

# Proactive Release

25/07/2023

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

<b>Title</b>	<b>Reference</b>
<b><i>Cabinet Minute of Decision – Report of the Cabinet External Relations and Security Committee: Period Ended 9 June 2023 (Part 1)</i></b>	CAB-23-MIN-0226
<b><i>Cabinet External Relations and Security Committee – Minute of Decision – Aotearoa New Zealand Assistance to Ukraine: Additional Support</i></b>	ERS-23-MIN-0027
<b><i>Aotearoa New Zealand Assistance to Ukraine: Additional Support</i></b>	

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)(ii): to protect the passing of information from an international organisation on a confidential basis;
- 9(2)(ba): to protect the supply of confidential information by another party;



# Cabinet

## Minute of Decision

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*This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.*

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### **Report of the Cabinet External Relations and Security Committee: Period Ended 9 June 2023 (Part 1)**

On 12 June 2023, Cabinet made the following decisions on the work of the Cabinet External Relations and Security Committee for the period ended 9 June 2023:

ERS-23-MIN-0027 **Aotearoa New Zealand Assistance to Ukraine:** CONFIRMED  
**Additional Support**  
Portfolio: Foreign Affairs

Rachel Hayward  
Secretary of the Cabinet



# Cabinet External Relations and Security Committee

## Minute of Decision

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### Aotearoa New Zealand Assistance to Ukraine: Additional Support

Portfolio                      Foreign Affairs

On 6 June 2023, the Cabinet External Relations and Security Committee:

- 1        **noted** that Aotearoa New Zealand's successive packages of assistance to Ukraine have been calibrated to be responsive, credible, and well balanced;
- 2        **noted** that the paper under ERS-23-SUB-0027 outlines a package further assistance to Ukraine, comprising three proposals, to be funded from within existing Vote Foreign Affairs baselines;
- 3        **noted** that the three proposals have been assessed as meeting the criteria of the Cabinet-endorsed Strategic Framework for Additional Support to Ukraine [CBC-22-MIN-0034];
- 4        **noted** that:
  - 4.1        on 20 March 2023, the Cabinet Business Committee agreed in principle to a contribution of \$1.2 million for de-mining and risk education in Ukraine, subject to the completion of necessary due diligence and confirmation of feasibility [CBC-23-MIN-0010];
  - 4.2        officials have completed due diligence of multiple providers of de-mining and risk education providers in Ukraine, including by preparing a health and safety assessment modelled on those used for humanitarian contributions in conflict zones;
  - 4.3        officials have confirmed the feasibility of a contribution through the United Nations Development Programme's Mine Action Programme;
- 5        **agreed** that \$1.2 million, from FY 2022/23 Vote Foreign Affairs Multi-Category Expenses and Capital Expenditure – Delivery of New Zealand's Foreign Policy appropriation funding set aside by Cabinet, be provided to the United Nations Development Programme's Mine Action Programme in Ukraine, with no impact on the operating balance or net core Crown debt;
- 6        **agreed** that \$500,000 from FY 2022/23 Vote Foreign Affairs Multi-Category Expenses and Capital Expenditure – Delivery of New Zealand's Foreign Policy appropriation be provided to the International Atomic Energy Agency for its work on nuclear safety, security and safeguards in Ukraine;

- 7 **agreed** that \$3 million be allocated to Ukraine for development assistance in FY 2023/24, drawing from the Non-Departmental Other Expenses International Development Cooperation appropriation;
- 8 **noted** that officials will seek Cabinet's endorsement of a specific proposal for the use of these International Development Cooperation funds at a later point in 2023/24.

