



Australian Government

Department of Foreign Affairs and Trade



AUSTRALIAN SUPPORT TO UKRAINE

May 2024

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INTRODUCTION AND CURRENT SITUATION IN UKRAINE

The Department of Foreign Affairs and Trade (DFAT) welcomes the opportunity to make a submission to the Senate Foreign Affairs, Defence and Trade References Committee inquiry on Australia's support to Ukraine.

On 24 February 2022, Russia launched its illegal, full-scale invasion of Ukraine. More than two years on, Ukraine continues to defend its sovereignty and territorial integrity in the face of Russian aggression. Ukraine's defence has relied heavily on the provision of military support from the United States and other NATO partners. Russia's war has created an economic, security and humanitarian crisis in Ukraine. In 2024, 14.6 million Ukrainians are in need of humanitarian assistance. Nearly four million Ukrainians are internally displaced and over six million live abroad as refugees. Russia's war also threatens and undermines international peace, security and economic stability, with direct implications for the Indo-Pacific region and for Australia.

AUSTRALIA'S RESPONSE

Australia unequivocally supports Ukraine's sovereignty and territorial integrity. Russia's invasion is a gross violation of international law and undermines the rules and norms upon which Australia's security, stability and prosperity have been built. It is in Australia's national interests to work with our international partners to support Ukraine to end this war on its own terms and to impose costs on Russia for its illegal actions. Our national response reflects our commitment to the rules-based world order, and reiterates that there are severe consequences for those who seek to break these rules, including in the Indo-Pacific. Helping ensure Russia's military aggression comprehensively fails is important to deterring future challenges to sovereignty and territorial integrity.

The trajectory and outcome of Russia's war has an important bearing on stability, economic security and geo-strategic competition in the Indo-Pacific. Australia is also concerned that Russia's war continues to worsen the global crisis in food and energy security.

Since February 2022, the Australian Government has committed more than \$1 billion in defence, economic and humanitarian assistance to Ukraine, including \$880 million in military support and \$75 million in emergency humanitarian aid. The Government is also working closely with international partners to maintain pressure on Russia through a comprehensive suite of measures. Australia's partners, including Ukraine, have frequently commended Australia for its support.

This submission focuses on DFAT's role in responding to the Russia-Ukraine war, including our work to support coordinated whole-of-government assistance to Ukraine, hold Russia to account, and support Australians affected by the invasion.

DFAT'S ROLE AND WORK WITH PARTNERS

DFAT's immediate response to Russia's invasion was to coordinate across government and our international network to provide emergency consular support to Australians affected, alongside advice to ministers on appropriate policy responses to the evolving situation in Ukraine. From December 2021 (as Russian troops amassed on Ukraine's borders) until April 2022, DFAT chaired nine immediate Interdepartmental Committee (IDC) meetings and 25 Interdepartmental Emergency Taskforce (IDETF) meetings as well as other formal coordination mechanisms focused on Ukraine. From April 2022 onwards, DFAT chaired and participated in ad hoc inter-departmental meetings, scheduled when required.

Two years on, DFAT works across government and international partners to implement a two-track response to the war:

- supporting Ukraine to end the war on its own terms; and
- imposing costs on Russia.

DFAT provides advice on foreign policy aspects of the Government's support for Ukraine, by supporting ministerial engagement with international counterparts and ensuring effective whole-of-government coordination. Key agencies include the Department of the Prime Minister and Cabinet; Department of Defence; Department of Home Affairs; Department of Climate Change, Energy the Environment and Water; and Department of Industry, Science and Resources (DISR).

The Australian Embassy to Ukraine operates remotely from Warsaw, Poland following its relocation from Kyiv after the Russian invasion. The Department's Diplomatic Security Division has assessed the risks to personnel in Kyiv as 'HIGH', reflecting the continuing unpredictable security situation, including regular strikes on Kyiv and other urban centres by Russian missiles and drones.

The Embassy is managing Australia's interests in Ukraine effectively from Warsaw, supported by close contact with Ukraine's Embassy in Canberra. Bilateral relations are warm and productive, with Australia providing more than \$1 billion in military and other support to Ukraine and implementing Australia's largest ever sanctions response against Russia.

