

CPC Aide Memoire: New Zealand assistance for Ukraine: Options for further support

Overview

- This joint paper (from the Ministers of Foreign Affairs and Defence) makes the case for New Zealand to provide further assistance to Ukraine at this current phase of the conflict, and presents Cabinet with a package of support options for consideration.
- Cabinet has previously noted New Zealand's national interests in continuing to support Ukraine. These interests remain unchanged, and include ensuring the defence of the international rules-based system, including to avoid precedents being set for similar action by other states; upholding international law in the face of violations; and contributing to ongoing collective security interests.
- Cabinet recently approved a strategic framework to guide New Zealand's decision-making in support of Ukraine and its self-defence in the face of Russia's illegal invasion. Each of the options in this paper aligns with the framework criteria.
- Proceeding with all of the recommended options in this paper would allow New Zealand to provide a comprehensive package of assistance that is balanced across the different domains of support. It would be well aligned with Ukraine's needs at this time, and proportionate and appropriate at this current phase of the conflict. Announcement of this package would form part of the overall set of deliverables for the Prime Minister's upcoming travel to the NATO Summit and European capitals.
- The options presented are consistent with international legal and human rights obligations and can be delivered in a timely and coordinated manner. ^{s6(a)}
- Over the longer-term, Ukraine will need significant international support to recover from the devastation to its infrastructure and its economy. ^{s9(2)(g)(i)}

Summary of recommended support options

Diplomatic

Further support for international legal accountability: 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 that supports the international rules-based system and upholds international law:

- **A further \$600,000 contribution to the International Criminal Court (ICC), to support the ICC Trust Fund for Victims.** 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 helps with the collection of evidence for prosecutions. This would take New Zealand's total financial support to the ICC to \$1.315 million.
- **The secondment to the ICC of a senior NZDF military adviser to support the investigation into war crimes in Ukraine, for up to two years** (based in The Hague). The ICC Chief Prosecutor has specifically sought a New Zealand nominee: ^{s9(2)(a)} who has a unique range of skills and knowledge that would best support the developing investigation. This would be a significant and highly valued contribution to the ICC's work.
- **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 (you and the Minister of Foreign Affairs have previously agreed with officials' advice on this approach).

Military

Additional military assistance funding: Ukraine urgently needs military equipment and supplies as they seek to repel the Russian invasion. The NATO Trust Fund offers an effective channel for providing support, in coordination with international partners:

- (Recommended option) A further contribution to the NATO Trust fund, and carrying over some funding for use in the next financial year, comprised of:
 - **A \$4.5 million contribution to the NATO Trust Fund this financial year** towards priority equipment and supplies (such as first aid kits, pharmaceuticals, fuels and rations);

And

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s6(a)

- **\$100,000 to provide** ^{s6(a)} **upgrades for 400 of the** ^{s6(a)} **radios that New Zealand has previously supplied to Ukraine.** This would ensure that our contribution provides Ukraine with the most effective capability to match their needs.

NZDF Deployments: New Zealand's military deployments (across intelligence, logistics and liaison roles) continue to be highly valued by Ukraine and our key partners leading the international military effort. The proposed deployment extensions and enhancements are

focused on small, high-value contributions of personnel and capabilities to fill specific or in-demand roles.

All of the proposed options are consistent with international legal and human rights obligations, and do not impact on the NZDF's ability to operate in, or respond to, domestic or regional contingencies in the Pacific. None of the proposed options in this paper would see NZDF personnel either armed, or located in Ukraine, Russia or Belarus.

- **Extending from 1 July to 30 November 2022 New Zealand's existing intelligence contributions** (five NZDF intelligence analysts deployed ^{s6(a)} in the UK; and the use of the New Zealand-based open-source intelligence capability to support partner intelligence requirements).
- **Enhancing the New Zealand's intelligence contribution by deploying, from 1 July to 30 November 2022, a further six ^{s6(a)} intelligence analysts.** This responds to a UK request (see Annex C for additional detail).
- **Extending from 1 July to 31 August 2022 the deployment of four logistics specialists,** to assist with the UK-led International Donor Coordination Centre (IDCC) ^{s6(a)}
- **Extending from 1 July to 30 November 2022 the deployment of two NZDF liaison officers to Belgium and the UK,** to continue providing New Zealand with insights of partner actions and activity.

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Economic:

- Sanctions: New Zealand will continue to apply sanctions against Russian entities and individuals under the current legislative framework.
- ^{s9(2)(g)(i)}

Officials intend to provide Ministers with further advice on options for possible longer-term support in the coming months.