Janine Harvey  
Committee Secretary

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**Present:**

Rt Hon Chris Hipkins (Chair)  
Hon Carmel Sepuloni  
Hon Kelvin Davis  
Hon Grant Robertson  
Hon Michael Wood  
Hon Andrew Little  
Hon David Parker  
Hon Nanaia Mahuta  
Hon Kieran McAnulty  
Hon Ginny Andersen

**Officials present from:**

Office of the Prime Minister  
Officials Committee for ERS

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Minister of Foreign Affairs

**[RESTRICTED]**

Office of the Minister of Foreign Affairs

Cabinet External Relations and Security Committee

## **Aotearoa New Zealand Assistance to Ukraine: Additional Support**

### **Purpose**

1. This paper seeks Cabinet's approval for a package of further assistance to Ukraine in response to Russia's ongoing illegal war of aggression; with three proposals to be funded from within existing Vote Foreign Affairs baseline.

### **Relation to Government priorities**

2. Assistance to Ukraine supports Aotearoa New Zealand's strategic interest in the defence of the international rules-based system, underlines our commitment to collective security, and gives voice to our values-based independent foreign policy.

### **Executive Summary**

3. Ukraine's appeals to foreign partners for support with reconstruction projects, in addition to immediate military support, have only increased with time and escalating Russian attacks on civilian infrastructure. To date, Aotearoa New Zealand's response to Russia's invasion of Ukraine is worth s6(a) in diplomatic, military, and economic/humanitarian assistance.

#### *Assistance with De-mining and Explosive Remnants of War*

4. Officials have conducted due diligence on de-mining and risk education options in Ukraine, in response to Cabinet's in-principle agreement<sup>1</sup> to provide Ukraine with \$1.2 million in support. Officials recommend that Aotearoa New Zealand provide assistance through the Mine Action Programme of the United Nations Development Programme (UNDP). UNDP is a well-established, long-term and trusted partner of the Government of Ukraine and has been the UN lead on mine action in Ukraine since 2016.

#### *Contribution to International Atomic Energy Agency (IAEA) Ukraine Programme of Support*

5. Russia's invasion of Ukraine has presented an unprecedented threat to nuclear materials and facilities. In response, the International Atomic Energy Agency (IAEA) has been working closely with Ukraine since March 2022 to protect and maintain nuclear safety, security, and safeguards, in relation to Ukraine's five nuclear power plants. The IAEA's expanded presence in Ukraine has placed significant pressure on the IAEA's resources, and the IAEA has consequently advised Member States that it needs s6(b)(ii) to maintain its presence in Ukraine. Officials recommend that Aotearoa New Zealand provide \$500,000 in additional funding to the IAEA, through two funds (the Global Partnerships Fund and the Strategic Initiatives Fund) administered by the Ministry of Foreign Affairs and Trade.

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<sup>1</sup> CAB-23-MIN-0096 and CBC-23-MIN-0010 refer.

## *Financial Allocation for Development Activity in Ukraine*

6. As previously indicated to Cabinet, officials have worked to establish a financial allocation from International Development Cooperation funding for development activities (beyond humanitarian contributions) in Ukraine, met within existing baseline allocations. Officials propose to increase the Other Asia Core<sup>2</sup> allocation from within the International Development Cooperation appropriation by \$3 million this triennium 2021-24. An organising principle for the Other Asia Core Allocation is that funding may be provided for development initiatives in post-conflict or unstable countries and territories following the end of open warfare. s6(a)
  
7. Officials assess that the three recommended options meet the criteria in the Strategic Framework for further Assistance to Ukraine: s6(a)

All three proposals are to be funded from within existing Vote Foreign Affairs baseline.

### **Background**

8. Ukraine's campaign of self-defence, in the face of Russia's illegal war of aggression and conquest, is entering its second summer. Ukraine endured a difficult winter of systematic Russian attacks on civilian infrastructure, with the apparent objective of eroding the Ukrainian people's will to fight. s6(a) the infrastructure damage has intensified the frequency of Ukraine's appeals to foreign partners for support with reconstruction projects, in addition to immediate military support.
9. Reconstruction assistance to Ukraine is complicated by the active hostilities, Russia's military occupation of the Zaporizhzhia Nuclear Power Plant near the Dnieper river frontline, as well as the contamination of agricultural land by Russian land mines and other explosive remnants of war. In his address to Aotearoa New Zealand's Parliament on 14 December 2022, Ukrainian President Volodymyr Zelenskyy explicitly sought Aotearoa New Zealand's support for the "ecocide" pillar of his Ten Point Peace Formula. This pillar focuses on reducing contamination from the war. s6(a)

