



URGENT

6 April 2022

Minister of Foreign Affairs

For information by

7 April 2022

PROPOSED SUSPENSION OF RUSSIA FROM THE UNITED NATIONS HUMAN RIGHTS COUNCIL

BRIEFING Overview Submission

PURPOSE To update you on the proposed suspension of Russia from the UN Human Rights Council and Aotearoa New Zealand planned action in support of the UN General Assembly resolution proposing suspension.

Tukunga tūtohua – Recommended referrals

Prime Minister

For information by

21 April 2022

Associate Minister of Foreign Affairs

For information by

21 April 2022

Taipitopito whakapā – Contact details

NAME	ROLE	DIVISION	MOBILE PHONE
s9(2)(g)(ii)	Unit Manager	United Nations, Human Rights and Commonwealth Division	s9(2)(a)
	Senior Policy Officer	United Nations, Human Rights and Commonwealth Division	

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

 Approved Noted Referred Needs amendment Declined Withdrawn Overtaken by events See Minister's notes

PROPOSED SUSPENSION OF RUSSIA FROM THE UNHRC

Pito matua – Key points

- The United States has announced that it intends to introduce a resolution to the United Nations General Assembly (UNGA) to suspend Russia's membership of the Human Rights Council and intends to bring it to a vote on 7 April (New York time).
- Russia was elected to serve a three year term on the 47 member UN Human Rights Council commencing 1 January 2021 in very different circumstances than exist today.
- New Zealand agrees that Russia meets the test for suspension set out in the UNGA resolution establishing the UN Human Rights Council (a member may be suspended if it "commits gross and systematic violations of human rights").
- This is especially true in the context of recent reports of civilian killings and other atrocities in Bucha, Ukraine. Aotearoa New Zealand has co-sponsored the resolution, in line with existing policy.
- UNGA has only taken the step to suspend a country member of the UN Human Rights Council once before - when it suspended Libya in 2011. However in that case the resolution was adopted by consensus. This will be the first time such a question comes to a vote, and may be seen as a precedent.
- To suspend Russia will require the US resolution to attract a 2 to 1 ratio of "Yes" to "No" votes. We anticipate this will be challenging, notwithstanding the merits of the proposal.
- s6(a)

They could gather enough "No" votes to defeat the resolution.
- s6(a)
- While there is a risk the resolution could be defeated, now that the US has publicly announced it is pursuing this, ^{s6(a)}



Deborah Geels
for Secretary of Foreign Affairs and Trade

PROPOSED SUSPENSION OF RUSSIA FROM THE UNHRC

Tūtohu – Recommendations

It is recommended that you:

- | | | |
|---|---|-----------------|
| 1 | Note that the United States will introduce a resolution to the United Nations General Assembly imminently to seek to suspend Russia's membership of the United Nations Human Rights Council. | Yes / No |
| 2 | Note that Aotearoa New Zealand has co-sponsored the proposed resolution in line with existing policy. | Yes / No |
| 3 | Note that Aotearoa New Zealand will lobby Pacific capitals and Pacific missions in New York in support of the resolution. | Yes / No |
| 4 | Refer a copy of this submission to the Prime Minister and the Associate Minister of Foreign Affairs. | Yes / No |



Hon Nanaia Mahuta
Minita Take Aorere / Minister of Foreign Affairs

Date: 06 / 04 / 2022

Minister's comments

Aide Memoire: Additional Assistance to Ukraine: Funding Options

Purpose of this Paper

- The Cabinet paper *Additional Assistance to Ukraine: Funding Options* recommends options for lethal and non-lethal support to Ukraine's military, as well as support to international human rights monitoring and accountability mechanisms, and humanitarian assistance for Ukraine.
- s6(a), s9(2)(g)(i)
- The paper sets the strategic context for, and complements in substance, an accompanying Cabinet paper *New Zealand Defence Force Support to Ukraine's Self Defence: Updated Options* that proposes additional New Zealand Defence Force (NZDF) assistance to Ukraine's military.

Situation Update

- The conflict is at a critical stage. Ukraine's committed resistance has halted, and in some areas, reversed, Russia's military advances.
- Provision of military support to date has significantly aided Ukrainian forces to resist the illegal Russian invasion and is viewed as vital for Ukraine's continued military resistance. Many countries that we would consider likeminded, including Canada, Germany, Denmark, Finland, Norway, Spain and Sweden have provided lethal assistance.
- s6(a), s6(b)(i)
 - Many are providing lethal aid for the first time in decades. Sweden has abandoned its doctrine of military neutrality and has provided US\$150m of military aid, including anti-tank weapons and ballistic protection. Norway is providing lethal aid for the first time in 60 years.
 - Australia has committed \$96m in lethal military assistance alone. Japan has provided US\$100m in humanitarian and non-lethal military aid, ^{s6(a)} Ireland has provided €20 million in humanitarian and non-lethal aid as it similarly has a longstanding policy of 'military neutrality' (but is a de facto contributor of lethal aid through their EU membership).

