



23 April 2024

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Ref: OIA-2023/24-0687

Dear [REDACTED]

Official Information Act request for advice on participation in AUKUS

Thank you for your Official Information Act 1982 (the Act) request of 19 March 2024 relating to AUKUS. Your request was transferred in part by the Ministry of Foreign Affairs and Trade (MFAT) to the Department of the Prime Minister and Cabinet (DPMC) on 22 March 2024. Your request was for:

“All advice provided to ministers regarding New Zealand’s participation in AUKUS, including but not limited to any identified concerns or risks by joining. I am looking for information produced since January 2023.”

Your request was transferred to DPMC to the extent it was for any relevant advice provided by DPMC.

Please find **attached** an Aide Mémoire titled ‘*Aide-Memoire – AUKUS information Paper*’. It is not dated but our records show it is from April 2023. Some information has been withheld under the following sections of the Act:

- section 6(a), to protect the security or defence of New Zealand or the international relations of the Government of New Zealand.
- section 6(b)(i), to protect the entrusting of information to the Government of New Zealand on a basis of confidence by the Government of any other country or any agency of such a Government.
- section 9(2)(g)(i), to maintain the effective conduct of public affairs through the free and frank expression of opinion.

Identified as relevant to your request is a paragraph in a fortnightly report provided by DPMC to the Minister for National Security and Intelligence, Rt Hon Christopher Luxon. Given only one paragraph of this report is relevant to your request, under section 16(1)(e), I am releasing this paragraph to you as an extract. The report is dated 13 March 2024, and the relevant extract is quoted below:

“Visit by US Under Secretary for Arms Control and International Security

- *The US Under Secretary for Arms Control and International Security Bonnie Jenkins visited Wellington from 7-8 March. Under Secretary Jenkins is the State Department’s lead official for AUKUS implementation (as directed by Secretary of State Blinken), and engaging on AUKUS was one of her visit priorities. Officials from DPMC participated in high level discussions with Under Secretary Jenkins on a range of AUKUS-related questions, [remainder of paragraph withheld under s6(b)(i) and s9(2)(j)]”.*

As noted, some relevant information has been withheld from this paragraph under the following sections of the Act:

- section 6(b)(i), to protect the entrusting of information to the Government of New Zealand on a basis of confidence by the Government of any other country or any agency of such a Government.
- section 9(2)(j), to enable negotiations to be carried on without prejudice or disadvantage.

Also identified as relevant to your request is information in some briefings to the Prime Minister from both the DPMC Chief Executive and the Policy Advisory Group. These briefings are withheld in their entirety under the following sections of the Act:

- section 6(a), to protect the security or defence of New Zealand or the international relations of the Government of New Zealand.
- section 9(2)(f)(ii), to maintain collective and individual ministerial responsibility.
- section 9(2)(f)(iv), to maintain the confidentiality of advice tendered by or to Ministers and officials.
- section 9(2)(g)(i), to maintain the effective conduct of public affairs through the free and frank expression of opinion.

Briefing notes from the Policy Advisory Group are provided to the Prime Minister in confidence to support him in his role as leader of the Government and chair of Cabinet.

Where section 9 of the Act applies, in making my decision, I have considered the public interest considerations in section 9(1) of the Act. No public interest has been identified that would be sufficient to override the reasons for withholding that information.

You are entitled to ask the Ombudsman to review this response under section 28(3) of the Act.

This response will be published on the Department of the Prime Minister and Cabinet's website during our regular publication cycle. Typically, information is released monthly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

Yours sincerely



Janine Smith
Deputy Chief Executive, Policy

Aide Memoire — AUKUS information paper

This paper provides factual briefing on what relevant New Zealand agencies know about AUKUS, and in particular its Pillar 2. It brings together contributions from MFAT, the Ministry of Defence and the NZDF, the GCSB and the NZSIS, and DPMC (NSG).

s6(a) [Redacted]

- 1) s6(a) [Redacted]
- 2) s6(a) [Redacted]
- 3) s6(a) [Redacted]

This paper covers background information and facts. It does not propose specific approaches or recommendation on pathways forward.

What is AUKUS

Announced in September 2021, the AUKUS trilateral security partnership between Australia, the United Kingdom and the United States, is a military technology partnership, focused on advanced capabilities.

