

HON JUDITH COLLINS KC, MINISTER OF DEFENCE

FUTURE MANDATE OPTIONS FOR THE NEW ZEALAND DEFENCE FORCE'S DEPLOYMENT TO THE MULTINATIONAL FORCE AND OBSERVERS

August 2024

This publication provides documents on Cabinet's 7 May 2024 decision to extend the mandate for the New Zealand Defence Force's Deployment to the Multinational Force and Observers (MFO) mission in Egypt.

The pack comprises the following documents:

- the redacted Cabinet minute of decision: *Future Mandate Options for the New Zealand Defence Force's Deployment to the Multinational Force and Observers* [FPS-24-MIN-0007]
- the redacted Cabinet paper: *Future Mandate Options for the New Zealand Defence Force's Deployment to the Multinational Force and Observers* [FPS-24-SUB-0007]

This pack has been released on the Ministry of Defence website, available at: <https://defence.govt.nz/publications/future-mandate-options-for-the-new-zealand-defence-force-deployment-to-the-multinational-force-and-observers/>

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.

Certain information is withheld, where the making available of the information 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)]
- the entrusting of information to the Government of New Zealand on the basis of confidence by the Government of any other country [section 6(b)(i)].

In addition, certain information has been withheld in order to:

- maintain the constitutional conventions for the timing being which protect the confidentiality of advice tendered by Ministers of the Crown and officials [section 9(2)(f)(iv)]
- maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any department or organisation in the course of their duty [section 9(2)(g)(i)]
- the maintain legal professional privilege [s9(2)(h)]



Cabinet Foreign Policy and National 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.

Future Mandate Options for the New Zealand Defence Force's Deployment to the Multinational Force and Observers

Portfolios Foreign Affairs / Defence

On 7 May 2024, the Cabinet Foreign Policy and National Security Committee:

- 1 **noted** that in March 2022, the previous government agreed to extend to 30 September 2024 the mandate for the 28-person core contingent to the Multinational Force and Observers mission in Egypt, to which New Zealand has contributed since its inception in 1982 [ERS-22-MIN-0009];
- 2 **noted** that continuing New Zealand's commitment to the Multinational Force and Observers mission would underline New Zealand's reputation as a trusted, reliable, and longstanding supporter of the international rules-based system, and provide a means of developing New Zealand Defence Force (NZDF) partnerships, and operational experience and skills which are applicable in the Indo-Pacific and more widely;
- 3 **noted** that the overall threat assessment for the Multinational Force and Observers mission is s6(a)
- 4 **agreed** to extend the mandate for the 28-person core contingent to the Multinational Force and Observers mission for a further two years until 30 September 2026;
- 5 **agreed** to the strategic objectives for this deployment, as outlined in the submission under FPS-24-SUB-0007;
- 6 [REDACTED] s6(a)
- 7 **noted** that the total estimated cost of maintaining the mandate for two years from 1 October 2024 to 30 September 2026, [REDACTED] s6(a) [REDACTED] is assessed as \$8.683 million, which is able to be met from within the existing baseline for 'Vote Defence Force: Operations Contributing to New Zealand's Security, Stability and Interests MCA'.

Jenny Vickers
Committee Secretary

Attendance: (see over)

Present:

Rt Hon Christopher Luxon
Rt Hon Winston Peters (Chair)
Hon David Seymour
Hon Nicola Willis
Hon Judith Collins
Hon Mark Mitchell
Hon Todd McClay

Officials present from:

Office of the Prime Minister
Office of the Chair of FPS
Officials Committee for FPS
New Zealand Defence Force
Ministry of Defence

Released by the Minister of Defence

Chair, Foreign Policy and National Security Committee

FUTURE MANDATE OPTIONS FOR THE NEW ZEALAND DEFENCE FORCE'S DEPLOYMENT TO THE MULTINATIONAL FORCE AND OBSERVERS

Proposal

1. This paper provides advice and seeks a Cabinet decision on the future of the New Zealand Defence Force's (NZDF) deployment to the Multinational Force and Observers (MFO) in Egypt.

Relation to Government Priorities

2. The relationship to Government priorities is addressed in the covering note: Strategic Assessment of Future Peace Support Options for the New Zealand Defence Force.