Rationale for Further New Zealand Contributions

- As outlined in previous advice, Russia's invasion fundamentally challenges the international rules-based system, and potentially sets a precedent for similar action by other states. It has further degraded our strategic environment. The invasion is seen as a pivotal defining point in the future of European security and stability.

- Consistent with Article 51 of the United Nations Charter, New Zealand is entitled to provide both lethal and non-lethal aid to Ukraine to act in self-defence in response to Russia's aggression. In the context of such a war of self-defence, the provision of lethal support saves Ukrainian lives (both military and civilian) and is consistent with New Zealand values.
- New Zealand has previously provided aid to support a country's self-defence where there has been a breach of international law through the provision of military assets (e.g. Gulf War, 1991). There is a strong case for making this commitment now due to: the unprovoked nature of the attack; Russia's failure to engage with significant efforts to address its concerns through diplomacy and dialogue; Russia's asymmetric military power (nuclear power and UN Security Council veto); and the significant consequences borne by the Ukrainian population due to this egregious attack.
- s6(a), s6(b)(i)

Lethal Assistance to Ukraine's Military

- Officials recommend the purchase of \$7.5m in equipment through the UK. ^{s6(b)(i)}
It would allow New Zealand's support to meet the immediate needs of Ukraine (primarily arms and ammunition), and would utilise existing distribution systems (thereby ensuring timeliness).
- New Zealand's funding would provide Ukraine's Armed Forces with additional resource; it would not displace already-planned UK activities. The UK could provide written assurance of steps taken to ensure defence capabilities provided via donor funding would not be used to commit an internationally wrongful act.

- s9(2)(g)(i)

Non-Lethal Assistance to Ukraine's Military

- s9(2)(g)(i)

s9(2)(g)(i)

Human Rights and Legal Accountability

- Officials recommend providing a total of \$1.5 million in support to initiatives that promote accountability and awareness of human rights and legal violations taking place in Ukraine. This would be in two parts:
 1. A **contribution of \$1 million to the Office of the High Commissioner for Human Rights (OHCHR)** for its work on human rights monitoring and accountability in Ukraine.
 2. **Earmarking \$500,000 for international legal responses** to the situation in Ukraine. This could take the form of additional support to the International Criminal Court and/or to the International Court of Justice case lodged against Russia. Further advice on the specific allocation of this \$500,000 in earmarked funding would be provided.

Humanitarian Assistance

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

s6(a), s9(2)(g)(i)

Aide Memoire: Additional Assistance to Ukraine: Options

Purpose of this paper

This paper outlines a range of options for further assistance to Ukraine. It makes the case for consideration of further military assistance in addition to humanitarian, human rights, and legal response support.

s6(a)

Situation update

- The conflict is at a critical stage. Ukraine's committed resistance has halted, and in some areas, reversed Russia's military advances.
- Provision of military support to date has significantly aided Ukrainian forces to resist the illegal Russian invasion and is viewed as vital for Ukraine's continued military resistance. Many countries that we consider likeminded, including Australia, Canada, Germany, Denmark, Finland, Norway, Spain and Sweden have provided lethal assistance.
- Ukraine has asked New Zealand (through NATO and bilaterally including to the Minister of Defence) to provide military support to the Armed Forces of Ukraine (AFU). The AFU are requesting a very diverse range of arms, ammunition and military equipment.

Rationale for further New Zealand contributions

- Ukraine will require additional support in order to sustain its self-defence and ^{s9(2)(g)(i), s6(a)}
- New Zealand's support should be considered as a package of responses that are timely, in step with commensurate actions of international partners, and where practicable as a value-add to the international effort to use diplomacy to broker an end to war, effect a durable outcome, and hold perpetrators to account.

Proposed options

- The assistance options proposed in this paper are to:
 1. deploy an NZDF C-130H Hercules transport aircraft to Europe to assist with the transportation and distribution of donated military aid to Ukraine

2. deploy an NZDF logistics support team to the International Distribution Coordination Centre (IDCC)
 3. pay for access to commercial satellite imagery for Ukrainian Defence Intelligence. The proposed \$4.129 million spend^{s6(a)}
 4. provide financial support to initiatives that:
 - promote accountability and awareness of human rights and legal violations taking place in Ukraine, through the Office of the High Commissioner for Human Rights (OHCHR) (NZD 1 million) and
 - support international legal responses, potentially including further funding to the International Criminal Court's investigation (NZD 500,000)
 5. Earmark a further NZD 4 million for further humanitarian response contributions intended to be distributed through the likes of World Food Programme, UN Population Fund, UNICEF, the International Committee of the Red Cross, the Ukraine Humanitarian Fund, the United Nations High Commissioner for Refugees (UNHCR) and New Zealand humanitarian NGOs (working in coordination with their partners on the ground).
 6. Direct military assistance, potentially including:
 - a further NZD4 million contribution to the NATO Trust Fund:
 - the purchase of weapons and ammunition through the UK (up to NZD 7.5 million).
- The paper has grouped these options together as two packages for ease of consideration. Ministers could choose any other combination of options that they consider appropriate.