



Cabinet

Minute of Decision

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Rotation of New Zealand Defence Force Deployed Forces

Portfolio **Defence**

On 23 July 2018, Cabinet:

- 1 **noted** that in March 2012, the former government agreed to the inclusion in all Cabinet submissions establishing or renewing operational mandates of a provision that allows the New Zealand Defence Force (NZDF) to temporarily exceed Cabinet-mandated personnel numbers for the purposes of command reconnaissance, rotation, and extraction of forces in and out of theatre [ERD Min (12) 2/6];
- 2 **noted** that officials have discovered that six of NZDF's eight current deployment mandate Cabinet papers did not include this provision;
- 3 **noted** that officials will ensure that this provision is included in the five deployment mandate renewal papers expected to be submitted to Cabinet in September 2018;
- 4 **agreed** that for New Zealand's current Afghanistan and Republic of Korea deployments, the Chief of Defence Force:
 - 4.1 may authorise the NZDF to temporarily exceed Cabinet-mandated deployed personnel numbers for the purposes of command reconnaissance, rotation, and extraction of forces in and out of theatre;
 - 4.2 will inform the Prime Minister, Minister of Foreign Affairs and Minister of Defence in advance, whenever this occurs.

Michael Webster
Secretary of the Cabinet

Hard-copy distribution:

Prime Minister
Deputy Prime Minister
Minister of Defence

Chair, Cabinet

ROTATION OF NEW ZEALAND DEFENCE FORCE DEPLOYED FORCES

Proposal

This paper seeks to inform Ministers of a recent issue identified in existing deployment mandate papers. It also proposes a temporary solution with regards to the New Zealand Defence Force (NZDF) deployments to Afghanistan and the Republic of Korea.

Background

Rotations: practice and permissions

2. As part of most deployments the NZDF employs various measures to enable the sustainment of its forces for the period of a mission's mandate which can result in Cabinet-mandated numbers being temporarily exceeded in theatre. These can include:

- a) a command reconnaissance team that precedes the arrival of the main force being rotated into theatre (generally [REDACTED] s6(a) ahead of the main force), in order to undertake a detailed handover;
- b) the full or part replacement of the deployed force (in military terminology this is referred to as a Relief in Place, or RIP), which usually involves a handover period of [REDACTED] s6(a) or
- c) a force extraction team, which is a team of NZDF personnel that coordinate the final withdrawal of deployed personnel from theatre at the end of a mission.

3. By authorising the short term exceeding of mandated numbers for these three reasons, mission continuity can be maintained and any negative impacts on operational effectiveness minimised. This is a best practice for advanced professional militaries.

4. In 2012 Cabinet agreed to the inclusion in all NZDF deployment papers of a provision that allows NZDF to temporarily exceed Cabinet-mandated personnel numbers. This approval was for the purposes of command reconnaissance, rotation, and extraction of forces in and out of theatre [CAB Min (12) 10/2 refers]. The Chief of Defence Force (CDF) was required to inform the Minister of Defence in advance whenever this occurred.

Issue identified

5. Officials have recently become aware that this process has not been uniformly followed and therefore the majority of existing deployment Cabinet mandates do not contain this provision; specifically for the South Sudan (UNMISS), Lebanon/Golan Heights (UNTSO), Sinai (MFO), Republic of Korea, and Afghanistan. The Mali (MINUSMA) deployment does not contain this provision, but as it is a one-off deployment of one person, it is not required. The Cabinet mandates for the Iraq deployment and Maritime Security and Support Operations deployments do however contain this provision.

6. There has been some confusion around the 2012 decision; it had been assumed that approval to exceed numbers for command reconnaissance, rotation, and extraction, only required CDF to inform the Minister of Defence. Officials were also operating under the assumption that no specific provision was needed in deployment Cabinet papers following the 2012 approval. This was a widely held assumption and as such, the NZDF have consistently conducted command reconnaissance, rotations and extractions under the assumed authority of CDF, with the Minister in each case being advised in advance.

7. This confusion has led to the NZDF regularly exceeding Cabinet mandated numbers since 2012, without explicit Cabinet or Ministerial approval to do so. **Annex A** contains a summary of when this has occurred. Every time numbers have been exceeded for the purposes of command reconnaissance, rotation, and extraction of forces in and out of theatre, the Minister of Defence has been informed in advance. No breach of numbers has occurred since officials became aware of this issue.

8. Cabinet papers on NZDF deployments being prepared for Government consideration in September for the UNMISS mission in South Sudan, the UNTSO mission in Lebanon/Golan Heights and the MFO mission in the Sinai will include the provision that approves the temporary exceeding of personnel numbers for the purposes of command reconnaissance, rotation and extraction. As these deployments do not have rotations occurring before September, there are no implications that arise from waiting until September to resolve this issue.

