

HON ANDREW LITTLE, MINISTER OF DEFENCE

New Zealand's Contribution to Peace and Stability on the Korean Peninsula

September 2023

This publication provides documents surrounding Cabinet's decision to extend the mandate for the deployment of the New Zealand Defence Force personnel to the United Nations Command and the United Nations Command Military Armistice Commission in the Republic of Korea until 30 September 2024.

The pack comprises the following documents:

- New Zealand's Contribution to Peace and Stability on the Korean Peninsula minute of decision [ERS-23-MIN-0014]
- New Zealand's Contribution to Peace and Stability on the Korean Peninsula Cabinet paper [ERS-23-SUB-0014]

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)]
- 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)] or international organisation [section 6(b)(ii)].

Information is also 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)]



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.

New Zealand's Contribution to Peace and Stability on the Korean Peninsula

Portfolios Defence / Foreign Affairs

On 4 April 2023, the Cabinet External Relations and Security Committee:

- 1 **noted** that New Zealand currently contributes 12 personnel to the United Nations Command (UNC) and the United Nations Command Military Armistice Commission (UNCMAC), with the current mandate expiring on 31 August 2023 [ERS-21-MIN-0022];
- 2 **noted** that the security situation on the Korean Peninsula remains a key risk to regional and global security, and that ongoing contributions to the security architecture on the Korean Peninsula support the maintenance of peace and stability, and signal New Zealand's commitment to upholding the international rules-based system, in the Indo-Pacific region and globally;
- 3 **agreed** to extend the mandate for the deployment of New Zealand Defence Force (NZDF) personnel to UNC and UNCMAC in the Republic of Korea for 13 months, from 31 August 2023 to 30 September 2024, and maintain New Zealand's existing contribution of 12 personnel;
- 4 **noted** that the proposal for a shortened mandate period will align the Operation MONITOR mandate with the current mandate for Operation WHIO;
- 5 **agreed** to the NZDF engaging with the UNC in order to identify roles and positions at rank levels that provide operational opportunities for more junior personnel, s6(a)
- 6 **note** that the estimated direct cost of extending the mandate and maintaining the current contribution of 12 roles is \$2.693 million;
- 7 **noted** that the legal basis for New Zealand's involvement in the United Nations Command and its Military Armistice Commission is reliant on the *Meyer Agreement* of 1952;
- 8 **noted** that the overall operational threat to NZDF personnel deployed to the Republic of Korea is assessed as s6(a)
- 9 **noted** that the above decisions can be funded within the existing unallocated baseline for *Vote Defence Force: Operations Contributing to New Zealand's Security, Stability and Interests MCA*;

- 10 **noted** that the above decisions are estimated to increase the value of the veterans' support entitlements liability, which can be met from within the existing unallocated baseline for *Vote Defence Force Non- Departmental Other Expenses appropriation: Service Cost – Veterans Entitlements*.

Janine Harvey
Committee Secretary

Present:

Rt Hon Chris Hipkins (Chair)
Hon Carmel Sepuloni
Hon Kelvin Davis
Hon Grant Robertson
Hon Michael Wood
Hon Andrew Little
Hon David Parker
Hon Ginny Andersen

Officials present from:

Office of the Prime Minister
Officials Committee for ERS

Released by the Minister of Defence

Office of the Minister of Defence

Office of the Minister of Foreign Affairs

Chair, External Relations and Security Committee

NEW ZEALAND'S CONTRIBUTION TO PEACE AND STABILITY ON THE KOREAN PENINSULA

Proposal

1. To seek Cabinet agreement to:
 - Extend the mandate for Operation MONITOR, New Zealand's 12 person contribution to the United Nations Command (UNC) and the United Nations Command Military Armistice Commission (UNCMAC) in the Republic of Korea (ROK); and
 - Approve a review of the 12 positions currently being filled by the NZDF.

