 21-23 above, with no impact on the operating balance and/or net core Crown debt across the forecast period.

Vote Foreign Affairs Minister of Foreign Affairs	\$m – increase / (decrease)	
	2022/23	2023/24 & outyears
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)	s6(a)	
		-

s6(a)

26. **Agree** that the proposed change to appropriations for 2022/23 above be included in the 2022/23 Supplementary Estimates and that, in the interim, the increase be met from Imprest Supply.

New Zealand Defence Force options

27. s6(a)

28. **Note** the benefits and risks of the proposed New Zealand Defence Force options.

29. **Note** that the New Zealand Defence Force is facing substantial cost pressures that have arisen over the past three years and above the operating funding provided in the New Zealand Defence Force Baseline Review 2019.

30. s6(a), s9(2)(f)(iv)

- 31. **Note** that officials anticipate that there will be unforecast contingency events in our region, such as extreme weather events, before the end of Financial Year 2022/23.
- 32. **Authorise** 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.
- 33. **Note** that the threat to New Zealand Defence Force personnel operating throughout Europe is considered to be s6(a)

Option One - extend and enhance NZDF support and increase Vote Defence Force baseline (recommended)

- 34. **Agree** to extend the New Zealand Defence Force intelligence, logistics, and liaison support from 30 November 2022 to 30 June 2023, and deploy a command and administration team and extend infantry training support from 30 November 2022 to 31 July 2023 including:
 - 34.1. Extending and enhancing the deployment of 12 intelligence analysts to the United Kingdom.
 - 34.2. Deploying two additional intelligence personnel to the United Kingdom to support s6(a)
 - 34.3. Extending the use of the New Zealand-based open-sourced intelligence capability to support partner intelligence requirements.
 - 34.4. Extending the deployment of three New Zealand Defence Force liaison officers to the United Kingdom, Belgium, and Germany.
 - 34.5. Extending the deployment of four New Zealand Defence Force logistics personnel to the s6(a) International Donor Co-ordination Centre in Germany.
 - 34.6. Extending the deployment of a New Zealand Defence Force training team of up to 66 personnel to the United Kingdom to train members of the Armed Forces of Ukraine.
 - 34.7. Deploying a New Zealand Defence Force command and administration team of up to eight personnel to Europe to provide support to deployed personnel throughout Europe supporting Ukraine’s self-defence.
- 35. **Note** that the total estimated costs of Option One is \$10.206M in Financial Year 2022/23 and \$2.328M in Financial Year 2023/24.
- 36. s9(2)(f)(iv)
- 37. **Approve** the following changes to appropriations to give effect to the policy decision in recommendation 38 above, with a corresponding impact on the operating balance and/or net debt:

	\$m – increase/(decrease)				
Vote Defence Force Minister of Defence	2022/23	2023/24	2024/25	2025/26	2026/27 & outyears

RESTRICTED

Departmental Output Expenses: Operations contributing to New Zealand's Security, Stability, and Interests (MCA (M22)(A27) <i>Military Operations in Support of a Rules-Based International Order</i> (funded by Revenue Crown)	s9(2)(f) (iv)	-	-	-	-
Total Operating		-	-	-	-

38. **Agree** that the proposed change to appropriations for Financial Year 2022/23 above be included in the Financial Year 2022/23 Supplementary Estimates and that, in the interim, the increase be met from Imprest Supply.
39. **Agree** that the expenses incurred under recommendation 41 above be a charge against the between-Budget contingency established as part of Budget 2022.
40. s6(a), s9(2)(f)(iv)

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 Contributions

Date	Topic	Announcement	Value of assistance NZ\$ million			Status
			Military	Economic	Diplomatic	
	Total	45.802	33.827	8.750	3.215	
15 August	Military	Deployment of two infantry training teams (120 personnel) to the UK to support s6(b)(i) and train up to 800 members of the AFU	4.366			Deployment underway.
15 August	Military	Extending the deployment of the NZDF liaison officer to s6(a) to 30 November	0.060			Deployment underway.
27 June	Diplomatic	Contribution of \$600,000 to the International Criminal Court and announce New Zealand's intention to intervene in the ICJ case against Russia			0.600	Paid.
27 June	Diplomatic	Secondment of a senior NZ military officer to support the International Criminal Court investigations			0.800	Scoping activity is underway.
27 June	Military	s6(a) upgrade for 400 s9(2)(b)(ii) radios previously supplied to Ukraine	0.100			Upgrade provided to Ukraine Armed Forces.
27 June	Military	Deploying an additional liaison officer to s6(a) for two months	0.045			Deployment is under way.
27 June	Military	Extending the deployment of two NZDF liaison officers to Belgium and the UK to 30 November	0.209			Deployment is under way.
27 June	Military	Extending the deployment of four NZDF logistics specialists in s6(a) to 31 August	0.376			All personnel have returned to New Zealand.
27 June	Military	A further six NZDF s6(a) analysts deployed to the UK by 30 November	0.568			Deployment is under way.
27 June	Military	Extending the deployment of six NZDF intelligence analysts to the UK and the	0.571			Deployment is under way.

