

HON RON MARK, MINISTER OF DEFENCE

Deployment in Support of United Nations Security Council Sanctions against the Democratic People's Republic of Korea (North Korea)

May 2020

This publication provides documents on Cabinet's September 2019 decision to deploy a New Zealand Defence Force P-3K2 maritime patrol aircraft to North East Asia, basing out of Japan, for a period of up to 42 days, between the dates of 1 October and 30 November 2019. The deployment contributes to coordinated efforts involving the United States, United Kingdom, Australia, Canada, Japan, the Republic of Korea, and France to support United Nations Security Council sanctions against the Democratic People's Republic of Korea. This deployment follows from a previous deployment in October 2018.

The pack comprises the following documents:

- the September 2019 Cabinet External Relations and Security Committee minute: *Deployment of P-3K2 Aircraft in Support of United Nations Security Council Sanctions Against the Democratic People's Republic of Korea (North Korea)* [ERS-19-MIN-0027]
- the associated Cabinet paper: *Deployment of P-3K2 Aircraft in Support of United Nations Security Council Sanctions Against the Democratic People's Republic of Korea (North Korea)* [ERS-19-SUB-0027]

This pack has been released on the Ministry of Defence website, available at: www.defence.govt.nz/publications.

It has been necessary to withhold certain information in accordance with the following provisions of the Official Information Act 1982. Where information is withheld, the relevant sections of the Act are indicated in the body of the document. Where information has been withheld in accordance with section 9(2) of the Act, no public interest has been identified that would outweigh the reasons for withholding it.

Information is withheld where making it available would be likely to prejudice:

- the security or defence of New Zealand or the international relations of the Government of New Zealand [section 6(a)]
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Information is also withheld in order to:

- maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials [section 9(2)(f)(iv)]
- maintain legal professional privilege [section 9(2)(h)].



Cabinet External Relations and Security Committee

Minute of Decision

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.

Deployments in Support of United Nations Security Council Sanctions Against the Democratic People's Republic of Korea (North Korea)

Portfolios Foreign Affairs / Defence

On 10 September 2019, the Cabinet External Relations and Security Committee:

Background

- 1 **noted** that:
 - 1.1 the United Nations Security Council (UNSC) sanctions regime is a key element of the global effort to peacefully apply pressure on the Democratic People's Republic of Korea (DPRK) to denuclearise and abandon its ballistic missile programme;
 - 1.2 supporting this effort is in New Zealand's interests, and is consistent with New Zealand's foreign and security policies;
- 2 **noted** that UNSC resolution 2397 calls upon member States to redouble efforts to implement all UNSC resolutions against the DPRK, and to cooperate with each other in doing so, particularly with respect to detecting transfers of sanctioned goods with the DPRK;
- 3 **noted** that one way States have sought to support the implementation of sanctions is through maritime surveillance to detect and deter sanctions evasion by the DPRK [REDACTED] s6(a)
- 4 **noted** that New Zealand's September/October 2018 deployment [CAB-18-MIN-0390] was an important contribution to the coordinated efforts [REDACTED] s6(a) involving Japan, Australia, the United States of America, the Republic of Korea, Canada, the United Kingdom, France and New Zealand, and that all other partners have made further deployments since October 2018;

Proposed deployment

- 5 [REDACTED] s6(a)
- 6 **agreed** to the deployment of a P-3 and 45 associated personnel to Kadena Air base, Japan, for a period of up to 42 days between the dates of 1 October and 30 November 2019;

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s9(2)(f)(iv)

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s9(2)(f)(iv)

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s9(2)(f)(iv)

10 **noted** that the *Agreement Regarding the Status of the United Nations Forces in Japan in 1954* is the legal framework under which New Zealand bases forces in Japan;

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s6(a)

12

s6(a)

13

s6(a)

14 **agreed** that the NZDF may temporarily exceed the Cabinet-mandated personnel numbers for the purposes of command reconnaissance, quality assurance, training, crew rotation, and extraction of forces from theatre;

15 **noted** that the Chief of Defence Force will inform the Prime Minister, the Minister of Defence and the Minister of Foreign Affairs in advance whenever Cabinet-mandated personnel numbers are exceeded for the reasons set out in paragraph 14 above;

Financial implications

16 **noted** that the total estimated cost of approved deployments is s9(2)(f)(iv) million;

17 **noted** that the above cost can be met from within existing Vote Defence Force: Operations Contributing to New Zealand's Security, Stability and Interests MCA.