Relation to Government priorities

2. New Zealand's commitment to the UNC and UNCMAC supports the Government's priorities by:
 - Contributing to collective security efforts and the international rules-based system, which in turn supports the Government's priority to '*lay the foundations for a better future*'.
 - Upholding the authority of the United Nations (UN) as an arbiter of interstate conflicts and a proponent of post-conflict resolution and peace-building.
 - Supporting international efforts to prevent the proliferation of nuclear weapons and missiles.
 - Aligning with the 2020 Election Manifesto commitment to 'UN-sanctioned peacekeeping and humanitarian missions'.¹
 - Supporting Defence's *People* priority, the *Strategic Defence Policy Statement 2018* and the *Defence Assessment 2021*.²
 - Helping to maintain a strong network of international security relationships and partnerships that provide for mutual understanding and improved interoperability.

Executive Summary

3. In June 2021 Cabinet extended the mandate for New Zealand's nine-person contribution to the UNC and UNCMAC for two years until 31 August 2023, and agreed to fill an additional three positions (ERS-21-MIN-0022).

¹ The UNC is not a 'traditional' UN peacekeeping mission, however it is mandated by the United Nations Security Council (UNSC) Resolution 82, 83 and 84, with the US appointed as its executive agent.

² '*Priorities for the Defence Portfolio*' (ERS-21-MIN-0040) and '*Defence Assessment 2021*' (ERS-21-MIN-0039) were considered by Cabinet in November 2021.

4. This paper proposes that Cabinet agree to extend the mandate and current contribution of 12 personnel for a further 13 months to 30 September 2024, to align it with the mandate for Operation WHIO³, New Zealand's second deployment to uphold security in the Indo-Pacific. This will allow for any future contributions to Operation MONITOR to be considered in conjunction with Operation WHIO, enabling consideration of a fuller picture of support that New Zealand could provide to uphold security in the Indo-Pacific.
5. Approving this proposal would assist in the maintenance of peace and stability on the Korean Peninsula, and in the wider Indo-Pacific region. It also helps to reinforce the security conditions that support our ability to trade and prosper in a peaceful Indo-Pacific region. [REDACTED] s6(a)
6. This proposal also provides a means to develop and regenerate the New Zealand Defence Force's (NZDF's) operational experience in peace support missions, which can be applied in the Pacific and wider contexts. This experience also provides positive inputs into the morale and welfare of those individuals deployed, with positive outcomes for retention.
7. Officials have assessed the risks associated with this proposal (threat level and ability to operate in the Pacific) and have determined that risks are limited and mitigated.

Background

- [REDACTED] s6(a)
8. The situation on the Korean Peninsula remains a key regional and global security concern. [REDACTED] s6(a)
[REDACTED] DPRKs conventional military capabilities also continue to pose significant risks to the ROK, Japan, and further afield.
 9. Cabinet last considered and extended the NZDF's deployment to the UNC and UNCMAC in 2021 IERS-21-MIN-00221 [REDACTED] s9(2)(g)(i)
[REDACTED] In 2022 alone, the DPRK launched an unprecedented number of ballistic and nuclear-capable missiles⁴, around 70 in total, including eight long-range Inter-Continental Ballistic Missiles (ICBMs). During February 2023, the DPRK has launched one ICBM and two shorter-range missiles.
 10. Furthermore, the DPRK has conducted six nuclear weapon tests the last being in September 2017 [REDACTED] s6(a), s6(b)(i)
[REDACTED] weapon tests, as well as many missile tests, are in contravention of United Nations Security Council Resolutions (UNSCRs), which require the DPRK to abandon its weapons programmes and denuclearise.

³ The enforcement of UNSCR sanctions against DPRK's nuclear weapon programme.

⁴ Contrary to the DPRK's obligations in accordance with the Nuclear Non-Proliferation Treaty and in defiance of UNSC Resolutions demanding that Pyongyang cease its pursuit of weapons of mass destruction.

11. In recent months there has been an increasing number of incidents on the border between the DPRK and ROK, including drone incursions and exchanges of artillery fire. The UNC plays a key role in managing these incidents through its maintenance of stability at the Demilitarised Zone (DMZ) between the two Koreas, its role in facilitating diplomacy, and through its engagement with ROK Armed Forces.