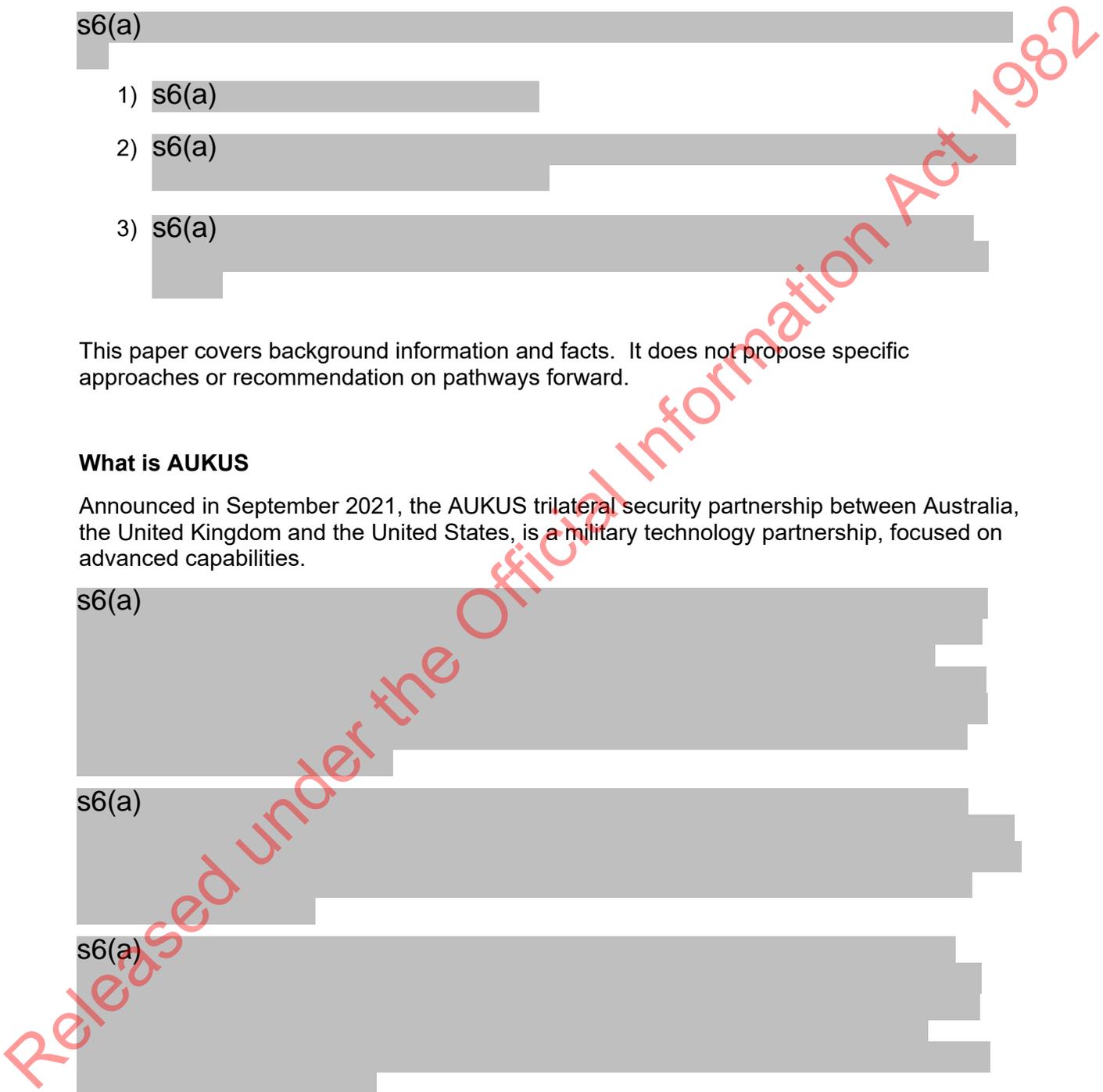
s6(a) [Redacted]

s6(a) [Redacted]

s6(a) [Redacted]

s6(a) [Redacted]

On 14 March, the three AUKUS Leaders announced next steps including:



- Increased Australian port visits by nuclear powered submarines from the US (starting this year) and the UK (from 2026), with additional placement of embedded Australian personnel on US and UK vessels for training and development
- From 2027, establishment of a rotational presence in Australia of one UK Astute Class and up to four US Virginia Class nuclear powered submarines, operating from the Naval Base Sterling in Western Australia
- From the early 2030s, Australia to purchase three US Virginia Class submarines, subject to Congressional approval, with the potential to acquire up to two more
- Development of a new class of conventionally armed, nuclear-powered submarine (the SSN-AUKUS), based on a UK design, and incorporating Australian, US and UK technology. The SSN-AUKUS class will be operated by both Australia and the UK. The UK will deliver the first SSN-AUKUS in the late 2030s, with the first Australian-built SSN-AUKUS to be delivered in the early 2040s.