Executive Summary

3. This Cabinet paper recommends that Cabinet maintains and renews the current deployment of 28 NZDF personnel to the MFO for a further two years to September 2026, at an estimated cost of \$3.539 million in 2024/25, \$4.139 million in 2025/26 and \$1.005 million in 2026/27. [REDACTED] s6(a)

4. This recommendation reflects the value of this peace support deployment to New Zealand's interests, in particular through demonstrating support to the international rules-based system at a critical time for peace and security in the region, and through building relationships with key partners [REDACTED] s6(a), s9(2)(g)(i)

5. There are some risks associated with the deployment, including the need for robust force protection of the MFO in light of the present conflict in the Middle East region. This paper notes the NZDF's full confidence in the MFO command to deliver this protection, [REDACTED] s6(a)

6. The recommended option can be funded within the existing unallocated baseline for "Vote Defence Force: Operations Contributing to New Zealand's Security, Stability and Interests MCA", and no additional funding is required.

7. Following Cabinet's decision, officials will advise partners. A press release will also be prepared.

Context

Background

8. The MFO mission was established in 1982 to act as a neutral arbiter in ensuring compliance with the provisions of the 1979 Egypt-Israel Peace Treaty and to observe, monitor and verify each country's military presence along the border zones between Egypt and Israel. A map of the Area of Operations is provided at Annex A.

9. The NZDF has contributed to the MFO since its inception in 1982. The mandate for this contribution was renewed in 2022 for up to 28 core personnel for a further two years through to 30 September 2024. s6(a)

10. In December 2019, New Zealand assumed the role of MFO Force Commander (Major General Evan Williams) with two associated personnel, mandated until March 2023. Major General Williams subsequently returned to cover a temporary gap in the role through to 17 March 2024 when he handed over command to a member of the Australian Defence Force [CAB-23-MIN-0450 refers].

Strategic case for the deployment

- 11. The strategic benefits of contributing to the MFO are:
 - 11.1. contributing to the international rules-based system, with a particular focus on the Middle East at a critical time for the region;
 - 11.2. improved situational awareness in the Middle East, including on the ground understanding of key developments in Middle East regional security;
 - 11.3. collaborating with key partners s6(a), s9(2)(g)(i)
 - 11.4. providing operational experience for NZDF personnel.

Future strategic objectives

- 12. In line with the strategic case for the deployment, it is proposed that the future strategic objectives for the NZDF’s contribution to the MFO be:
 - 12.1. to maintain New Zealand’s credibility as a supporter of the international rules-based system by providing a tangible contribution to a long-standing, trusted coalition effort to preserve peaceful relations along borders in a region that has recently seen an escalation in tensions;
 - 12.2. to reinforce relationships with key partners s6(a)
 - 12.3. to provide NZDF personnel experiences in a challenging and austere environment, which would see them better equipped to deal with humanitarian, stability and security challenges arising in the Indo-Pacific.
- 13. Options to meet these objectives are proposed below.

Option 1: Maintain and renew New Zealand’s commitment (Recommended).

Proposed Commitment	Personnel/Capability	Duration	Cost
Maintain current personnel deployment s6(a)	Renew the mandate for the 28-person core contingent to the MFO. s6(a)	October 2024 to September 2026	Up to \$8.683M

14. New Zealand has contributed a standard contingent size of 28 personnel to the MFO for over 20 years. This number has come from many years of refinement to ensure a right-sized contribution. Should New Zealand look to reduce this number, providing significant notice to our partners is recommended and the most appropriate forum for this would be

at the MFO Annual Meeting.

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

15.

s6(a)

Risks

16. New Zealand Defence Intelligence assesses the unmitigated overall threat to NZDF personnel deployed in Egypt as s6(a) reflecting the increased security threats in the Sinai due to conflict in and around Israel-Gaza. These threats reinforce the need for robust force protection.

17.

s6(a)

Option 2: Withdraw (Not Recommended)

18. This option proposes a complete NZDF withdrawal from MFO.

Benefits and risks

19. This option would release funds otherwise committed to the MFO deployment. Withdrawal would, however, leave New Zealand without an alternative peace support deployment that delivers the same benefits, as shown in the attached covering note. These benefits include demonstrating New Zealand's commitment to the international rules-based system, building defence partnerships through operating together, and skills and experience acquisition for NZDF personnel. Additionally, it would be difficult for New Zealand to re-enter this mission following a complete withdrawal, should the Government choose to do so.

Financial Implications

Option 1: Maintain and renew New Zealand's commitment (Recommended)

20. The recommended option to renew the current mandate for the 28-person core contingent to the MFO for a further two years until 30 September 2026 s6(a) is estimated to cost \$3.539 million in 2024/25, \$4.139 million in 2025/26, and \$1.005 million in 2026/27. This option can be funded within the existing unallocated baseline for "Vote Defence Force: Operations Contributing to New Zealand's Security, Stability and Interests MCA", and no additional funding is required. An NZDF Output 5 financial forecast is attached at Annex B.