And has an impact on New Zealand's security and economy

12. New Zealand's national security relies on preserving peace and stability in the Indo-Pacific region.

s9(2)(g)(i)

13. New Zealand's economy and prosperity, as well as the economies of the Pacific, are reliant on our ability to trade in a peaceful Indo-Pacific, particularly with the large powerhouse economies of Northeast Asia. The ROK and Japan are two of the top ten global economies, and significant trading partners with New Zealand.

s9(2)(g)(i)

UN security architecture continues to deliver peace and stability on the Korean Peninsula

14. The UNC and UNCMAC operate under a UN mandate (provided by UN Security Council Resolutions 82, 83, and 84), and support the maintenance of peace and stability on the Korean Peninsula by providing a unified multinational command tasked with maintaining the armistice and facilitating diplomacy between DPRK and ROK. New Zealand's deployments support this effort, and also the authority of the UN as an arbiter of interstate conflicts and a proponent of post-conflict resolution and peace-building.

15. The table below outlines the respective roles of the UNC and UNCMAC:

	Mission	Activities
UNC (1950-)	Defend the ROK	Conduct multinational operations and exercises to enhance readiness to defend ROK from DPRK attack; and communicate strategic messaging to the DPRK.
UNCMAC (1953-)	Administer terms of the Armistice Agreement	Maintain military stability between the ROK and DPRK by ensuring compliance with the terms and provisions of the ceasefire; manage the separation of the opposing military forces on both sides of the Demilitarised Zone; investigate any violations and settle disputes, act as an intermediary in negotiations between opposing forces, and provide educational services for UNC military personnel.

16. The UNC is mandated by the UN Security Council (UNSC) and conducted under the UN flag. However, due to the legal status of the United States as executive agent of the UNC, this mission is not recognised as a 'traditional' UN mission and does not contribute to New Zealand's numbers of personnel participating in UN peacekeeping missions.

Current contributions to the UNC and UNCMAC

17. The NZDF currently has 12 personnel deployed on Operation MONITOR, with six to the UNC Headquarters and six to UNCMAC. In addition, the Defence Attaché in Seoul, while not deployed under this mandate, acts as the UNC Sending State Representative for this deployment.
18. New Zealand contributes to UNC Headquarters alongside a broad range of partners, including: Australia, Canada, Colombia, Denmark, Philippines, Thailand, United Kingdom, ROK and the United States.

Options

19. Two options are presented for Cabinet consideration: to extend, rebalance and maintain New Zealand's current commitment to the UNC and UNCMAC (recommended); or withdraw from the mission (not recommended).

Option One: Extend, rebalance, and maintain New Zealand's contribution (recommended)

20. We recommend that Cabinet extend the deployment mandate for a period of 13 months from 31 August 2023 until 30 September 2024.
- Typically, we would seek a two year mandate extension. The proposal for a shortened mandate period, however, will align the Operation MONITOR mandate with the current mandate for Operation WHIO - New Zealand's deployment in support of UNSCR sanctions enforcement against the DPRK - which expires on 30 September 2024. s6(a), s6(b)(ii)
s6(a)
 - Aligning these mandates will allow for any future contributions to Operation MONITOR to be considered in conjunction with Operation WHIO (and vice versa), both operationally and financially, enabling Ministers to consider a fuller picture of possible support that New Zealand could provide to uphold security in the Indo-Pacific.
21. We also recommend that Cabinet approve a review of the 12 positions currently being filled by the NZDF.
- Following the NZDF contribution to the COVID-19 response, known as Operation PROTECT, there is a growing need to identify operational opportunities and experience for more junior-to-mid ranking NZDF personnel. This will provide a means to help develop and regenerate the NZDF's operational experience in peace support missions, which can be applied in the Pacific and wider contexts. It will also provide positive inputs into the morale and welfare of those junior-to-mid ranked personnel, with positive outcomes for retention.