Australia has indicated that the cost of the submarine programme will be between AUD\$268 billion and \$368 billion over the next 30 years (0.15% of GDP per annum).

In making the announcement, the AUKUS leaders put particular emphasis on the fact that all three countries would continue to be in full compliance with their obligations under the Non-Proliferation Treaty, and for Australia under the Treaty of Rarotonga. They also highlighted their ongoing work with the IAEA to set the highest standards of verification and transparency.

AUKUS Pillar One

Pillar One is the initial and highest profile initiative under AUKUS. Pillar One concerns cooperation between the AUKUS partners (Australia, the UK and the US) on conventionally armed, nuclear-powered submarines.

It is Australia's transition from its current fleet of conventionally armed, diesel-powered submarines to significantly more advanced conventionally armed, nuclear-powered submarines. This is being achieved through Australia's planned purchase of US submarines, as well as the joint trilateral development of a new class of submarine.

AUKUS Pillar Two

Pillar Two of AUKUS involves accelerated cooperation on a range of non-nuclear advanced military technologies and capabilities, s6(a), s9(2)(g)(i)

Pillar Two currently consists of eight key areas: undersea warfare capabilities, quantum technologies; artificial intelligence; advanced cyber; hypersonic and counter-hypersonic capabilities; electronic warfare; innovation; and information sharing. s6(a)

s6(a)

- The AUKUS Undersea Robotics Autonomous Systems (AURAS) project focuses on developing autonomous underwater vehicles; experimentation is expected to begin this year.
- The AUKUS Quantum Arrangement (AQuA) will initially centre on delivering quantum technologies for positioning, navigation and timing; experimentation is expected to begin over the next two to three years.

s6(a)

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

Relationship between Pillar One and Pillar Two

s6(a)

s6(a)

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Potential for New Zealand involvement in Pillar Two

....vs existing cooperation arrangements

Through the Defence Technology Agency (DTA), the NZDF currently participates in The Technical Cooperation Program (TTCP), a forum for cooperation on defence science and technology. TTCP participants are Australia, Canada, New Zealand, the United Kingdom and the United States (i.e. the Five-Eyes states).

