

6 May 2024

Requesters name redacted for proactive release

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OIA 29027

Tēnā koe ^{Requesters name redacted for proactive release}

I refer to your email of 16 January 2024 in which you request the following under the Official Information Act 1982 (OIA):

I request all advice given to ministers (between 1 December 2023 and 12 January 2024) about making the attached statement, and the decision to sign NZ to the accompanying statement from the White House: <https://www.beehive.govt.nz/release/nz-support-strikes-against-houthis>

On 14 February 2024, the timeframes for responding to your request were extended by an additional 55 working days because responding to your request necessitated the review of a large quantity of information, and due to the consultations necessary to make a decision on your request. (Section 15A(1) of the OIA refers).

The information relevant to your request is attached. We have withheld some information under the following sections of the OIA:

- 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)(a): to protect individuals' privacy;
- 9(2)(g)(i): to protect the free and frank expression of opinions by departments;
- 9(2)(g)(ii): to protect officers and employees from improper pressure or harassment;
- 9(2)(f)(iv): to protect the confidentiality of advice tendered by Ministers of the Crown and officials; and
- 9(2)(h): to maintain legal professional privilege.

Where the information has been withheld under section 9 of the OIA, we have identified no public interest in releasing the information that would override the reasons for withholding it.

In addition, the document titled "*Informal Note – United States request for New Zealand support for action against the Houthis*", dated 10 January 2024, includes one paragraph that is in scope of your request. This paragraph is excerpted below (section 16(e) refers). Some information is being withheld under sections 6(a) and 6(b)(i) of the OIA:

If Ministers decided not to pursue a deployment option, ^{s6(a), s6(b)(i)}
It is possible there might be
a further joint statement before taking military action, which New Zealand could choose to join. In the event of subsequent military action, Ministers could either issue their own media statement or make remarks to the press conveying New Zealand's support.

Please note that it is our policy to proactively release our responses to official information requests where possible. Therefore, our response to your request (with your personal information removed) may be published on the Ministry website: www.mfat.govt.nz/en/about-us/contact-us/official-information-act-responses/

If you have any questions about this decision, you can contact us by email at: DM-ESD@mfat.govt.nz. You have the right to seek an investigation and review by the Ombudsman of this decision by contacting www.ombudsman.parliament.nz or freephone 0800 802 602.

Nāku noa, nā

A handwritten signature in black ink, appearing to be 'SC', written in a cursive style.

Sarah Corbett
for Acting Secretary of Foreign Affairs and Trade

From: s9(2)(g)(ii)
Sent: Thursday, 11 January 2024 11:15 am
To: s9(2)(g)(ii)
Cc:

Subject: RE: Informal Note — United States request for New Zealand support for action against the Houthi

Follow Up Flag: Follow up
Flag Status: Flagged

Security Classification: RESTRICTED

[RESTRICTED]

Thanks s9(2)(g)(ii)

We're in close touch with Defence counterparts and it was agreed yesterday that work would start today on preparing a Cabinet paper. We can meet your Monday deadline.

s6(a)

Following last night's Houthi launch of 21 drones and missiles against commercial shipping in the Red Sea (all successfully intercepted by UK and US destroyers), s6(a), s6(b)(i)

In light of this we consider it prudent to prepare media lines and a draft press statement for consideration (for joint release by the Ministers of Foreign Affairs and Defence), s6(a) s9(2)(g)(i)

Ngā mihi

Out of scope

From: s9(2)(g)(ii)

Sent: Thursday, 11 January 2024 9:51 AM

To: s9(2)(g)(ii)

Cc: s9(2)(g)(ii)

Subject: RE: Informal Note — United States request for New Zealand support for action against the Houthi

Thanks s9(2)(g)(ii). To confirm, this has gone to the PM.

I anticipate the PM (and Ministers) may well ask for a paper for CBC on 17 January. Can I check whether the team would be in position to submit a paper on 15 January? At the Beehive end, the submitting Ministers' offices would need to ask for approval for a late paper.

s9(2)(g)(ii),
s9(2)(a)

Out of scope

From: s9(2)(g)(ii)
Sent: Thursday, 11 January 2024 12:24 pm
To: s9(2)(g)(ii)
Cc: SEED, Chris (CEO); s9(2)(g)(ii)

Subject: RE: Informal Note — United States request for New Zealand support for action against the Houthis

Follow Up Flag: Follow up
Flag Status: Flagged

Security Classification: RESTRICTED

[RESTRICTED]

Thanks s9(2)(g)(ii)