- [Redacted] s6(a)
- If approved, the NZDF will work with UNC to identify positions similar to those already held but at lower rank levels. This will provide operational experience opportunities for more junior ranking personnel, [Redacted] s9(2)(g)(i). The current mandate of 12 personnel will not be exceeded.

Objectives for Option One

22. New Zealand's objectives for Option One are:

- To support the international rules-based system by contributing to the maintenance of peace and security in a key area of regional and global security concern.
- Help strengthen the underlying security conditions that supports our ability to trade, engage and prosper in a peaceful and stable Indo-Pacific.
- [Redacted] s6(a)
- To enhance the NZDF's operational experience across all three Services in a peace support mission within a complex multinational environment, providing positive inputs into regeneration and retention.

Benefits for Option One

23. Maintaining New Zealand's contribution and continued presence on the Korean Peninsula demonstrates our support to the international rules-based system by contributing to the maintenance of peace and security in an area which has historically been the site of ongoing tension and potential conflict, and makes a meaningful contribution to a UN-supported effort. It also supports more focused international efforts to prevent the proliferation of nuclear weapons and missiles by DPRK.
24. In helping maintain peace and stability on the Korean Peninsula, New Zealand is helping to strengthen the underlying security conditions that support our ability to trade, engage and prosper in a peaceful and stable Indo-Pacific. These benefits also extend to our Pacific partners.
25. New Zealand's contribution bolsters our most substantial and visible deployment within the Indo-Pacific region, in line with the intention stated in the *Strategic Defence Policy Statement 2018* and *Defence Assessment 2021* to focus more on our immediate region.

[Redacted] s6(a)

26. The contribution also provides opportunities for the NZDF [redacted] s6(a) [redacted] and to develop skills, knowledge and experience in a multinational mission environment. Furthermore, maintaining New Zealand's contribution provides the NZDF with professional military experiences that aid in the regeneration of military capabilities and retention of personnel.

Risks for Option One

27. Officials have assessed the risks associated with this option and determined that they are limited and mitigated.

Risk	Assessment
Threat level	The unmitigated overall threat to NZDF personnel deployed to the mission (and to ROK) is assessed as [redacted] s6(a) [redacted]
Ability to operate in the Pacific and respond to contingencies	This proposed mandate renewal will not prevent the NZDF from meeting its obligations in the Pacific or respond to contingencies. Such operational experience enhances the capability of NZDF's people to operate in the Pacific region.
COVID-19	Defence continues to monitor the impacts of COVID-19 on its missions and will advise Ministers of any significant developments associated with the pandemic.

Option Two: Withdraw (not recommended)

28. Should Cabinet select Option Two and direct the NZDF to withdraw, New Zealand would advise the UNC and UNCMAC, and provide the standard 'six months' notice of the intended termination. Cabinet would be requested to extend the deployment mandate for a period of four months from 31 August 2023 until 31 December 2023 to allow the UNC time to identify replacements before an NZDF withdrawal, no later than 31 December 2023.

Benefits for Option Two

29. Should Cabinet wish to withdraw, the funding for this deployment would accrue to 'Vote Defence Force: Operations Contributing to New Zealand's Security, Stability and Interests MCA.'

Risks for Option Two

30. [redacted] s6(a) [redacted]

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

31.

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

32. Furthermore, withdrawal would remove an opportunity for the NZDF to gain operational experience across all three Services in a peace support mission within a complex multinational environment, with the loss of positive inputs into operational regeneration and personnel retention.

Legal Considerations

33. The *Meyer Agreement* of May 1952 provides the legal basis for UNC and UNCMAC personnel to operate in the ROK. New Zealand does not have a bilateral Status of Forces Agreement with the ROK, however the ROK welcomes New Zealand's contributions to the UN security architecture on the Korean Peninsula.
34. NZDF personnel deployed on Operation MONITOR are not routinely armed. Notwithstanding, there are existing NZDF Rules of Engagement (ROE) approved for Operation MONITOR which NZDF personnel are required to follow. These are aligned with the standing UNC and UNCMAC ROE which require de-escalation and minimal use of force, while still allowing for self-defence. Should there be any requirement to review existing ROE arrangements the Chief of Defence Force would seek formal approval from the Prime Minister, through the Minister of Defence.