Janine Harvey
Committee Secretary

Present:

Rt Hon Jacinda Ardern (Chair)
Hon Kelvin Davis (part of item)
Hon Grant Robertson
Hon Andrew Little
Hon David Parker
Hon Stuart Nash
Hon Ron Mark

Officials present from:

Office of the Prime Minister
Department of the Prime Minister and Cabinet
Ministry of Foreign Affairs
Ministry of Defence

Hard-copy distribution:

Minister of Foreign Affairs
Minister of Defence

Chair
External Relations and Security Committee

DEPLOYMENTS IN SUPPORT OF UNITED NATIONS SECURITY COUNCIL SANCTIONS AGAINST THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA (NORTH KOREA)

Proposal

1. This paper seeks Cabinet's agreement to make another New Zealand contribution to detect and deter the evasion of United Nations Security Council (UNSC) sanctions by the Democratic People's Republic of Korea (DPRK). It is proposed that this contribution consist of the deployment of a P-3 maritime patrol aircraft and personnel to Okinawa, Japan, [REDACTED] s6(a)

[REDACTED] Options are provided on the duration of the approvals, and the nature of approval sought. These deployments would contribute to coordinated efforts [REDACTED] s6(a) maritime surveillance involving the United States, Japan, Australia, the United Kingdom, Canada, the Republic of Korea (ROK) and France.

Executive summary

2. The international community's implementation of UNSC resolutions imposing sanctions against the DPRK is a key component of the diplomatic effort to encourage the DPRK to denuclearise and abandon its ballistic missile and other weapons programmes. The DPRK's nuclear weapons and ballistic missile stockpiles are a key security issue for New Zealand and the Indo-Pacific region. Further, supporting the effective implementation of UNSC resolutions is important for New Zealand as a benefactor from and contributor to the international rules-based order. The UNSC has called on member states to "redouble efforts" to implement the sanctions measures and to cooperate with each other in doing so, particularly with respect to inspecting, detecting and seizing prohibited items.

3. It is in the interest of New Zealand and those in the international community who want to see the complete, verifiable and irreversible denuclearisation of the DPRK through diplomatic means to assist with the implementation and enforcement of UNSC sanctions.

4. New Zealand has already contributed to [REDACTED] s6(a) maritime surveillance through the deployment of a RNZAF P-3K2 Orion (P-3) in September/October 2018 [CAB-18-MIN-0930 refers]. This aircraft successfully captured relevant intelligence and assisted in the detection and deterrence of illicit DPRK activity (ship-to-ship transfers) during its month-

long deployment. This paper recommends a substantively similar deployment to last year's [redacted]

s6(a)

[redacted]
s6(a)

[redacted]
s6(a)

[redacted]
s6(a)

[redacted]
s6(a)

9. This paper recommends that New Zealand contribute to [redacted] maritime surveillance to detect and deter the evasion of UNSC sanctions through deploying a P-3 aircraft [redacted]

s6(a)

[redacted]
s6(a)

Background

DPRK is a threat to regional peace and stability

11. The DPRK continues to be the most pressing security issue facing the Indo-Pacific region. The DPRK's nuclear weapons and ballistic missiles (some of which are assessed as capable of reaching New Zealand) impact key New Zealand political, security and economic interests, and present a proliferation risk for nuclear weaponry and technology.

12. Although the DPRK's last nuclear test was conducted in September 2017, it continues to produce fissile material suitable for use in nuclear weapons. The DPRK has also carried out multiple short range ballistic missile tests since May 2019, in contravention of UNSC resolutions which explicitly prohibit the DPRK from conducting activities related to its ballistic missile programme.