Further to my message below, I've just received a phone call from s9(2)(g)(ii) who just come from the meeting at s6(a) The Post will report by FM shortly, but to give you a brief heads up on the following:

- s6(a)
-
- State is proposing a new joint statement in response to last night's attacks. s6(a)
- s6(a)
-
-

I noted to s9(2)(g)(ii) that we had been working on a joint press statement for Ministers, and that the proposed new joint statement might supplant the need for that. s6(a)

We will consider the joint statement as soon as it's received, and provide you with a recommendation for Ministers.

s9(2)(g)(ii)

From:
Sent:
To:
Cc:

s9(2)(g)(ii)
Thursday, 11 January 2024 6:35 pm
s9(2)(g)(ii)
... s9(2)(g)(ii)
... ; SEED, Chris (CEO); s9(2)(g)(ii)

Subject:

Note for Ministers: recommendation to support US-led statement following military action to protect Red Sea shipping

Attachments:

Draft US Joint Statement.pdf; Informal Note - Options for Statements on Houthi Actions in the Red Sea (January 2024).docx; Draft Joint Ministerial Statement - US Strikes on Houthi targets..docx

Follow Up Flag:

Follow up

Flag Status:

Flagged

Security Classification:

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[RESTRICTED]

Kia ora korua s9(2)(g)(ii)

[Note that a copy of this note will be sent separately to the Office of the Minister of Defence by colleagues from MOD.]

Please find attached a Note on the US request to join a draft statement on the ongoing threat to commercial shipping in the Red Sea posed by the Houthis, and s6(a)

A copy of the proposed US statement is attached.

Also attached is a draft press release for the Ministers of Foreign Affairs and Defence that articulates New Zealand's support. This would be for release shortly after the US-led statement s6(a)

For those reading on their devices, the text of the Note is copied below.

Informal Note — Options for Formal Statements on Houthi Actions in the Red Sea

Recommendation

1. That Ministers agree to join the attached US-led statement to be released following US and UK-led strikes against Houthi-controlled sites in Yemen tied to attacks on commercial shipping in the Red Sea;
2. That Ministers agree to issue a joint press release (Foreign Affairs and Defence) in support of the US-led statement that articulates New Zealand's position

s6(a)

Background

- On 10 January, Houthi forces launched 18 drones and 3 missiles at commercial shipping vessels in the Red Sea. This serious incident follows over two-dozen previous attacks by Houthi forces, including another serious incident on 31 December when Houthi forces fired on US military assets responding to a request for assistance by the Singapore-flagged Maersk Hangzhou vessel, which was under threat of hijacking. In response, the US Navy sunk 3 Houthi vessels and killed 10 militants.
- New Zealand joined a US-led statement of 43 countries on 19 December and a further statement on 3 January condemning Houthi actions and calling on the group to immediately cease its attacks. This followed a United Nation Security Council statement on 1 December condemning the attacks.
- Further background is available in the Informal Note sent to Ministers' Offices yesterday.

Situation

- s6(a) has decided there is now a need to respond militarily to disrupt and degrade the capabilities used by the Houthi to threaten Red Sea trade and the lives of mariners from illegal and unjustifiable attacks.

- s6(a), s6(b)(i)

The US describes the legal

basis for these strikes as being in self-defence, including collective self-defence, and consistent with the UN Charter.

- Houthi attacks on commercial shipping are clear breaches of international law.

- s6(a), s6(b)(i)

- In addition, a United Nations Security Council Resolution was adopted this morning NZT. The resolution affirms that the exercise of navigational rights and freedoms by merchant and commercial vessels, in accordance with international law, must be respected, and takes note of the right of Member States, in accordance with international law, to defend their vessels from attacks, including those that undermine navigational rights and freedoms.

New Zealand interests

- s6(a)

-
-
-

Released under the Official Information Act 1982

targeting commercial ships and civilian crews. The Houthi have shown no respect for international law, ^{s9(2)(h)}

○ s6(a)

• s6(a), s6(b)(i)

•

latest US request to join the attached draft statement ^{s6(b)(i)}

In relation to the

Legal considerations

^{s9(2)(h)}

•

•

•

Risks and implications

- Other risks and implications of New Zealand's support for military action against Houthi capability are articulated in the Informal Note. There are also risks associated with not taking action to degrade Houthi capability to launch attacks against commercial shipping. ^{s9(2)(g)(i)}
 - ^{s6(a)}
 -
 -
 - It should be noted that limited military action might degrade but not halt Houthi attacks on commercial shipping and as such this discrete limited military activity may be repeated.
 - ^{s6(a), s9(2)(f)(iv), s9(2)(g)(i)}