Australia's Ambassador to Ukraine presented credentials to President Zelenskyy on 22 April 2024. Embassy staff will visit Kyiv for meetings and events as circumstances permit, with each trip subject to a rigorous security assessment and appropriate mitigations. DFAT will keep the security situation in Kyiv under review, and consider a return of our diplomatic personnel when circumstances permit.

The Australian Embassy to Russia, with non-resident accreditation to the Republics of Armenia, Belarus, Kazakhstan, Tajikistan, Uzbekistan, the Kyrgyz Republic and Turkmenistan, continues to operate in Moscow. The Australian Government has limited its bilateral engagement with Russia since its full-scale invasion of Ukraine. We have retained our presence in Moscow so we can engage when it is critical to delivering on our national interests. The Embassy provides a range of services for Australians across its countries of accreditation, including passport services, consular services and notarial services.

SUPPORT FOR UKRAINE

Ministerial advocacy

Since the invasion in February 2022, DFAT has supported the Minister for Foreign Affairs and worked closely with other agencies to support their portfolio ministers through the provision of expert advice. These include the Prime Minister; the Deputy Prime Minister and Minister for Defence; the Treasurer; the Minister for Trade and Tourism; the Minister for Climate Change and Energy; the Attorney-General; the Assistant Minister for Trade; the Assistant Minister for Foreign Affairs; and other senior members of Government who meet with members of the Ukrainian Government. DFAT provides Ukraine input to briefs for senior officials across government to help them engage foreign counterparts. DFAT provides this support to senior government officials to ensure consistent messaging and advocacy.

DFAT provides support in the form of media releases, social media posts, speeches, foreign policy advice and diplomatic representations at international meetings on Russia and Ukraine issues.

Bilateral engagement with Ukraine

DFAT maintains a strong, collaborative relationship with the Ukrainian Embassy in Canberra, and we are in regular contact at the Ambassadorial and working levels. The Ukrainian Ambassador meets regularly with senior DFAT officials and is in frequent contact with officials across Government. DFAT works with other APS agencies to provide support and consistent policy advice in relation to Ukraine.

DFAT routinely participates in whole-of-government IDC meetings focused on support for Ukraine, and collaborates on a 'business as usual basis' with other departments, primarily (but not only) PM&C and Defence. These established consultation mechanisms enable efficient information-sharing at every level across Government and support comprehensive consideration of assistance to Ukraine.

DFAT has supported ministerial and senior officials' engagement with Ukrainian diaspora in Australia, including the Australian Federation of Ukrainian Organisations.

Australia acknowledges the profound challenge of meeting Ukraine's significant longer-term reconstruction and recovery needs. DFAT's funding for Ukraine has focused on contributing to the provision of urgent humanitarian assistance through the UN and other humanitarian partners. We acknowledge and welcome the significant reconstruction and development funding being provided by Ukraine's European partners, particularly through Ukraine's European Union (EU) accession process. While DFAT does not have a bilateral aid program for Ukraine, we will consider future opportunities for providing support aligned to Ukraine's needs and Australia's comparative strengths.

Humanitarian support

Since February 2022, DFAT has provided \$75 million in humanitarian assistance to the Ukrainian people. This includes \$65 million announced in 2022 in two tranches: 1 March (\$35 million) and 20 March (\$30 million). On 26 June 2023, the Minister for Foreign Affairs announced a further \$10 million in humanitarian assistance. Through this support our humanitarian partners, including the UN and NGOs, have provided food, water, shelter, health services and protection. Our humanitarian assistance focuses on at-risk groups, including women, children, older people and people with disabilities.

Both of DFAT's tranches of humanitarian assistance in 2022 were part of broader whole-of-government response packages which also included the provision of military assistance. DFAT's initial announcement of humanitarian support was aligned with announcements of likeminded partners including the United States, Canada and the United Kingdom.

Legal accountability

Australia strongly supports accountability for Russia's actions, and works with partners and international institutions to ensure this. DFAT supports Australia's representation at these international institutions.

In March 2022, Australia joined with 42 international partners to refer the situation in Ukraine to the International Criminal Court (ICC), which led to the ICC issuing arrest warrants for Russia's President Putin and three other Russian officials for war crimes. Australia also provided \$1 million and three professional staff to the Court, including to support the ICC's investigation into the situation in Ukraine.