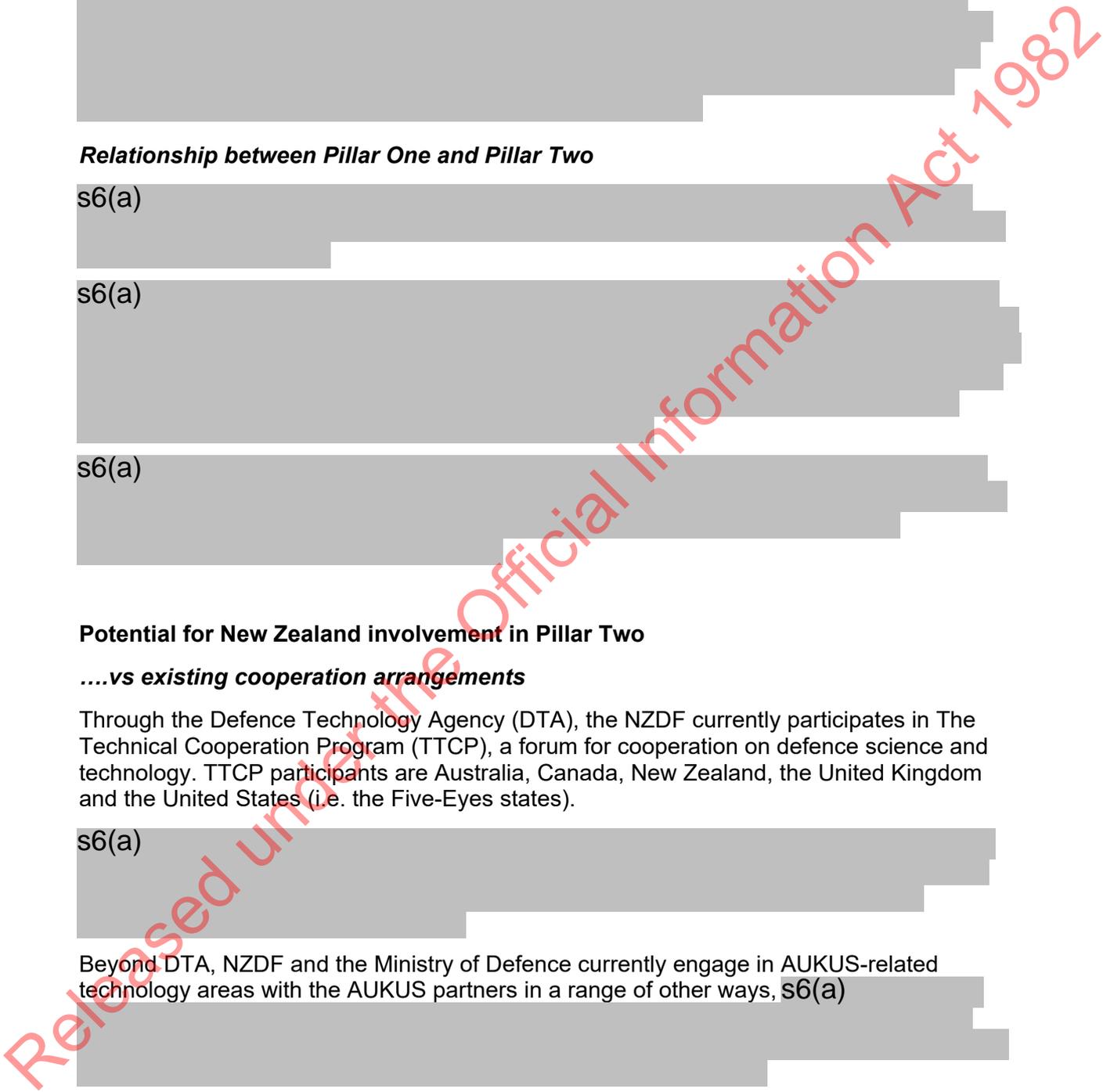
s6(a)

Beyond DTA, NZDF and the Ministry of Defence currently engage in AUKUS-related technology areas with the AUKUS partners in a range of other ways, s6(a)

Public commentary has identified Pillar 2 as also covering some areas on which New Zealand intelligence agencies are already very well-connected with the three AUKUS members s6(a)

....what would it involve

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



s6(a), s6(b)(i) [Redacted]

s6(a) [Redacted]

s6(a) [Redacted]

s6(a) [Redacted]

s6(a) [Redacted]

s6(a) [Redacted]

s6(a) [Redacted]

Benefits to New Zealand of involvement in Pillar 2

s6(a) [Redacted]

s6(a) [Redacted]

s6(a)	[Redacted]
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s6(a)



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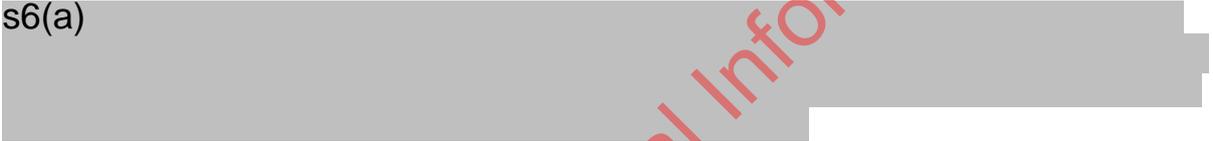
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- s6(a) [Redacted]

- s6(a) [Redacted]

s6(a) [Redacted]

s6(a) [Redacted]

The AUKUS states are three of New Zealand's closest security partners and include our only formal defence ally. These states are also a subset of the Five-Eyes partnership, which is New Zealand's most significant and important intelligence, security and defence arrangement. In relative terms, New Zealand is very much a net beneficiary of this arrangement but provides substantial value in a range of ways.

s6(a) [Redacted]

s6(a) [Redacted]

s6(a) [Redacted]

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Relationships Implications

s6(a)

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s6(a)

s6(a)

New Zealand's positioning on AUKUS

From the outset, New Zealand has been clear s6(a) that it will not be involved in any of the nuclear aspects of AUKUS, and that there will be no change to New Zealand's Nuclear Free Zone, Disarmament, and Arms Control Act 1987, which prevents the entry into New Zealand's internal waters of nuclear-powered vessels. This position is well understood by the AUKUS partners, and there has never been any suggestion that New Zealand is being asked to change its policy.