The DPRK continues to evade UNSC sanctions

13. The UNSC has passed ten resolutions imposing sanctions against the DPRK in response to its programme of nuclear weapons and ballistic missile development and testing. The sanctions impose strict restrictions on the DPRK's exports and imports of key resources (such as coal) and limit the amount of refined petroleum that the DPRK can import to 500,000 barrels per year. UNSC sanctions are intended to apply increasing pressure on the DPRK to denuclearise and abandon its ballistic missile programme through restricting the importation of key resources. This pressure is considered a key factor in the DPRK's increased level of diplomatic engagement since early 2018.

14. However, the DPRK continues to flout UNSC sanctions through illicit ship-to-ship transfers (the transfer of cargo at sea between two or more surface vessels to hide the origin and nature of the cargo), therefore maintaining a supply of sanctioned resources to the DPRK. Through this deliberate violation of international law, the DPRK is able to alleviate some of the intended pressure of the sanctions regime. It also diminishes the likelihood that sanctions will generate their intended effect.

15. In response, UNSC resolution 2397 (2017) calls upon member states to redouble efforts to implement all UNSC resolutions against the DPRK, and to cooperate with each other in doing so, particularly with respect to detecting transfers of sanctioned goods with the DPRK. Cooperating to gather evidence on sanctions breaches through deterrence and detection (as would be conducted by the P-3) supports these efforts.

Outcomes of

s6(a)

coordinated maritime surveillance

16. Since April 2018, s6(a) countries have engaged in a programme of coordinated maritime surveillance in North East Asia s6(a). The purpose of these activities is to detect and deter sanctions evasion by the DPRK.

17. Detection involves the collection of evidence (primarily imagery) of sanctions evasion and illicit ship-to-ship transfers.

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

This, in turn, informs further diplomatic and legal follow-up, such as UN designations of vessels, individuals and entities associated with the DPRK's illicit activity. This follow-up is not just reactive (i.e. asking states and organisations to take action against offenders), it can also be proactive, and seek to encourage practical steps to enhance implementation of UN sanctions.

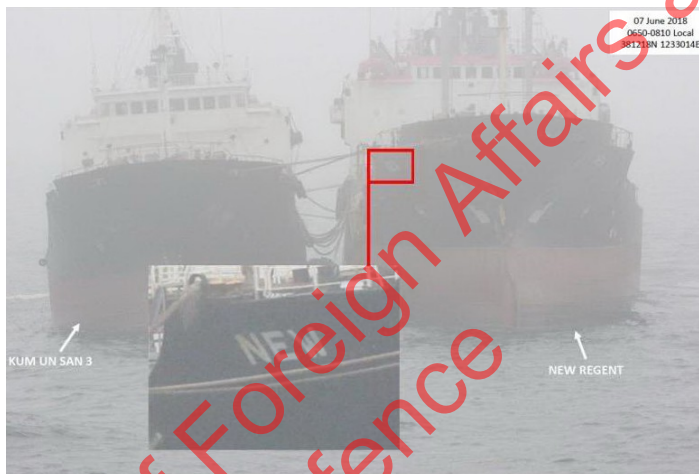


Figure 1 - The DPRK tanker KUM UN SAN 3 is pictured undertaking an illicit ship-to-ship transfer with the Panamanian flagged NEW REGENT in 2018. Both ships were subsequently designated by the UN 1718 Sanctions Committee.

18. s6(a) maritime surveillance has also proved an effective deterrence mechanism s6(a), s6(b)(i). In these instances, the presence of s6(a) ships or aircraft conducting maritime surveillance has resulted in vessels refraining from or cutting short their illicit ship-to-ship transfer activities.

s6(a)

s6(a)

New Zealand contributions to coordinated maritime surveillance so far

21. New Zealand contributed a P-3 aircraft and associated personnel in September/October 2018. The aircraft undertook nine patrol flights from its base in Okinawa, Japan, monitoring for DPRK sanctions evasion. During its deployment, the NZDF P-3 was able to deter an illicit ship-to-ship transfer with a DPRK-flagged oil tanker. The P-3 also captured intelligence of seven vessels known or suspected of involvement in DPRK sanctions evasion.

s6(a)

Why should New Zealand make further contributions s6(a) ?