Australia filed an intervention in Ukraine's case against Russia in the International Court of Justice (ICJ) alongside 31 other States, and delivered oral observations to the Court in September 2023, reinforcing the importance and gravity of Ukraine's case to the wider international community. Australia continues to call for Russia to comply with the legally binding order handed down by the ICJ on 16 March 2022, which ordered Russia to immediately suspend its military operation in the territory of Ukraine.

Australia also supports other accountability initiatives to explore, promote and coordinate accountability measures, and facilitates information sharing, including in the Core Group on a Special Tribunal for the Crime of Aggression against Ukraine, and the Group of Friends on Accountability following the aggression against Ukraine. Australia, through DFAT, co-sponsored the UN Human Rights Council resolution establishing an independent Commission of Inquiry into violations and abuses of human rights, and violations of international humanitarian law in Ukraine, and subsequently co-sponsored the resolutions extending its mandate.

Trade measures

Australia has been providing temporary duty-free access for all goods imported from Ukraine since 4 July 2022, to support Ukraine's economy and help provide it with trade diversification opportunities.

Australia is applying a special 'Free' rate of duty to all goods that are produced or manufactured in Ukraine, except for excise-equivalent goods, such as fuel, alcohol and tobacco products, which was due to expire on 3 July 2024. On 19 April 2024, the Treasurer and the Minister for Trade and Tourism announced the extension of this tariff relief for two more years, until 3 July 2026.

This measure has been an important signal of our ongoing support for Ukraine. In taking this action, we have been aligned with our like-minded partners such as Canada, the EU, and the United Kingdom, which are also providing trade assistance to Ukraine.

Support for the safety and security of nuclear facilities in Ukraine

In June 2022, following the International Atomic Energy Agency (IAEA)'s initial response to Russia's invasion of Ukraine and Russia's occupation of the Zaporizhzhia Nuclear Power Plant, DFAT provided \$1 million in funding to support the safety and security of nuclear facilities in Ukraine. Our funding enabled the IAEA to provide equipment to Ukraine, and support the complex logistical arrangements for delivery. We also supported the provision of remote technical assistance to Ukrainian nuclear facilities. This support was complemented by equipment provided by ARPANSA (Department of Health) and ANSTO (DISR) following a formal request for assistance from Ukraine. This included radiological measurement devices, personal protective equipment, and radiation detection equipment, delivered in July 2022. Australia's delivery was the first to be received by Ukraine following the request for assistance.

Funding for the Organisation for the Prohibition of Chemical Weapons

In June 2022, DFAT contributed \$200,000 to the Organisation for the Prohibition of Chemical Weapons Trust Fund for the Implementation of Article X (assistance and protection against chemical weapons) of the

Chemical Weapons Convention for the provision of assistance and protection to Ukraine in the event of the use or threat of use of chemical weapons.

Support for Ukrainian mental health professionals

A grant was awarded to NSW Service for the Treatment and Rehabilitation of Torture and Trauma Survivors in 2023 (total value \$209,614.39) for professional development in managing treatment of Trauma and Torture Survivors of War in Ukraine. The Fellowship enabled seven Ukrainian mental health professionals to spend three months in NSW commencing in 2023 followed by online training in Ukraine. The training supported exposure to and learning of specific therapeutic techniques, train-the-trainer opportunities, self-care strategies, supervised clinical practice and peer-based learning with Australian clinicians.

IMPOSING COSTS ON RUSSIA

It is in Australia's interests to work with international partners to impose costs on Russia for its illegal actions against national sovereignty, the rule of law and the UN Charter. Australia will continue to work with partners to maintain pressure on Russia to ensure that its invasion of Ukraine has consequences, as well as to deter others from taking similar actions.

Ministerial commentary

DFAT portfolio ministers have consistently condemned Russia's invasion of Ukraine and been clear about the consequences for its actions. They have also called out Russia's broader destabilising agenda, including deepening military cooperation with North Korea and Iran.

DFAT **advises portfolio ministers on Russia**, including on Australia's response to Russia's invasion of Ukraine. We also provide input into advice for non-portfolio ministers on Russia, including *inter alia* the Prime Minister, the Deputy Prime Minister and Minister for Defence, and the Treasurer. DFAT leads the development of ministerial statements (including joint statements), media releases, social media posts, speeches, letters and meeting briefs on Russia, in close coordination with agencies where relevant.