### *Aotearoa New Zealand's response Russia's invasion of Ukraine to date*

10. As Cabinet has noted previously, there have been three pillars to our response: i) **Diplomatic** (combatting Russian influence and narratives, and supporting human rights monitoring and international legal accountability efforts); ii) **Military** (New Zealand Defence Force (NZDF) training, intelligence, liaison and logistics deployments, donation of surplus equipment, and the procurement of satellite access, equipment, weapons and ammunition; and iii) **Economic and Humanitarian** (the Russian Sanctions regime, humanitarian assistance, cyber security assistance, and economic reform assistance). Our packages of assistance have been welcomed by Ukraine and other likeminded partners as strategic, well balanced, impactful and timely. To date, Aotearoa New Zealand's assistance

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<sup>2</sup> Funding will come out of the Strategic International Development Fund.

in response to Russia's invasion of Ukraine (including in-kind contributions and deployments) has been worth s6(a)

s6(a)

*Assistance with De-mining and Explosive Remnants of War*

11. On 27 March 2023, Cabinet agreed in principle to a “contribution of \$1.2 million for de-mining and risk education in Ukraine, from Vote Foreign Affairs 2022/23 funding set aside by Cabinet, with no impact on the operating balance or net core Crown debt, subject to completion of necessary due diligence and confirmation of feasibility”<sup>4</sup>. Mitigating the effects of mines and other explosive remnants of war is central to the “ecocide” pillar of Ukraine’s Ten Point Peace Formula, for which President Zelenskyy has explicitly sought Aotearoa New Zealand’s support.

12. s9(2)(ba)(i)

As a result of those exchanges and other due diligence, officials recommend a contribution to UNDP’s Mine Action Programme in Ukraine, which works to strengthen the ownership and capacity of state authorities and local communities to respond to and minimise the impact of explosive remnants of war. UNDP is a well-established, long-term and trusted partner of the Government of Ukraine, including in the de-mining space. It has been the UN lead on mine action in Ukraine since 2016. It works closely with Ukraine’s State Emergency Service (SESU) to ensure that international backing translates to a more efficient response to the risks posed by explosive remnants of war.

13. Aotearoa New Zealand’s funding would contribute to a multi-donor pooled fund that UNDP draws from in addressing needs and gaps across the Mine Action Programme. UNDP’s mine action efforts in Ukraine are currently supported by the European Union and the Governments of Japan, Denmark, Croatia, France, and the United Kingdom.

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s6(a)

<sup>4</sup>CAB-23-MIN-0096 and CBC-23-MIN-0010 refer.

14. The removal of explosive remnants of war is an inherently risky activity. This risk is compounded by the active hostilities in Ukraine, although much of the initial mine clearance in Ukraine has been focused on areas that were occupied by Russia in February/March 2022, subsequently abandoned in the face of Ukraine's strong resistance, and now sitting well beyond the front lines.
15. Officials have prepared a health and safety assessment, as is standard practice for humanitarian contributions in conflict zones. This notes that contributing to a pooled fund with other donors (as UNDP offers) carries less risk for Aotearoa New Zealand than funding bespoke projects. Further, our grant contribution letter will communicate our expectations that UNDP will identify and manage health and safety risks, and do what is reasonable and practicable to keep its workers safe. Officials therefore assess that it is feasible for Aotearoa New Zealand to make a tangible contribution to de-mining and risk education in Ukraine in a way that is consistent with domestic health and safety requirements.

