

4 March 2024

Requesters name redacted for proactive  
release

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OIA 29083

Tēnā koe Requesters name redacted for  
proactive release

I refer to your email of 3 February 2024 in which you request the following under the Official Information Act 1982 (OIA):

1. *Any documentation provided to the Government regarding the actions of the Houthi group of Yemen against ships in the Red Sea*
2. *Any advice given to the Government regarding the deployment of New Zealand Defence Force Personnel to the Middle East*
3. *Any information regarding the duties of New Zealand Defence Force Personnel in the Middle East*
4. *Any advice on the legality or otherwise of the Houthi group of Yemen against ships in the Red Sea*
5. *Any advice on whether or not the Houthi group of Yemen against ships in the Red Sea amount to acts of piracy*

On 9 February 2024, you were informed that parts two and three of your request were transferred to the Ministry of Defence (MoD). You will hear from them regarding these parts of your request.

Also on 9 February 2024, we contacted you to advise that responding to the first part of your request as currently framed would capture a significant volume of information. As such, it was likely that your request would be refused under section 18(f) of the OIA, as it would require substantial collation and research. Accordingly, we sought your agreement to refine your request to be for:

*formal documentation (briefings, submissions, formal messages etc) that predominantly relates to New Zealand's response to Houthi attacks in the Red Sea between November 2023 and 24th Jan 2024*

In this email we noted that, if you were happy to proceed with the refined request, to let us know by Monday 12 February. If we did not hear from you, we would proceed with your original request. As we have not received a reply from you, this part of your request is being refused under section 18(f) of the OIA.

In response to parts four and five of your request, the Government has publicly stated that the deployment to the Red Sea would contribute to the collective self-defence of ships in the Middle East, in accordance with international law, in the statement on the Beehive website: <https://www.beehive.govt.nz/release/new-zealand-deploying-nzdf-team-protect-red-sea-shipping>

Three documents were located in scope of the remainder of your request as outlined below.


- 1- 17 January 2024 – Cabinet Paper - PROPOSED NEW ZEALAND DEFENCE FORCE CONTRIBUTION TO MILITARY ACTION AGAINST HOUTHIS TARGETS;  
The document is refused in full under section 18(d) of the OIA: the information requested will soon be publicly available via the Ministry of Defence website.  
<https://www.defence.govt.nz/publications>
- 2- 10 January 2024 – Informal Note – United States request for New Zealand support for action against the Houthis;  
The majority of this document is out of scope of your request but the information relevant within this document is withheld 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; and
  - 9(2)(h): to maintain legal professional privilege.
- 3- The title and contents of the third document is withheld in full 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; 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.

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/](http://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](mailto: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](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Nāku noa, nā



Sarah Corbett  
for Acting Secretary of Foreign Affairs and Trade