In response to Russia's invasion of Ukraine, DFAT developed and distributed a **whole-of-government policy on bilateral and multilateral engagement with the Russian Government**.

Bilateral engagement

The Australian Government has limited all bilateral cooperation with Russia and Belarus since Russia's invasion. Australia only engages bilaterally with Russia and Belarus when it is critical to delivering on our national interests, such as safety of Australian citizens, security, and the operations of our diplomatic presence in Russia. DFAT leads most engagement with the Russian Government through Europe Division in Canberra and Australia's Embassy in Moscow. We use official meetings to condemn Russia's invasion of Ukraine and call for its withdrawal, and to raise specific issues of concern such as Russia's nuclear threats and the death of opposition figure Alexei Navalny.

Multilateral engagement

In multilateral settings the Australian Government continues to work with a broad coalition of partners to impose costs on Russia in the multilateral system and hold it to account for its violations of international law. DFAT provides critical, time sensitive, bespoke advice to Australian Government agencies and our diplomatic network to support engagement on Russia. DFAT's work includes:

- supporting decisions to **co-sponsor and vote in support of on six UNGA Emergency Special Sessions** on Ukraine, including to: condemn Russia's invasion and its attempted illegal annexations of Ukrainian territory; demand Russia immediately cease hostilities and comply with international humanitarian law; suspend Russia from the UN Human Rights Council; and call for a comprehensive, just and lasting peace in Ukraine
- leading or providing support for **negotiations to inform Russia-Ukraine language in ministerial and official-level multilateral outcomes documents** in UN, G20, APEC and ASEAN-led fora
- leading or providing support for the development and delivery of **joint or national statements** to highlight the negative global effects of its invasion of Ukraine, tailored to the purpose of multilateral meetings
- leading or providing support for **regional engagement across the multilateral system** to understand perspectives and share information about how Russia's war is impacting the Indo-Pacific region

- leading advice to support **merit-based, credible alternatives to Russian candidacies** across the multilateral system in support of our multilateral interests.

Sanctions and trade measures

In response to Russia's invasion of Ukraine, DFAT continues to coordinate closely with international partners and Commonwealth agencies to announce, implement, and monitor compliance with the Government's comprehensive suite of sanctions and trade measures. Collectively, our sanctions/trade response to Russia's invasion of Ukraine is our largest ever to a situation of international concern, with Russia-Ukraine listings comprising two-thirds of all sanctions imposed under the *Autonomous Sanctions Regulations 2011*. DFAT draws on qualitative and quantitative data to effectively target measures to ensure they have the desired impact on Russia and its supporters.

Targeted financial sanctions under the Autonomous Sanctions Regulations 2011 (Cth)

Following advice from DFAT, the Foreign Minister (or delegate) has imposed targeted financial sanctions and travel bans on 1,049 persons and 201 entities in response to Russia's invasion. These have included:

- Russia's **political leaders**, including President Putin, Foreign Minister Lavrov, Defence Minister Shoigu, Prime Minister Mishustin, all Russian deputy prime ministers, and other ministers with responsibilities spanning energy, natural resources, industry, education, media, labour, migration and health
- **Prominent Russian political figures and politicians**, including members of Russia's Security Council, the upper and lower levels of Russia's federal parliament (the Federal Assembly), the State Council and the Central Election Commission
- Russian **financial institutions**, including the Central Bank of Russia and several private Russian banks
- Russian **military and paramilitary targets**, including the Armed Forces of the Russian Federation; private military company, the Wagner Group; and paramilitary group, Task Force Rusich
- Targets (including oligarchs) operating in **defence, energy, metals and technology sectors**, as well as those perpetuating **Russia's disinformation**
- Persons and entities involved in the **deportation of children** from Ukraine
- Persons and entities in or working with **third countries** to support Russia's war in Ukraine, including in procurement networks in Belarus, Iran and DPRK.