9. However, the next planned rotation in Afghanistan is set to occur between [REDACTED] s6(a) [REDACTED]. Government approval to exceed the mandated personnel numbers for the purposes of command reconnaissance, rotation and extraction is required prior to the planned rotation in order for it to occur.

10. The next planned rotation of the NZDF personnel deployed to the Republic of Korea is tentatively scheduled to occur between [REDACTED] s6(a) [REDACTED]. Again, Government approval enabling NZDF to temporarily exceed mandated personnel numbers for the purposes of command reconnaissance, rotation and extraction is

required prior to the planned rotation in order for it to occur. The mandate for the NZDF deployment to the Republic of Korea expires in August 2019, and Cabinet is not due to consider the NZDF deployment to the Republic of Korea until mid-2019 (at which time the omission of such a provision could be rectified, as appropriate).

Proposed remedy

11. In order to address the issue identified above it is proposed that Cabinet agree to authorise CDF to approve the temporary exceeding of Cabinet-mandated personnel numbers for the purposes of command reconnaissance, rotation, and extraction of forces in and out of theatre for the current Afghanistan and Republic of Korea deployments.

12. Consistent with the 2012 Cabinet decision, CDF would be required to inform the Minister of Defence in advance whenever a rotation, extraction or command reconnaissance is planned above mandated numbers. In addition, we propose that the Prime Minister and the Minister of Foreign Affairs also be informed. As detailed above, Government approval will be sought for the remaining deployments which currently lack the required provision in their mandate, through the September deployment Cabinet papers.

Legal Considerations

13. There are no legal issues arising from these approval processes.

Consultation

14. This paper reflects the views of the NZDF and Ministry of Defence. The Ministry of Foreign Affairs and Trade and the Department of the Prime Minister and Cabinet (PAG) have been consulted.

Human Rights

15. This paper is consistent with the Human Rights Act 1993 or NZ Bill of Rights Act 1990.

Legislative Implications and Regulatory Impact Analysis

16. There are no legislative implications or regulatory impacts arising from the recommendations in this paper.

Publicity

17. This paper will be proactively released on the Ministry of Defence website.

Recommendations

18. The Minister of Defence recommends that Cabinet:

- a) **note** that in 2012 the former Government approved the inclusion in all Cabinet submissions establishing or renewing operational mandates a provision that allowed the NZDF to temporarily exceed Cabinet-mandated personnel numbers for the purposes of command reconnaissance, rotation, and extraction of forces in and out of theatre;
- b) **note** that officials have discovered that six of NZDF's eight current deployment mandate Cabinet papers did not include this provision;
- c) **note** that officials will ensure this provision is included in the five September 2018 mandate renewal Cabinet papers; and
- d) **agree** that for New Zealand's current Afghanistan and Republic of Korea deployments, the Chief of Defence Force may authorise the New Zealand Defence Force to temporarily exceed Cabinet-mandated deployed personnel numbers for the purposes of command reconnaissance, rotation, and extraction of forces in and out of theatre, and that the Chief of Defence Force will inform the Minister of Defence, the Prime Minister and the Minister of Foreign Affairs in advance whenever this occurs.

Hon Ron Mark
Minister of Defence

Annex A – Summary of NZDF RiPs conducted from 2012-2018 (excluding Iraq and MSSO)

Year	Country	Mission	Period	Increase above mandated numbers
2012	Sinai	FARAD	s6(a)	9
	South Sudan	SUDDEN	s6(a)	1
	Golan / Lebanon	SCORIA	s6(a)	1
	South Sudan	SUDDEN	s6(a)	2
	South Korea	MONITOR	s6(a)	3
	Golan / Lebanon	SCORIA	s6(a)	1
	Sinai	FARAD	s6(a)	15
				Total No. RiPs
2013	Sinai	FARAD	s6(a)	5
	South Sudan	SUDDEN	s6(a)	3
	South Korea	MONITOR	s6(a)	3
	Golan / Lebanon	SCORIA	s6(a)	2
	South Sudan	SUDDEN	s6(a)	3

	Golan / Lebanon	SCORIA	s6(a)	1
	Golan / Lebanon	SCORIA		1
	Sinai	FARAD		26
			Total No. RiPs	8
2014	Golan / Lebanon	SCORIA	s6(a)	1
	Afghanistan	RUA II		5
	South Sudan	SUDDEN		2
	South Sudan	SUDDEN		1
	South Korea	MONITOR		3
	Sinai	FARAD		24
	Golan / Lebanon	SCORIA		2
	Golan / Lebanon	SCORIA		1
	Golan / Lebanon	SCORIA		2
	South Sudan	SUDDEN		2
	Golan / Lebanon	SCORIA		1
	South Sudan	SUDDEN		1
	Afghanistan	RUA II		3

	Golan / Lebanon	SCORIA	s6(a)	1
	South Korea	MONITOR		3
	Sinai	FARAD		25
			Total No. RiPs	16

* Extended period due to multi, national RiPs occurring in the mission at the same time. Outgoing NZ Training Advisory Team remained in theatre an extra 22 days to cope with the influx.