21. The Minister for Veterans has declared this deployment to be 'qualifying operational service' under the Veterans' Support Act. The estimated impact to the veterans' support

s6(a)

entitlement obligation is \$4.685 million and can be funded within the existing unallocated baseline for “Vote Defence Force Non-Departmental Other Expenses: Service Cost – Veterans’ Entitlements”.

Option 2: Withdraw and conclude New Zealand’s commitment (Not recommended)

22. The option to withdraw would save the amounts otherwise invested in Option One.

Legal Considerations

23. *Legal framework for activities:* The legal framework for the activities and presence of the MFO mission is provided by the 1979 Egypt–Israel Peace Treaty and Protocol. While deployed, NZDF personnel are subject to the exclusive jurisdiction of New Zealand in respect of any criminal offences, and are not subject to the civil jurisdiction of Israel or Egypt for matters relating to official duties.

24. *Civilian harm:* The nature of the proposed commitment renders the likelihood of involvement in any action leading to civilian harm as unlikely. NZDF personnel will be directed to report any incidents of civilian harm. Reporting requirements will follow those in Defence Force Order 35.

25. *Detainee handling:* Detainee handling is a remote possibility. In the unlikely event that NZDF personnel are required to handle detainees, it will be carried out in accordance with the 2022 Detention Policy Framework. [Redacted] s9(2)(h)

26. *Rules of engagement:* NZDF personnel will be armed during the proposed deployment. They will operate under the Operation FARAD – NZDF Rules for the Active Use of Force² and NZDF orders and policies for the use of force.

27. *Human rights risk assessment:* There is a negligible likelihood of this deployment causing or contributing to a human rights breach. There is a negligible likelihood that interactions as part of the deployment could contribute to a breach of human rights. [Redacted] s6(a), s9(2)(g)(i)

Consultation

28. This paper was jointly prepared by the Ministry of Defence, the NZDF and the Ministry of Foreign Affairs and Trade. The Department of the Prime Minister and Cabinet (National Security Group and Policy Advisory Group), the Government Communications Security Bureau, the New Zealand Security Intelligence Service and the Treasury were consulted.

Recommendations

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

1. **note** that in March 2022, Cabinet agreed to extend to 30 September 2024 the mandate for the 28-person core contingent to the Multinational Force and Observers mission in Egypt, to which New Zealand has contributed since its inception in 1982 [ERS-22-MIN-0009 refers];
2. **note** that continuing New Zealand’s commitment to the Multinational Force and Observers mission would underline New Zealand’s reputation as a trusted, reliable and longstanding supporter of the international rules-based system, and provide a

² The Operation FARAD – NZDF Rules for the Active Use of Force were approved by the Prime Minister on 14 February 2008.

means of developing New Zealand Defence Force partnerships, and operational experience and skills which are applicable in the Indo-Pacific and more widely;

3. **note** that the overall threat assessment for the Multinational Force and Observers mission is s6(a)
4. **Agree** to:

EITHER

Option One: Maintain and renew New Zealand's commitment (Recommended)

- 4.1. **agree** to extend the mandate for the 28-person core contingent to the Multinational Force and Observers mission for a further two years until 30 September 2026;
- 4.2. **agree** to the proposed strategic objectives for this deployment;

AND

- 4.3. s6(a)
- 4.4. **note** that the total estimated cost of maintaining the mandate for two years from 1 October 2024 to 30 September 2026 s6(a) is assessed as \$8.683 million. This is able to be met within the existing baseline for 'Vote Defence Force: Operations Contributing to New Zealand's Security, Stability and Interests MCA'.

OR

Option Two: Withdraw (Not Recommended)

- 4.5. **approve** the withdrawal of the 28-person core contingent from the Multinational Force and Observers mission by 30 September 2024; and
- 4.6. **note** the associated risks of withdrawal to: New Zealand's credibility as a supporter of the international rules-based system; the benefits derived from this long-standing deployment; and the skills and experience acquisition to New Zealand Defence Force personnel.

Authorised for lodgement

Rt Hon Winston Peters
MINISTER OF FOREIGN AFFAIRS

Hon Judith Collins KC
MINISTER OF DEFENCE

Annexes:

- A. Map of Area of MFO Responsibility (Sinai Desert between Egypt and Israel)
- B. NZDF Output 5 Financial Forecast

ANNEX A: Map of MFO Area of Responsibility (Sinai Desert between Egypt and Israel).

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

Released by the Minister of Defence

s9(2)(f)(iv)

Released by the Minister of Defence