R E S T R I C T E D

Date	Topic	Announcement	Value of assistance NZ\$ million			Status
			Military	Economic	Diplomatic	
		use of NZ based open-source intelligence capability to 30 November				
27 June	Military	\$4.5 million to the NATO Trust Fund for non-lethal military assistance	4.500			Paid.
9 June	Economic	\$750,000 contribution to USAID project supporting Ukraine's cyber resilience		0.750		Delegated cooperation agreement has been finalised with USAID and funding paid. New Zealand contribution announced on 26 July.
23 May	Military	Artillery Training team, surplus equipment and training ammunition.	1.205			Training has been completed and all personnel have returned to New Zealand. 288 Ukrainian soldiers were trained over the course of this deployment.
3 May	Economic	\$2 million to New Zealand Disaster Response Partnership NGOs.		2.000		Paid. Approved activities cover a range of interventions including cash based assistance, education, psychosocial support and food security. Activities are with partners operating in Moldova, Poland or Romania. With the scaled up activities the total round to be approved is NZ\$1,934,857.
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 over 50 operational flights from 11 countries to logistics nodes in s6(a) The aircraft has flown 132 flying hours and transported 255,372kg of stores and 98 passengers. The aircraft and supporting crew have now returned to New Zealand.
11 Apr	Military	Eight NZDF logistics specialists based in s6(a)	0.575			The NZDF logistics specialists have embedded in the International Donor Coordination Centre in s6(a) 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	Paid.

R E S T R I C T E D

R E S T R I C T E D

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	Paid (\$400,000 to the ICC Office of the Prosecutor; \$100,000 towards the costs of external legal counsel for New Zealand's intervention in Ukraine's ICJ case).
28 Mar	Military	Nine New Zealand Defence Force personnel to the United Kingdom and Belgium, to support intelligence and engagement work.	0.656			Intelligence—The NZDF analysts have integrated seamlessly with s6(a) and provided a meaningful contribution to the analytical output and resilience of s6(a) 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.
26 Mar	Diplomatic	\$315,000 to help the International Criminal Court's urgent resource needs.			0.315	Paid.
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 s9(2)(b)(ii) equipment.	5.000			NATO Trust Fund contribution paid. s9(2)(b)(ii) have been delivered.
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.

R E S T R I C T E D

Operation Tieke: Infantry Training



TE OPE KĀTUA O AOTEAROA
DEFENCE FORCE



MANATŪ KAUPAPA
WAONGA
NEW ZEALAND
MINISTRY OF DEFENCE

New Zealand's value add: *This deployment is a substantive, tangible and welcome contribution to the international effort to support Ukraine's urgent needs. Our training support has demonstrated New Zealand is willing and able to help the international response to support Ukraine's self-defence efforts and has strengthened our relationship with partners.*

Key facts

- 120 Army personnel deployed to the UK
- Two infantry training teams
- Training conducted at s6(b)(i)
- The UK has invited us to continue our support throughout 2023

Kiwi Team One rotations

- Course One: 11 September to 15 October
- Course Two: 21 October to 24 November

Kiwi Team Two rotations

- Course One: 13 September to 17 October
- Course Two: 23 October to 27 November

An exciting opportunity for our people

s9(2)(a)

Officer Commanding Kiwi Team 2 said: "Operation Tieke has been a positive opportunity for us and directly ties to the regeneration of our combat corps skills sets and junior leadership. Our soldiers are displaying innovation and dedication in their lesson preparation and delivery because they understand how important this training is for our training audience and they know there is no chance for future rehearsals at the completion of the course."



This deployment also provided an opportunity to learn and improve the NZDF systems of training and tactics, he said. "We are trench novices and thought this was a style of warfare that was a thing of the past. This recent conflict has highlighted that's not the case, and we have lots to learn about how to enhance our own tactics and procedures should we be involved in future conflicts involving this style of warfare."



Purpose:

- In June, the UK commenced training Armed Forces of Ukraine (AFU) recruits through s6(a) s6(b)(i)
- Canada, the Netherlands, Sweden, Finland and Denmark and other partners are also contributing personnel.
- The training consists of an intense and high tempo five-week training programme which maximises the amount of time in the day to deliver training.
- The training includes weapon handling, operational law, field-craft, medical treatment, offensive and defensive operations, and marksmanship.

New Zealand contribution:

- The NZDF personnel were some of the first international troops to join the UK in delivering the courses.
- The UK Armed Forces have said that New Zealand's training support has "added hugely to the quality of training, and significantly increased [UK] capacity".
- They have been impressed by the NZDF personnel's enthusiasm, flexibility and dedication.

Benefits:

- The UK is on track to meet their target of training 10,000 AFU personnel before the end of 2022.
- The work of the Kiwi teams has enhanced the Ukrainian soldiers' ability on the battlefield, and their training is having a positive impact for both the Ukrainian trainees, British peers and Kiwi soldiers.
- Partners regularly acknowledged New Zealand's support in this area during engagements, particularly during the monthly Ministerial-led Ukraine Contact Group.
- s6(b)(i)

NZDF soldiers hitting the ground running

s9(2)(a)

said the team got underway shortly on arrival in the UK. "We have hit the ground running and are well underway in the delivery of our first course. So far, we have delivered training on weapon handling, medical training, Law of Armed Conflict, and conducted two field exercises focusing on section offensive operations and field-craft."