Year	Country	Mission	Period	Increase above mandated numbers
2015	South Sudan	SUDDEN	s6(a)	1
	Golan / Lebanon	SCORIA		1
	South Korea	MONITOR		3
	Sinai	FARAD		26
	Golan / Lebanon	SCORIA		1
	Golan / Lebanon	SCORIA		1
	South Korea	MONITOR		1
	South Sudan	SUDDEN		3
	Golan / Lebanon	SCORIA		1

	South Sudan	SUDDEN	s6(a)	1
	Afghanistan	RUA II		3
	Golan / Lebanon	SCORIA		1
	South Korea	MONITOR		2
	Sinai	FARAD		26
			Total No. RiPs	14
2016	South Sudan	SUDDEN	s6(a)	1
	Afghanistan	RUA II		2
	Golan / Lebanon	SCORIA		1
	South Korea	MONITOR		5
	Sinai	FARAD		25
	Golan / Lebanon	SCORIA		2
	Afghanistan	RUA II		3
	Afghanistan	RUA II		3
	Golan / Lebanon	SCORIA		1
	South Sudan	SUDDEN		3

	Afghanistan	RUA II	s6(a)	3
	Afghanistan	RUA II		4
	South Korea	MONITOR		4
	Sinai	FARAD		26
	Golan / Lebanon	SCORIA		1
	Total No. RiPs			15

Year	Country	Mission	Period	Increase above mandated numbers
2017	Golan / Lebanon	SCORIA	s6(a)	1
	Afghanistan	RUA II		3
	Afghanistan	RUA II		7
	South Sudan	SUDDEN		3
	Afghanistan	RUA II		3
	Sinai	FARAD		1
	Golan / Lebanon	SCORIA		3
	Sinai	FARAD		25
	South Korea	MONITOR		5

	Afghanistan	RUA II	s6(a)	4
	South Sudan	SUDDEN		3
	Afghanistan	RUA II		3
	Sinai	FARAD		26
	South Korea	MONITOR		4
	Afghanistan	RUA II		3
			Total No. RiPs	15
2018	South Sudan	SUDDEN	s6(a)	3
	Golan / Lebanon	SCORIA		2
	Sinai	FARAD		28
	South Korea	MONITOR		5
	South Sudan	SUDDEN		1
			Total No. RiPs	5

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Cabinet External Relations and Defence Committee

ERD Min (12) 2/6

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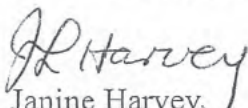
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Sustainment of NZDF Deployed Forces

Portfolio: Defence

On 19 March 2012, the Cabinet External Relations and Defence Committee:

- 1 **noted** that the New Zealand Defence Force (NZDF) employs various measures to enable the sustainment of its forces for the period of a mission's mandate, and that this can result in Cabinet-mandated personnel numbers being temporarily exceeded in theatre;
- 2
 - 2.1 **agreed** to the inclusion in all Cabinet submissions establishing or renewing operational mandates of a provision that allows the NZDF to temporarily exceed Cabinet-mandated personnel numbers for the purposes of command reconnaissance, rotation, and extraction of forces in and out of theatre;
 - 2.2 **agreed** that the Chief of Defence Force be required to inform the Minister of Defence in advance whenever this occurs;
- 3 **noted** that a surge involves the temporary deployment of additional personnel above Cabinet-mandated maximum numbers within an agreed time period, usually measured in days or weeks, but no longer than 90 days;
- 4 **agreed** that the Prime Minister, Deputy Prime Minister, and Ministers of Foreign Affairs and Defence may exercise decision-making authority collectively for deploying surges in excess of Cabinet-mandated personnel numbers;
- 5 **agreed** that if a surge needs to be extended, Ministerial approval will again be sought prior to the end of the agreed surge time period, unless the group of Ministers referred to in paragraph 4 above judge that an updated mandate from Cabinet would be more appropriate;
- 6 **agreed** that the Chief of Defence Force, or his designated approval authority, may authorise NZDF staff and VIP visits to deployed forces (excluding Ministerial visits where approval is sought from the Prime Minister), and that these visits will not be considered as part of Cabinet-mandated maximum personnel numbers.


Janine Harvey
Committee Secretary

Reference: ERD (12) 6

Distribution: (see over)

Present:

Rt Hon John Key
Hon David Carter
Hon Murray McCully (Chair)
Hon Anne Tolley
Hon Dr Jonathan Coleman
Hon Nathan Guy
Hon Peter Dunne

Officials present from:

Office of the Prime Minister
Department of the Prime Minister and Cabinet
Ministry of Foreign Affairs and Trade
Ministry of Defence
New Zealand Defence Force

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