

21 December 2021

Minister of Foreign Affairs

For action by

23 December 2021

Ukraine/Russia: Update on the mounting crisis

BRIEFING Overview Submission

PURPOSE To update you on the deepening crisis on the Ukraine-Russia^{s6(a)}

Tukunga tūtohua – Recommended referrals

Prime Minister	For information by	24 December 2021
Minister Responsible for the NZSIS and GCSB	For information by	24 December 2021
Minister of Immigration	For information by	24 December 2021
Minister of Defence	For information by	24 December 2021
Associate Minister of Foreign Affairs	For information by	24 December 2021

Taipitopito whakapā – Contact details

NAME	ROLE	DIVISION	WORK PHONE <small>s9(2)(a)</small>
Taha Macpherson	Divisional Manager (DM)	Europe Division	
Janet Lowe	Unit Manager (Acting DM 3-10 January 2021)	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 Withdrawn |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

Ukraine/Russia: Agreement in Principle on a Rapid Response

Pito matua – Key points

- Tensions continue to mount on the Ukraine-Russia border, with no sign that concerted diplomatic efforts in recent weeks have reduced the risk of Russian aggression.
- Since our submission of 9 December 2021, Russia has issued a set of maximalist demands of the US and NATO, which would end all prospect of Ukraine joining the transatlantic alliance, and rewrite many of the principles upholding European security. Moscow has also requested direct dialogue with the US.
- Russia's demands are non-starters for the US and NATO. Washington has also stated it will not engage in direct talks with Russia without Ukraine and other European partners at the table.
- Russia's military build-up has continued. It is now assessed to have the military capability to launch a military incursion into Ukraine at any time, with a full invasion possible as early as January or February 2022.
- Likeminded partners, including the EU, EU Member States and Five Country partners, remain engaged in intense diplomatic efforts with a view to deterring further Russian aggression. The Biden Administration is investing heavily in efforts to dissuade Russia from its current course, including drawing down capital against its key relationships. The US and UK are also seeking to build broad international support to strengthen these efforts.
- The window for international diplomacy may, however, be narrowing given Russia's continuing military build-up. There remains also a real risk of sudden escalation due to miscalculation.

s6(a)

In light of latest developments, and a likely narrowing window for diplomacy to deter military action, we consider it is now in Aotearoa New Zealand's interests - if asked - to join appropriate, likeminded diplomatic efforts aimed at deterring further Russian aggression in Ukraine, given the serious implications this would have for Aotearoa New Zealand's interests.

- A violation by Russia of Ukraine's sovereignty and territorial integrity would undermine Aotearoa New Zealand's fundamental interests in the rules-based international order, which we rely on for our security and prosperity.
- The repercussions of military conflict in Ukraine will also have significant implications for Europe, that could spill-over well beyond the region. A conflict would be destabilising at a time when geostrategic tension is already high and the global economy, compounded by COVID-19, is fragile. Potential impacts include a hit to global markets and energy prices, and further International supply chain disruption.

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

- Given the fluid situation, ^{s6(a)}

Accordingly, and in light of the benefits of securing a diplomatic outcome and the range of Aotearoa New Zealand interests that would be negatively impacted in the event a diplomatic solution proves beyond reach, ^{s6(a)} officials should signal a willingness to join diplomatic action by likeminded partners aimed at deterring Russian aggression in Ukraine, subject to ministerial approval.

Ukraine/Russia: Agreement in Principle on a Rapid Response

- While we should expect there will be a significant group of countries which share grave concerns about Russia's actions, a range of factors will come into calculations about whether, and if so with whom, they are willing to make a public response. ^{s6(a)}
- Officials will provide you with advice regarding any specific request. This will include advice on our assessment of the likely response by Russia and implications for our bilateral relationship to Aotearoa New Zealand joining any likeminded action.
- Our proposed response will be consistent with the "Kete of Potential Diplomatic Actions and Associated Risks", which you have agreed, and that was attached to our 9 December submission. A copy of the Kete is attached again as Annex 1 for ease of reference.

Rob Taylor
for Secretary of Foreign Affairs and Trade

Tūtohu – Recommendations

It is recommended that you:

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| 1 | Note that tension continues to mount on the Ukraine-Russia border with no sign that diplomatic efforts to de-escalate the situation have succeeded, with the risk of military conflict remaining real, and potentially imminent. | Yes / No |
| 2 | Note that a military violation of Ukraine's sovereignty and territorial integrity would undermine Aotearoa New Zealand's fundamental interests as a country that relies on the rules-based international order, and could impact on New Zealand's broader European and international interests. | Yes / No |
| 3 | Note that in the light of recent developments, and as the chances of diplomatic efforts having any impact in deterring Russian aggression may be narrowing, officials consider the threshold for Aotearoa New Zealand to join appropriate likeminded action has been met. | Yes / No |
| 4 | ^{s6(a)} | Yes / No |

Ukraine/Russia: Agreement in Principle on a Rapid Response

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| 5 | Agree that if approached, officials may indicate to likeminded partners that Aotearoa New Zealand is open to joining diplomatic efforts to deter Russian aggression in Ukraine, subject to ministerial approval. | Yes / No |
| 6 | 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: / /

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.	
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.	
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.	

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