Process for reporting of civilian casualties

35. In January 2021 Cabinet was advised [CBC-21-MIN-0006] of a standardised NZDF response process for reports of civilian casualties arising from military activities in situations of armed conflict, (Defence Force Order [DFO] 35). DFO 35 applies to all members of the NZDF. Should reports of civilian harm as a result of NZDF activity in the ROK or the DMZ be received during the deployment, the processes set out in DFO 35 could be utilised for reporting and investigating any such reports. The UNC has prescribed processes for reporting incidents through to the UNCMAC and New Zealanders deployed on this mission would be expected to comply with relevant UNC regulations.

Human rights

36. New Zealand is obligated under international law to not aid or assist (or be complicit in) an internationally wrongful act by another State, such as breaches of human rights. The legal standard for complicity is high. The NZDF has undertaken a Human Rights Risk Assessment (HRRRA) to assess the risk of becoming complicit in an internationally wrongful act through its contribution to this mission. The HRRRA was informed by the nature of the operations undertaken by the UNC and UNCMAC, its historical human rights record, and the specifics of the roles undertaken by NZDF personnel. The HRRRA determined that there is a negligible likelihood of the NZDF knowingly contributing to an internationally wrongful act.

Detention Policy Framework

37. In 2022 Cabinet approved a Detention Policy Framework for New Zealand organisations operating overseas. Due to the roles and positions filled within the UNC and UNCMAC, this deployment falls within the scope of the Policy Framework. An initial Detention Risk Assessment has been carried out under the Detention Policy Framework which finds that there is no reasonable likelihood that NZDF personnel will be required to participate in a Detention Operation on this mission. Accordingly, the Detention Policy Framework is not engaged, and a further assessment under the Framework is not required. This assessment will be reviewed regularly during the course of the mission to ensure that it remains valid.

Financial Implications

38. No additional funding is required for either option. Both options can be funded from Crown Revenue within the existing unallocated baseline for 'Vote Defence Force: Operations Contributing to New Zealand's Security, Stability, and Interests MCA.'

Estimated Direct Costs	NZ \$million			
	2023/24	2024/25	2025/26	Total
Option One - Recommended Extension of the mandate for 13 months from 31 August 2023 until 30 September 2024, and maintain current contribution.	2.068	0.625		2.693
Option Two – Not Recommended Extension of the mandate for four months from 31 August to 31 December 2023, and withdraw all contributions no later than 31 December 2023.	0.874	0.000		0.874

39. The estimated increase to the veterans' support entitlement obligation for Option One is \$1.296 million over the term of the deployment. Option Two would see costs limited to \$0.432 million. Each option can be funded within the existing 'Vote Defence Force appropriation Service Cost – Veterans' Entitlements.'

Consultation

40. This paper was jointly prepared by the Ministry of Defence, the New Zealand Defence Force, and the Ministry of Foreign Affairs and Trade. The Department of the Prime Minister and Cabinet (National Security Group and Policy Advisory Group), the New Zealand Intelligence Community, the Treasury, and the National Assessments Bureau were consulted.

Proactive release

41. I intend to proactively release a redacted version of this paper.

Recommendations

42. We recommend that the Committee:

1. **Note** that New Zealand currently contributes 12 personnel to the UNC and UNCMAC, with the current mandate expiring on 31 August 2023.
2. **Note** that the security situation on the Korean Peninsula remains a key risk to regional and global security, and that ongoing contributions to the security architecture on the Korean Peninsula support the maintenance of peace and stability and signal New Zealand's commitment to upholding the international rules-based system in the Indo-Pacific region and globally.
3. **Agree** to one of the following two options:

3.1. **Option One: Extend, rebalance and maintain New Zealand's commitment to the UNC and UNCMAC (recommended).**

