

27 May 2022

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Tēnā koe Valerie Morse

Thank you for your email of 13 April 2022 in which you requested information under the Official Information Act 1982 (OIA) on the New Zealand Government's decision to support Ukraine's self-defence by contributing NZ\$7.5 million for the procurement of weapons and ammunition by the United Kingdom.

On 16 May 2022, you were informed that the deadline for providing a decision on your request for information was extended to 30 May 2022. Thank you for your patience while this process was completed.

I have responded to each of your numbered queries in turn below.

1: To Whom or which agency is the money being given?

The funds have been transferred by the New Zealand Ministry of Foreign Affairs and Trade (MFAT) to the United Kingdom (UK) Ministry of Defence. The funds will enable the UK Ministry of Defence to purchase and deliver additional materiel to Ukraine's Armed Forces through the UK Ministry of Defence's established delivery mechanisms.

2: What protocols, restrictions, guidance and/or limitations apply to the use of this money?

The New Zealand Government will retain control over the list of materiel purchased through a consultation process with the UK Ministry of Defence, including final approval before procurement. The provision of direct military assistance to Ukraine must achieve the New Zealand Government's objectives (including ensuring we are responding to Ukraine's needs in a timely, effective, and well-coordinated manner) without compromising New Zealand's values or international commitments.

The Secretary of Foreign Affairs and Trade has exchanged letters with the UK Ministry of Defence in which he has made explicit the New Zealand Government's requirement that New Zealand funds will not be used to purchase weapons that are prohibited by international treaties to which New Zealand is a party; such as those relating to weapons of mass destruction, anti-personnel mines, cluster munitions, and other inhumane weapons covered by the Convention on Certain Conventional Weapons and its Protocol.

3: What monitoring and/or reporting mechanisms are in place in relation to the use of these funds?

In the exchange of letters, the UK Ministry of Defence articulated a consultation process through which the New Zealand Government would retain control over the list of materiel purchased, including final approval before procurement.

4: What monitoring and/or reporting mechanisms are in place in relation to the distribution and use of the procured matériel?

The New Zealand Government's funding contribution is to be used to cover the procurement of materiel for the self-defence of Ukraine, in line with Ukraine's capability requirements as advised by the Ukraine Ministry of Defence to the UK Ministry of Defence, following consultation with New Zealand.

The New Zealand Government has received assurances that the UK will take steps that it deems reasonable and appropriate to ensure that the materiel purchased and delivered to Ukraine with New Zealand funding are not used to commit an internationally wrongful act, including a violation of international humanitarian law. The title, interest, and risk in the materiel will transfer to Ukraine upon delivery.

Please note that we may publish this letter (with your personal details redacted) on the Ministry's website.

If you have any questions about this decision, you can contact us by email at: 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 or freephone 0800 802 602.

Nāku noa, nā



Julie-Anne Lee
for Secretary of Foreign Affairs and Trade