Trade measures

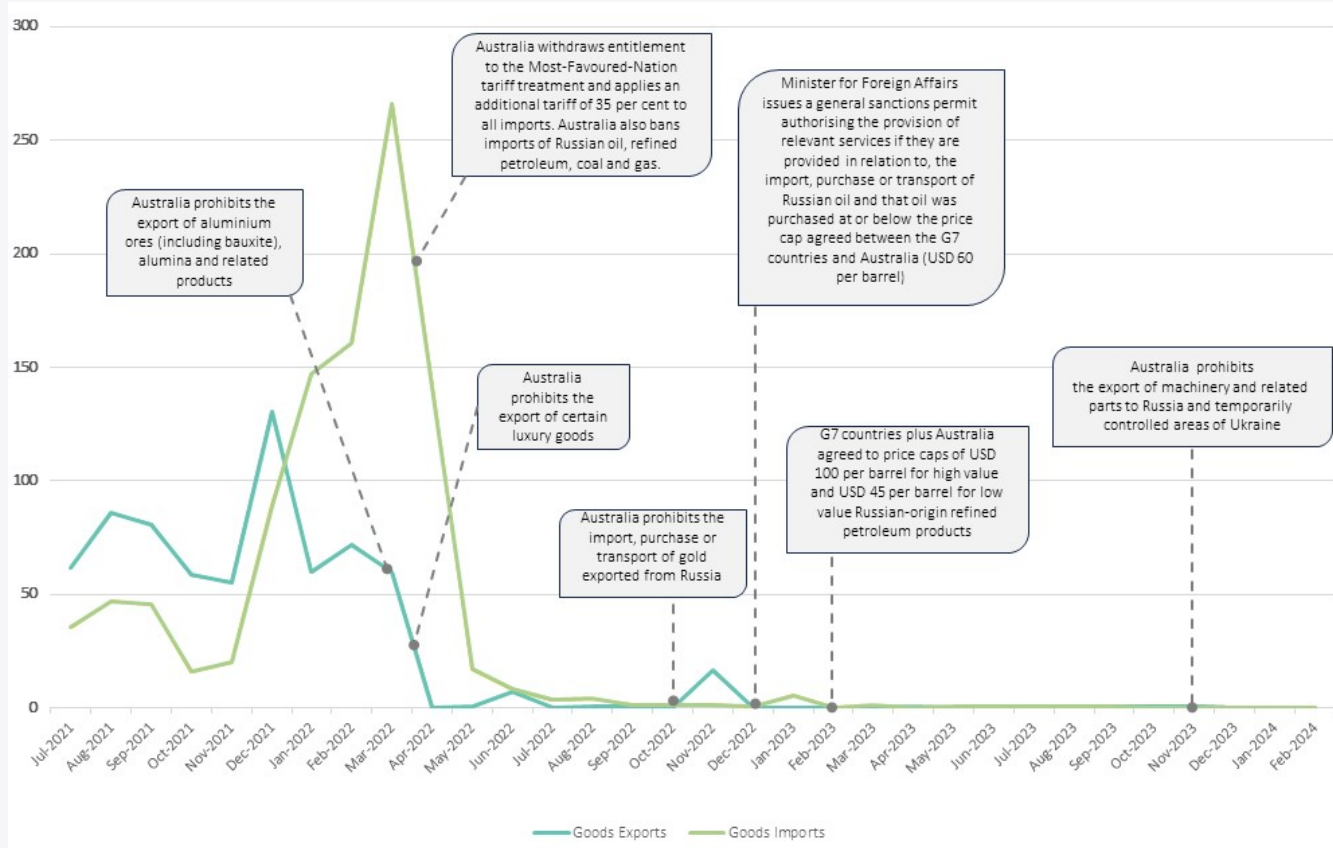
Following advice from DFAT, portfolio ministers have imposed the following in response to Russia's invasion of Ukraine:

- import bans on Russian **oil**, refined **petroleum** products, **coal** and **gas**
- import bans on Russian **gold**
- export bans on **alumina** and **bauxite** to Russia
- export bans on certain **luxury goods** to Russia, including wine and cosmetics
- export bans on **all machinery and related parts** to Russia and areas temporarily under Russian control
- denied Russia access to **most-favoured-nation tariff** treatment

- introduced an **additional tariff of 35 per cent** on goods that are produced or manufactured in Russia or Belarus
- implemented the **G7+ price caps** on Russian oil and refined petroleum products
- directed Export Finance Australia to **reject any requests for loans or other finance** that support trade with, or investment in, Russia or Belarus

