

HON RON MARK, MINISTER OF DEFENCE

Proposal to Renew New Zealand's Deployment to the United Nations Mission in South Sudan

December 2018

This publication provides the documents supporting Cabinet's decision in September 2018 to continue the New Zealand Defence Force's contribution of two Military Liaison Officers and the Deputy Chief of Plans to the United Nations Mission in South Sudan until July 2020.

The pack comprises the following documents:

- September 2018 Cabinet minute entitled *Proposal to Renew New Zealand's Deployment to the United Nations Mission in South Sudan* [ERS-18-MIN-0021]
- Cabinet paper entitled *Proposal to Renew New Zealand's Deployment to the United Nations Mission in South Sudan* [ERS-18-SUB-0021].

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. 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 any international organisation [section 6(b)(ii)].



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.

Proposal to Renew New Zealand's Deployment to the United Nations Mission in South Sudan

Portfolio Foreign Affairs / Defence

On 11 September 2018, the Cabinet External Relations and Security Committee:

- 1 **noted** that the United Nations Mission in South Sudan has a critical role in addressing the security and humanitarian crisis across the country, and has a central focus on the protection of civilians;
- 2 **noted** that the New Zealand Defence Force (NZDF) deploys five personnel to key leadership roles in the United Nations Mission in South Sudan, enabling targeted expert support to the Mission leadership with a relatively small footprint;
- 3 **noted** that three mandates provide the basis for New Zealand's contribution:
 - 3.1 two Military Liaison Officers and the Deputy Chief of Plans on a mandate to November 2018 (the subject of the paper under ERS-18-SUB-0021);
 - 3.2 Chief of Staff for the mission on a one year fixed term mandate, set to expire in May 2019; and
 - 3.3 Military Assistant to the Special Representative of the Secretary General David Shearer on a mandate for up to three years from July 2017;
- 4 **agreed** to continue the NZDF's contribution of two Military Liaison Officers and the Deputy Chief of Plans to the United Nations Mission in South Sudan for twenty months until July 2020 to align with the Military Assistant mandate described in paragraph 3.3;
- 5 **noted** that New Zealand's contribution to South Sudan will decrease when the mandates for the Chief of Staff and Military Assistant roles come to an end, and if Ministers wish to retain the current level of New Zealand's commitment, officials can prepare options to reconfigure the contribution for Cabinet consideration;
- 6 **noted** that the unmitigated threat to New Zealand Defence Force personnel deployed to South Sudan remains s6(a)
- 7 **noted** that the risk to personnel is being managed by the United Nations and the NZDF through a range of personnel-based, procedural and physical security measures;
- 8 **noted** that the NZDF continually monitors the operational threat profile, and that officials will immediately notify the Ministers of Defence and Foreign Affairs should the threat increase;

- 9 **agreed** that the NZDF may temporarily exceed the Cabinet-mandated personnel numbers for this deployment for the purposes of command reconnaissance, rotation, and extraction of forces from theatre;
- 10 **noted** that the Chief of Defence Force will inform the Minister of Defence, the Minister of Foreign Affairs, and the Prime Minister in advance whenever Cabinet-mandated personnel numbers are exceeded for the reasons set out in paragraph 9;
- 11 **noted** that in the event that Cabinet decides not to extend this mandate, it is convention to provide six months' notice to the United Nations;
- 12 **noted** that the total estimated cost of the deployment is assessed as \$1.456 million;
- 13 **noted** the estimated costs of \$0.664 million for 2019/20 and \$0.267 million for 2020/21 can be met from within the existing funding for Operations Contributing to New Zealand's Security, Stability and Interests;
- 14 **noted** that there is a funding shortfall of \$0.525 million in 2018/19 that is not able to be met within existing baselines for Operations Contributing to New Zealand's Security, Stability and Interests;
- 15 **noted** that the additional required funding of \$0.525 million in 2018/19 is proposed to be charged against the tagged Operating Contingency established as part of Budget 17 for Military Operations in Support of a Rules-based International Order;
- 16 **approved** the following changes to appropriations to give effect to the policy decision, in paragraph 4 above, with a corresponding impact on the operating balance;