*Contribution to International Atomic Energy Agency (IAEA) Ukraine Programme of Support*

16. Russia's invasion of Ukraine has presented an unprecedented threat to nuclear materials and facilities. For the first time, a conflict is raging around an active nuclear power programme. Russia's assault on, and occupation of, the Zaporizhzhia Nuclear Power Plant (ZNPP), Europe's largest nuclear facility, has undermined nuclear safety, security, and safeguards at the site, and presents an ongoing, serious crisis for Ukraine, Europe, Black Sea states, and the International Atomic Energy Agency (IAEA). This challenge also poses a nuclear proliferation risk given the national regulator is not in control of the site.
17. In response, the IAEA has been working closely with Ukraine since March 2022 to protect and maintain nuclear safety, security and safeguards in relation to Ukraine's five nuclear power plants, including ZNPP. This work consists of: remote assistance through external-based support; delivery of nuclear safety and security-related equipment; and in-person technical support and assistance through on-site expert missions and a permanent IAEA expert presence at all of Ukraine's nuclear power plants. IAEA experts also provide valuable independent and impartial reporting on the situation for the international community. The IAEA continues to advocate for the establishment of a nuclear safety and security protection zone around ZNPP; negotiations with Russia and Ukraine remain ongoing.
18. The IAEA's expanded and ongoing presence in Ukraine (which is not provided for in the IAEA's regular budgets) has placed significant pressure on the IAEA's staffing and financial resources. The IAEA has consequently advised Member States that it needs some s6(b)(ii) to maintain its presence in Ukraine. Extra-budgetary support from Aotearoa New Zealand for this work would represent a visible endorsement of the IAEA's efforts to avert a nuclear incident or accident. It would also be consistent with Point 1 of President Zelenskyy's 10-point peace plan, which is focused on nuclear safety.
19. Aotearoa New Zealand provided a \$100,000 contribution to the IAEA last financial year from the Global Partnership Fund (GPF). Officials recommend providing another \$100,000 from the GPF this financial year, and a further \$400,000 from the Strategic Initiatives Fund. The Funds are administered by the Ministry of Foreign Affairs and Trade.

*Financial Allocation for Development Activity in Ukraine*



20. On 27 March 2023, Cabinet noted that “officials are considering the establishment of a financial allocation from International Development Cooperation funding for development activities (beyond humanitarian contributions) in Ukraine, and agreed to “officials reporting back with details of the size of the allocation, timeframe for expenditure and the nature of the development activity.”<sup>5</sup>
21. Prior to the March 2022 invasion, Aotearoa New Zealand had not provided International Development Cooperation (IDC) funding to Ukraine. Since then, Aotearoa New Zealand has provided \$14.824 million in IDC humanitarian funding, plus a further \$1 million in IDC funding to the UN Office of the High Commissioner for Human Rights to support the ongoing monitoring of and accountability for human rights violations.
22. Given the scale of the reconstruction challenge in Ukraine, officials assess that requests from Ukraine to Aotearoa New Zealand for assistance will continue for the foreseeable future. The proposed establishment of a financial allocation from IDC funding for development activities in Ukraine will provide Aotearoa New Zealand with a modest capacity to respond to some of these requests.
23. Officials propose to increase the Other Asia Core allocation from within the International Development Cooperation appropriation by \$3 million this triennium 2021-24 (drawn from the Strategic International Development Fund). “Other Asia Core” is a modest geographical allocation that is currently fully allocated for use in Afghanistan, Iraq, Occupied Palestinian Territories, and Sri Lanka. An organising principle for the Other Asia Core Allocation is that funding may be provided for development initiatives in post-conflict or unstable countries and territories following the end of open warfare.
24. s6(a)
25. The recommended allocation of \$3 million for the 2023/24 financial year under the Other Asia Core Allocation will be met within baseline allocations. Officials will seek Cabinet’s endorsement of a specific proposal for use of these funds at a later point in 2023/24. s6(a)

*Assessment against Strategic Framework for further Assistance to Ukraine*

26. Our contributions to the international response are guided by a Cabinet-endorsed Strategic Framework, ensuring that our support to Ukraine’s self-defence of its territorial integrity and sovereignty is calibrated in a manner that protects and advances New Zealand’s interests. The three recommended options meet the criteria in the Strategic Framework:

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<sup>5</sup> CAB-23-MIN-0096 and CBC-23-MIN-0010 refer.