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

s6(a)

Following the Leaders' announcement and reactions to this, there is also a clearer understanding of how AUKUS is perceived in the Indo-Pacific and globally, and the perspectives of various countries including in the Pacific, s6(a)

s6(a)

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s6(a) [Redacted]

- s6(a) [Redacted]

s6(b)(i) [Redacted]

s6(a) [Redacted]

s6(a) [Redacted]

Attached are two Annexes - s6(a) [Redacted]
and Annex Two: Previous New Zealand comments.

International reactions to the AUKUS Leaders' announcement

On 14 March the three AUKUS Leaders announced key next steps for the AUKUS partnership.

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The IAEA Director General issued a statement following the Leaders' announcement, making the following key points:

- The AUKUS partners have nuclear safeguards obligations under their respective safeguards agreements and additional protocols with the Agency. Article 14 of Australia's Comprehensive Safeguards Agreement allows Australia to use nuclear material for nuclear propulsion for submarines provided that Australia makes an arrangement with the Agency in this regard.
- The Agency will continue to have its verification and non-proliferation mandate as its core guiding principle. It will exercise it in an impartial, objective and technical manner.
- Australian Foreign Minister Wong has formally requested the Agency to commence negotiations on an Article 14 arrangement. (Article 14 allows Australia to use nuclear material, such as nuclear propulsion for submarines, provided that Australia makes an arrangement with the Agency in this regard). Once the arrangement is finalised, it will be transmitted to the Board of Governors of the IAEA for appropriate action.
- The Agency's role in this process is foreseen in the existing legal framework and falls strictly within its statutory competencies. The Director General will keep the IAEA Board informed and will submit a report to the next regular Board meeting in June 2023.

A number of countries have released statements in response or issued remarks from government spokespeople. Examples include:

- **Canada:** a foreign ministry tweet "welcoming the AUKUS announcement supporting the rules-based international order in the Indo-Pacific" and noting Canada's commitment to working with partners to promote peace, resilience & security in the region, including through an enhanced naval presence.
- **Japan:** a foreign ministry statement noting PM Kishida's view that AUKUS "will contribute to the peace and stability of the Indo-Pacific region amidst an increasingly severe security environment in the region", and that Japan has "consistently supported these efforts." Similar comments made directly by Foreign Minister Hayashi.
- **Republic of Korea:** foreign ministry spokesperson's remarks noting that ROK "welcomes all co-operative efforts with and by partners to promote peace and stability in the region", commending the AUKUS partners' transparency, and noting that ROK hopes that the efforts of AUKUS to promote regional peace and stability in the future be in accordance with international non-proliferation norms, in close cooperation with the IAEA.
- **Indonesia:** a foreign ministry statement s6(a) [redacted] noting that Indonesia was "closely following the security partnership of AUKUS" and "maintaining peace and stability in the region is the responsibility of all countries. It is critical for all countries to be a part of this effort", and that Indonesia expects Australia to "remain consistent in fulfilling its obligations under the NPT and IAEA Safeguards, as well as to develop with the IAEA a verification mechanism that is effective, transparent and non-discriminatory".
- **Fiji:** remarks from PM Rabuka to media (following a bilateral meeting with PM Albanese) that he "backed" AUKUS and had been assured by Australia that AUKUS would not affect the Treaty of Rarotonga or the NPT. PM Rabuka also suggested that there might be employment opportunities for Fijians under AUKUS.
- **Samoa:** comments from PM Mata'afa during a speech in Canberra, s6(a) [redacted] – "this is how Australia sees its role in the security aspects of the region, and we understand that".

- s6(a) [Redacted]

s6(a) [Redacted]
For example, on 22 March Australia hosted in Canberra a delegation of Chinese defence officials for the first bilateral defence dialogue since 2019.

s6(a) [Redacted]

s6(a) [Redacted]

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