Middle East and Africa Division
Ministry of Foreign Affairs and Trade
11 January 2024

From: s9(2)(g)(ii)
Sent: Thursday, 11 January 2024 7:31 pm
To: s9(2)(g)(ii)
Cc: ... s9(2)(g)(ii) SEED, Chris (CEO); s9(2)(g)(ii)

Subject: RE: Note for Ministers: recommendation to support US-led statement following military action to protect Red Sea shipping

Follow Up Flag: Follow up
Flag Status: Flagged

Security Classification: RESTRICTED

[RESTRICTED]

Hi s9(2)(g)(ii)

Thanks for your message regarding Minister Peters views on the US-led statement. We will await the views of Minister Collins.

s9(2)(g)(i)

Understood regarding the Cabinet paper deadlines.

Warm regards

s9(2)(g)(ii)

Out of scope

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From: s9(2)(g)(ii)
Sent: Friday, 12 January 2024 2:07 pm
To: s9(2)(g)(ii)
Cc: ...

Subject: SEED, Chris (CEO); s9(2)(g)(ii)
RE: NZ Joint Ministerial Press Statement

Follow Up Flag: Follow up
Flag Status: Flagged

Security Classification:
IN CONFIDENCE

[IN CONFIDENCE]

Thanks s9(2)(g)(ii)

We're on standby to provide that information as soon as it comes to hand.

Cheers, s9(2)(g)(ii)

From: s9(2)(g)(ii)
Sent: Friday, 12 January 2024 1:46 pm
To: s9(2)(g)(ii)
Cc: ... s9(2)(g)(ii)

Subject: RE: NZ Joint Ministerial Press Statement

Hi s9(2)(g)(ii)

Final media statement agreed by two Ministers is below. s9(2)(g)(i)

Current plan is a 4pm release, subject to anything happening between now and then causing a re-think.

Two things we need from you:

- Link to US-published joint statement.
- List of countries who signed on to it (which should be obvious from the link!)

Thanks,

s9(2)(g)(ii)

s9(2)(g)(i) - 1 page redacted

From: s9(2)(g)(ii)

Sent: Friday, 12 January 2024 12:42 PM

To: s9(2)(g)(ii)

Cc: s9(2)(g)(ii)

Subject: FW: NZ Joint Ministerial Press Statement

[SEEMAIL] [RESTRICTED]

Kia ora s9(2)(g)(ii)

A final draft of the press release is attached. Over to Ministers' Offices at this point.

We will provide further updates on any military action as soon as they are available.

Ngā mihi

s9(2)(g)(ii)

From: s9(2)(g)(ii)

Sent: Friday, 12 January 2024 12:38 pm

To: s9(2)(g)(ii)

Subject: NZ Joint Ministerial Press Statement

[RESTRICTED]

See attached

s9(2)(g)(ii), s9(2)(a)

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Foreign and Defence Ministers' statement on US/UK-led strikes on Houthi-controlled sites in Yemen

Rt Hon Winston Peters
Hon Judith Collins

[Foreign Affairs] [Defence]

Foreign Minister Winston Peters and Defence Minister Judith Collins today expressed support for US/UK-led strikes against Houthi-controlled sites in northern Yemen.

"Houthi attacks in the Red Sea threaten the lives of civilian crew members, as well as freedom of navigation and the free flow of international commerce," the Ministers said.

"As a trading nation, New Zealand takes these attacks seriously. Nearly 15 per cent of global trade flows through the Red Sea and Suez Canal. Supply chain disruption in the Red Sea risks higher costs for New Zealanders, puts at risk exporter deals, and delays getting goods to and from markets in the Middle East, North Africa and Europe."

"New Zealand and its partners have been clear: Attacks against commercial shipping in the Red Sea are illegal, unacceptable, and profoundly destabilising. We have made repeated calls to that effect, including in a joint statement with 43 other nations on 19 December 2023, and a further statement supported by 13 nations on 3 January," Mr Peters said.

"These warnings have not been heeded. The Houthi have only stepped up their attacks, as we saw on 10 January with the launch of 18 drones and three missiles at commercial shipping vessels in the Red Sea. Today's response is the inevitable consequence of their disregard for international law, peace and stability," Judith Collins said.

"The United Nations has also been clear on this issue. The UN Security Council adopted a resolution on 11 January demanding that the Houthis immediately cease their attacks," Mr Peters said.

"New Zealand will continue to stand with the international community in support of maritime security, including safe shipping lanes and the protection of civilian crews."

Editor's note:

- You can find today's joint statement with other governments [here].
- New Zealand did not participate in the US/UK led strikes on Houthi-occupied sites.