<sup>6</sup> Prior examples of funds that New Zealand has contributed to include the Funding Facility for Stabilization in Iraq and, at a sectoral level, the Law and Order Trust Fund for Afghanistan. Both of these are or were managed by UNDP.

### **Financial Considerations**

27. Aotearoa New Zealand's assistance to Ukraine has, to date, largely been funded from Vote Foreign Affairs and Vote Defence Force FY 21/22 baselines. s6(a)
28. The proposed contribution to UNDP's Mine Action Programme would be funded out of the remaining \$1.2m of FY 21/22 underspend, which was transferred to FY 22/23 with the agreement of Cabinet for the purpose of providing further assistance to Ukraine.<sup>7</sup>
29. The proposed IAEA funding draws from the existing Vote Foreign Affairs allocation for the Global Partnerships Fund and Strategic Initiatives Fund.
30. The proposed allocation of \$3 million in development funding to Ukraine in FY 2023/24 draws from the existing Vote International Development Cooperation and will be transferred from the Strategic International Development Fund to the Other Asia Core Allocation.

### **Legal Implications**

31. All options proposed in this paper are consistent with international law.

### **Impact Analysis**

32. Impact analysis requirements do not apply to this paper.

### **Human Rights**

33. This paper raises no inconsistencies with the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993.

### **Consultation**

34. This Cabinet paper has been consulted with the Treasury, the Ministry of Defence, the New Zealand Defence Force, and the Department of Prime Minister and Cabinet (Policy Advisory Group).

### **Proactive Release**

35. This Cabinet Paper can be proactively released within 30 business days of decisions being confirmed by Cabinet, with appropriate redactions for content that may compromise operational or national security interest.

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<sup>7</sup> CPC-22-MIN-0020.

## Recommendations

It is recommended that Cabinet External Relations Committee:

- 1 **Note** that Aotearoa New Zealand's successive packages of assistance to Ukraine have been calibrated to be responsive, credible, and well balanced.
- 2 **Note** that the three proposals in this Cabinet paper are to be funded from within existing Vote Foreign Affairs baselines.
- 3 **Note** that the three proposals in this Cabinet paper have been assessed as meeting the criteria of the Cabinet-endorsed Strategic Framework for further assistance to Ukraine.
- 4 **Note** that as directed by Cabinet<sup>8</sup>, officials have completed due diligence of multiple providers of de-mining and risk education providers in Ukraine, and have confirmed the feasibility of a contribution through the United Nations Development Programme's Mine Action Programme, including by preparing a health and safety assessment modelled on those used for humanitarian contributions in conflict zones.
- 5 **Agree** that \$1.2 million, from FY 2022/23 Vote Foreign Affairs Multi-Category Expenses and Capital Expenditure – Delivery of New Zealand's foreign policy appropriation funding set aside by Cabinet, be provided to the United Nations Development Programme's Mine Action Programme in Ukraine, with no impact on the operating balance or net core Crown debt.
- 6 **Agree** that \$500,000 from FY 2022/23 Vote Foreign Affairs Multi-Category Expenses and Capital Expenditure – Delivery of New Zealand's foreign policy appropriation be provided to the International Atomic Energy Agency for its work on nuclear safety, security and safeguards in Ukraine.
- 7 **Agree** that \$3 million be allocated to Ukraine for development assistance in FY 2023/24 drawing from the Non-Departmental Other Expenses International Development Cooperation appropriation.
- 8 **Note** that officials will seek Cabinet's endorsement of a specific proposal for use of these International Development Cooperation funds at a later point in 2023/24.

Authorised for lodgement

Hon Nanaia Mahuta

Minister of Foreign Affairs

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<sup>8</sup> CAB-23-MIN-0096 and CBC-23-MIN-0010 refer.