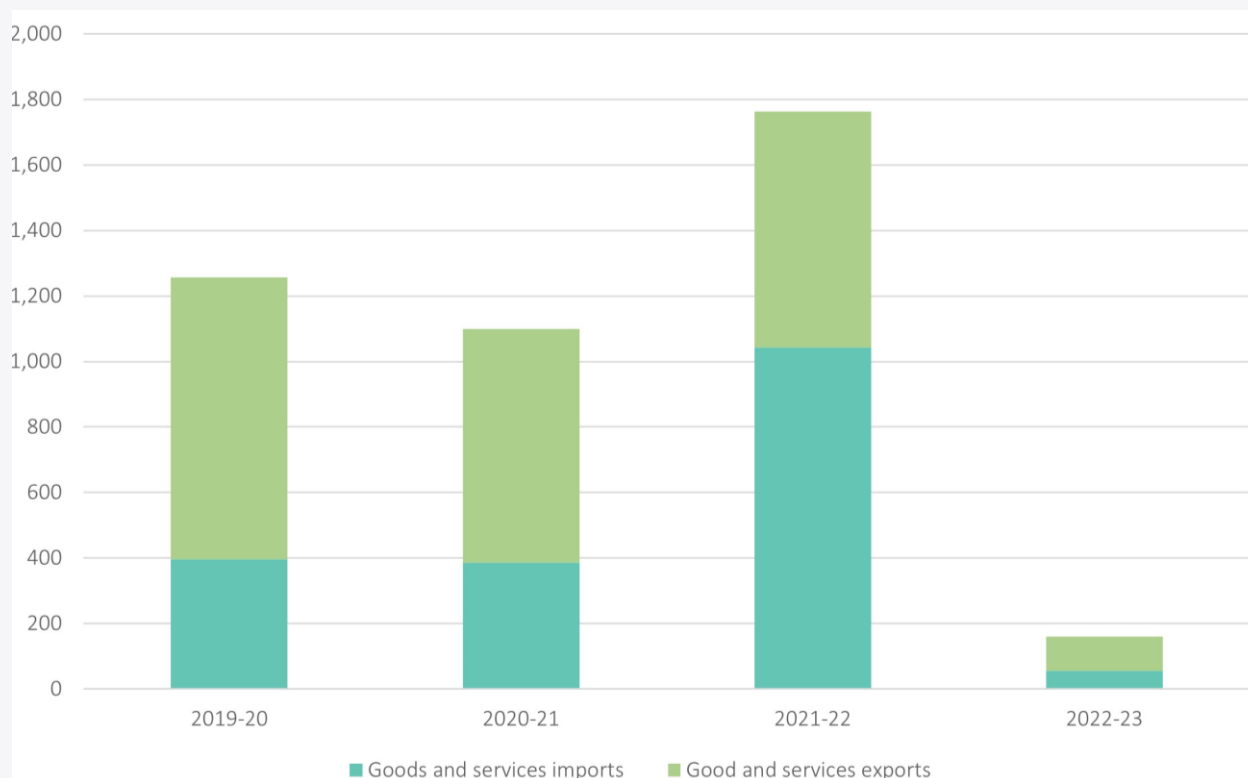
Our bilateral trade in goods and services with Russia is now negligible (See **Figure I** and **Figure II** below).

Figure I: Impacts of Australia's sanctions on goods trade with Russia (A\$m)



Source: DFAT STARS Database, based on ABS International Trade in Goods, Australia (Feb-2024 data).

Figure II: Total goods and services trade between Russia and Australia (A\$m)



Source: ABS trade data on DFAT STARS database (Sep-2023 data), ABS catalogue International Trade: Supplementary Information, Financial Year and unpublished ABS data.

Sanctions compliance

DFAT takes all allegations of sanctions non-compliance seriously. We work closely with other government regulatory and enforcement agencies, such as the Australian Border Force and the Department of Defence, on sanctions compliance issues arising in their areas of expertise. As part of our graduated risk-based approach to sanctions compliance, we engage with the community to foster the community's voluntary compliance with Australian sanctions law, while referring matters to investigative agencies such as the AFP for egregious breaches of sanctions laws. DFAT provides guidance, advisories and bespoke outreach seminars to build understanding, on Australian sanctions laws, amongst the regulated community.