23. As outlined in our August 2018 Cabinet Paper [CAB-18-MIN-0930 refers], contributing to maritime surveillance in support of UN sanctions against the DPRK is in alignment with New Zealand's foreign and security policies. The *Strategic Defence Policy Statement 2018* identified that the DPRK is "a critical disarmament and non-proliferation challenge, and it will continue to be in New Zealand's interests to support sanctions and denuclearisation".

24. UNSC sanctions on the DPRK are a core element of the international community's efforts to peacefully achieve denuclearisation of the DPRK. In alignment with New Zealand's preference for working to resolve international security issues within multilateral frameworks, a further contribution s6(a) advances New Zealand's commitment to the effective implementation of, and adherence to UNSC resolutions – a central part of the international rules-based order.

25. s6(a) maritime surveillance activities also involve Australia, Japan, Canada, the ROK, the US, the UK and France. s6(a)

s6(a)

s6(a)

Details for the proposed deployment(s)

27. Regardless of how many s6(a) deployments are approved by Cabinet, each would undertake the same activities and comprise the same personnel requirements. While deployed, the New Zealand P-3 would fly maritime surveillance patrols as part of a multinational flying programme s6(a). Patrols would identify and monitor vessels of interest. This could

involve the capture of imagery or 'hail and query' (meaning to establish audio communication with the ship's captain) in order to ascertain the identity of vessels. The NZDF anticipates flying between 85 and 100 hours during the 42 day deployment, with an upper limit of 120 hours.

28. The deployment of the NZDF P-3 would require 45 personnel to operate and support the aircraft. [redacted] s6(a) [redacted] (see the table below for a breakdown of overall NZDF personnel numbers for this deployment).

[redacted] s6(a)

31. An additional five personnel would be required to deploy ahead of and subsequent to each P-3 deployment to establish and then take down [redacted] s6(a) (the communications infrastructure required by the NZDF P-3 detachment). [redacted] s6(a)

Roles	[redacted] s6(a)	Location
Aircrew	[redacted]	Kadena Air base, Okinawa
Maintenance	[redacted]	Kadena Air base, Okinawa

Mission support (intelligence and computer information systems)	[Redacted]	Kadena Air base, Okinawa
Logistics and administration		Kadena Air base, Okinawa
s6(a)		

Deployment options

[Redacted]

Released by the Minister of Foreign Affairs and
the Minister of Defence

Released by the Minister of Foreign Affairs and
the Minister of Defence

s6(a), s9(2)(f)(iv)

s6(a)

s6(a)

s6(a)

s6(a)

Released by the Minister of Foreign Affairs and
the Minister of Defence

s6(a)

Operational risk assessment

56. Throughout the deployment NZDF aircraft and personnel would be based from major US military facilities in Japan and would fly patrols in a designated area of operations in International Airspace, s6(a). The security threat environment for the proposed area of operations is assessed as s6(a).

57. s6(a)

Implications for New Zealand's ability to deploy to other activities and operations

58. Committing one P-3 aircraft s6(a) can be managed by NZDF while concurrently maintaining national contingency operations in New Zealand and our immediate region with the remaining five P-3 aircraft. s9(2)(f)(iv)

s6(a)

Legal framework

60. UNSC resolution 2397 (2017) calls upon member states to redouble efforts to implement all UNSC resolutions against the DPRK, and to cooperate with each other in doing so, particularly with respect to detecting transfers of sanctioned goods with the DPRK.