3.1.1 **Agree** to extend the mandate for the deployment of NZDF personnel to UNC and UNCMAC in the ROK for 13 months from 31 August 2023 to 30 September 2024, and maintain New Zealand's existing contribution of 12 personnel;

3.1.2 **Note** that the proposal for a shortened mandate period will align the Operation MONITOR mandate with the current mandate for Operation WHIO;

3.1.3 **Agree** to the NZDF engaging with the UNC in order to identify roles and positions at rank levels that provide operational opportunities for more junior personnel, [REDACTED]
s6(a)

3.1.4 **Note** that the estimated direct cost of extending the mandate and maintaining the current contribution of 12 roles is \$2.693 million.

Or

3.2 **Option Two: Withdraw (not recommended)**

3.2.1 **Agree** to extend the mandate for the deployment of NZDF personnel to the UNC and UNCMAC for four months from 31 August 2023 to 31 December 2023, and withdraw all NZDF personnel from Operation MONITOR no later than 31 December 2023.

3.2.2 **Note** that the estimated direct cost of withdrawing is \$0.711 million.

4. **Note** that the legal basis for New Zealand's involvement in the United Nations Command and its Military Armistice Commission is reliant on the *Meyer Agreement* of 1952.

5. **Note** that the overall operational threat to NZDF personnel deployed to the ROK is assessed [REDACTED]
s6(a)

6. **Note** that all proposed options can be funded within the existing unallocated baseline for *Vote Defence Force: Operations Contributing to New Zealand's Security, Stability and Interests MCA*.
7. **Note** that these proposed options are estimated to increase the value of the veterans' support entitlements liability which can be met from within the existing unallocated baseline for *'Vote Defence Force Non- Departmental Other Expenses appropriation: Service Cost – Veterans' Entitlements*.

Authorised for lodgement

Hon Andrew Little
Minister of Defence

Hon Nanaia Mahuta
Minister of Foreign Affairs

Enclosed:

Annex A: NZDF Global Deployments Overview

Released by the Minister of Defence

ANNEX A: GLOBAL DEPLOYMENTS OVERVIEW



New Zealand
**DEFENCE
FORCE**
Te Ope Kātua o Aotearoa



**MANATŪ KAUPAPA
WAONGA**
NEW ZEALAND
MINISTRY OF DEFENCE

s9(2)(f)(iv)

New Zealand, Antarctica, the Southern Ocean and the South Pacific are New Zealand Defence's highest priority and the majority of NZDF operations are in our near region, although many of these do not require Cabinet approval. This prioritisation does not preclude Defence from contributing further afield in a targeted way where New Zealand has significant security interests.

Commonly, these security interests often include:

- Safeguarding New Zealand citizens;
- Maintaining the international rules based system;
- Contributing to the security of critical trade routes;
- Contributing to New Zealand's security partnerships; and
- Enhancing NZDF operational experience and interoperability.

TRIGGERS FOR CABINET DEPLOYMENT DECISIONS

- A new security threat (the emergence of ISIS in Iraq/Syria led to the formation of the Global Coalition to Defeat ISIS)
- Conclusion of an existing mandate and consideration of extension [*standard mandate 2 years*] (peacekeepers in South Sudan)
- A request or requirement to change the role, location, numbers of a deployment (surge deployment to United Nations Command)
- Third country deployments (NZDF personnel deployed within partner militaries on operations)
- Direct request from the United Nations or a multinational coalition (Force Commander for Multinational Force and Observers)
- A request of support from a partner nation (logistics support to Solomon Islands elections helicopters)

s6(a)

TIMING AND SUSTAINABILITY

The ways in which deployment proposals arise cannot always be forecast, and can also create timing and coherency challenges. In considering deployments the NZDF ensures it can maintain sufficient capabilities to meet current and standing commitments (e.g. regular maritime patrols around New Zealand), and respond to directed contingencies (e.g. responding to natural disasters in New Zealand and the Pacific).