Sanctions litigation

Since Russia's invasion of Ukraine, DFAT has defended four legal challenges in the Federal Court of Australia on behalf of the Foreign Minister. Two of these challenges are now subject to an appeal in the Full Court of the Federal Court.

Cyber attributions

DFAT works closely with international partners to uphold international law and the agreed norms of responsible state behaviour in cyberspace. This includes engaging in collective deterrence actions to hold states to account if they act contrary to these international obligations and expectations. Public cyber attributions are an important form of this deterrence action, as they call out countries which flout the rules and threaten international stability in cyberspace. In response to Russia's invasion of Ukraine, DFAT provided

advice to support ministerial decisions to attribute the following malicious cyber activities to the Russian Government:

- distributed denial of service attacks against certain Ukrainian banking-related services on 15 and 16 February 2022
- the deployment of multiple families of destructive wiper malware, including WhisperGate, on Ukrainian government and private sector networks since January 2022
- compromise of Ukrainian civilian entities involved in crisis response activities, including networks related to emergency services, energy, transport and also communications, since October 2021
- cyber attacks against commercial satellite communications networks to disrupt Ukrainian command and control with broader impacts in Europe in late February 2022
- the targeting of Ukrainian military devices by the malicious cyber actor 'Sandworm' to the Russian Main Intelligence Directorate (GRU) in August 2023.

Countering Russia's disinformation overseas

DFAT continues to be deeply concerned about Russia's use of disinformation to justify its invasion of Ukraine. We work closely with international partners to monitor harmful Russian narratives and look for opportunities to counter these by sharing factual information with partners. Our objective is to ensure that all people are empowered to weigh up available information and come to their own conclusions.

DFAT has also provided advice to portfolio ministers ahead of decisions to impose targeted financial sanctions and travel bans on Russian targets spreading disinformation to justify the war, including:

- senior leaders in major Russian media entities, including Channel One, RT, NTV, and Gapzrom-Media
- Russian troll farms and publishers of fake news that seek to justify the invasion of Ukraine
- Russian celebrities, singers, TV presenters and journalists who amplify the Russian Government's narratives
- other high-profile individuals who use their platform to spread Russian propaganda, including the head of the Russian Orthodox Church and the leader of the nationalist Nightwolves Motorcycle Club.

Engaging with state and territory governments, industry, public universities and diaspora

DFAT led the development and distribution of advice to all state, territory and local governments and public universities to put on hold existing bilateral cooperation with the Russian and Belarusian governments and subnational government entities, and to reconsider new engagement. We have regularly liaised with state and territory governments, and public universities, to assist in their understanding of this advice.

In accordance with our graduated risk-based approach to sanctions compliance, DFAT works with the community to identify the causes of sanctions non-compliance to prevent future recurrences. We provide accessible information to facilitate the community's knowledge and understanding of sanctions compliance, including to the financial, mining, manufacturing, defence, humanitarian and universities sectors.

DFAT routinely engages with members of Australia's Russian diaspora community to share information about our policy settings and field questions. DFAT also leads responses to community enquiries on Russia policy settings on behalf of the Prime Minister and Foreign Minister.

SUPPORT FOR AUSTRALIANS

Ukraine

Following Russia's invasion of Ukraine DFAT has provided advice and support to Australians and their families, including the facilitation of identification documents and assistance to cross the Ukraine border. The department's Consular Division provided extensive support to Australian parents accessing surrogacy services in Ukraine and helped families and their newborns to depart safely. DFAT officers were deployed to Ukraine's border to support Australians and their families, and conducted welfare checks on Australians. DFAT has also provided consular assistance to the families of Australians who have died while fighting in Ukraine.

The Australian Government's travel advice for Ukraine was last updated on 4 March 2024 and remains at "Do not travel to Ukraine, including Crimea and the regions of Donetsk and Luhansk, due to the volatile security environment and military conflict" (level 4 of 4).

The Australian Embassy is managing the delivery of consular and passport services from Warsaw. Our ability to provide consular assistance is limited due to the current security and operating environment.

Russia

The Australian Embassy in Moscow is managing the delivery of consular and passport services in Russia.

The Australian Government's travel advice for Russia was last updated on 18 April 2024 and remains at "Do not travel to Russia due to the security situation and the impacts of the military conflict with Ukraine" (level 4 of 4).