61. s9(2)(h)

62. In order to base forces in Japan, New Zealand requires an appropriate legal framework. New Zealand is a party to the *Agreement regarding the Status of the United Nations Forces in Japan*, which was signed in 1954 (the 1954 Agreement) and will rely on the framework outlined in this Agreement to provide the basis for the deployment to Japan. New Zealand deployed under this legal framework during the 2018 deployment to support coordinated maritime surveillance. s6(a)

Consultation

63. This paper was prepared by the Ministry of Defence, New Zealand Defence Force and Ministry of Foreign Affairs and Trade, in consultation with the Department of the Prime Minister and Cabinet (PAG, NSG, NAB) and Treasury.

Financial Implications

64. The table below sets out the cost for s6(a) maritime surveillance deployment activities that NZDF is able to support over the next two years.

Vote Defence Force	NZ \$million					Total
	2019/20	2020/21	2021/22	2022/23	2023/24	
Estimated cost of a P-3 deployment up to 42 days in October/November 2019	1.752	-	-	-	-	1.752

s6(a)

s6(a)

Released by the Minister of Foreign Affairs and
the Minister of Defence

Publicity

73. If Cabinet approves the deployment, it will be important that we consult with the Government of Japan (as the host nation for New Zealand's deployment), and other contributing countries, before we make a public announcement. As s6(a) maritime surveillance is a coordinated activity, it is important to ensure that partners are aware of our deployment before a public announcement.

74. s6(a) a press release announcing the deployment will be issued by the Minister of Foreign Affairs and the Minister of Defence.

75. s6(a)

Proactive Release

76. A redacted version of this Cabinet paper will be proactively released following the public announcement.

Recommendations

77. The Ministers of Foreign Affairs and Defence recommend that the Committee:

1. **Note** that the United Nations Security Council (UNSC) sanctions regime is a key element of the global effort to peacefully apply pressure on the DPRK to denuclearise and abandon its ballistic missile programme, and that supporting this effort is in New Zealand's interests and consistent with our foreign and security policies.

2. **Note** that UNSC resolution 2397 calls upon member states to redouble efforts to implement all UNSC resolutions against the DPRK, and to cooperate with each other in doing so, particularly with respect to detecting transfers of sanctioned goods with the DPRK.

3. **Note** that one way states have sought to support the implementation of sanctions is through maritime surveillance to detect and deter sanctions evasion by the DPRK [redacted] s6(a).

4. **Note** that New Zealand's September/October 2018 deployment was an important contribution to the coordinated efforts [redacted] s6(a), involving Japan, Australia, the US, the ROK, Canada, the UK, France and New Zealand, and that all other partners have made further deployments since October 2018.

5. [redacted] s6(a)

[redacted] s6(a)

[redacted] s6(a)

5.5. [redacted] s6(a)

5.6. **Agree** to the deployment of a P-3 and 45 associated personnel to Kadena Air base, Japan, for period of up to 42 days between the dates of 1 October and 30 November 2019.

5.7. [redacted] s9(2)(f)(iv)

5.8. [redacted] s6(a)

5.9. [redacted] s6(a)

s6(a)

s9(2)(f)(iv)

s6(a)

6.

s9(2)(f)(iv)

7. **Note** that the Agreement regarding the Status of the United Nations Forces in Japan in 1954 is the legal framework under which New Zealand bases forces in Japan.

s6(a)

s6(a)

11. **Agree** that the NZDF may temporarily exceed the Cabinet-mandated personnel numbers for the purposes of command reconnaissance, quality assurance, training, crew rotation, and extraction of forces from theatre.
12. **Note** that the Chief of Defence Force will inform the Prime Minister, the Minister of Defence and the Minister of Foreign Affairs in advance whenever Cabinet-mandated personnel numbers are exceeded for the reasons set out in recommendation 11.

s6(a)

18. **Note** the cost of any of the Options can be met from within existing Vote Defence Force: Operations Contributing to New Zealand's Security, Stability and Interests MCA.

Authorised for lodgement

Rt Hon Winston Peters
MINISTER OF FOREIGN AFFAIRS

Hon Ron Mark
MINISTER OF DEFENCE

s6(a)

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the Minister of Defence

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