Vote Defence Force Minister of Defence	NZ \$m - increase / (decrease)				
	2018/19	2019/20	2020/21	2021/22	2022/23 & out- years
Multi-Category Expenses and Capital Expenditure					
Operations Contributing to New Zealand's Security, Stability and Interests MCA	0.525	-	-	-	-
Departmental Output Expense:					
Military Operations in Support of a Rules-Based International Order (funded by revenue Crown)					

- 17 **agreed** that the additional expenses required in 2018/19, under paragraph 16 above, be a charge against the tagged Operating Contingency established as part of Budget 17 for Military Operations in Support of a Rules-based International Order; and
- 18 **agreed** that the change to appropriations for 2018/19 above be included in the 2018/19 Supplementary Estimates and that, in the interim, the increase be met from Imprest Supply.

Vivien Meek
Committee Secretary

Hard-copy distribution (see over)

Hard-copy distribution:

Present:

Rt Hon Jacinda Ardern
Rt Hon Winston Peters
Hon Grant Robertson
Hon Andrew Little
Hon Stuart Nash
Hon Ron Mark

Officials present from:

Officials Committee for ERS
Office of the Prime Minister
Department of the Prime Minister and Cabinet
Office of the Chair

Hard-copy distribution:

Minister of Foreign Affairs
Minister of Defence

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Chair, External Relations and Security Committee

PROPOSAL TO RENEW NEW ZEALAND'S DEPLOYMENT TO THE UNITED NATIONS MISSION IN SOUTH SUDAN

Proposal

1. This paper seeks Cabinet's agreement to a twenty-month extension for three New Zealand Defence Force personnel deployed to the United Nations Mission in South Sudan until July 2020. Two other New Zealand Defence Force personnel deployed to the United Nations Mission in South Sudan are covered by separate fixed term, non-renewable mandates and are not the subject of this paper.

Executive Summary

2. New Zealand's participation in the United Nations Mission in South Sudan (UNMISS) appropriately contributes to the promotion of peace and stability in one of the world's most challenging conflicts. The New Zealand Defence Force's (NZDF) contribution to UNMISS meets key strategic objectives, including:

- making a tangible contribution to the international rules-based order by supporting institutions and arrangements that reinforce global security, such as the United Nations and its peacekeeping operations;
- supporting international efforts to achieve peace and stability in a challenging and high-profile United Nations mission in line with the values New Zealand seeks to promote internationally; and
- progressing New Zealand's foreign policy and strategic interests in Africa in a way that complements our growing political and economic relationships with key African partners.

3. UNMISS plays a central role in international efforts to address the security and humanitarian crisis in South Sudan. UNMISS was established in 2011 to help consolidate peace and security in South Sudan; enable conditions for development; and strengthen the capacity of the government to govern effectively and democratically. Since gaining independence from Sudan in 2011, internal political disputes have escalated into nation-wide violence with rival tribes and political groups vying for power. Civilians — particularly women and children — have suffered grave violations of their human rights. To help address this, the UN Security Council reprioritised UNMISS' mandate in 2014 to expressly focus on the protection of civilians, monitoring human rights abuses and creating security conditions conducive for the delivery of humanitarian assistance.

4. The most recent United Nations Security Council Resolution 2406 (2018) provides the updated legal basis for UNMISS.

5. UNMISS is a global effort; over 15,000 personnel from 68 countries are deployed to UNMISS, including some of our closest partners such as Australia, Fiji, Samoa, the United Kingdom, Canada and the United States. New Zealand's participation in UNMISS is acknowledged including with influential regional actors in Africa [REDACTED] s6(a).

6. NZDF currently deploys five personnel to UNMISS. This paper reviews the mandate for two Military Liaison Officers and the Deputy Chief of Plans, mandated until November 2018. The paper recommends Cabinet agree to extend this deployment for twenty months to align it with the conclusion of the mandate for the Military Assistant to the Special Representative of the Secretary-General (SRSG, discussed in paragraph 7 below).

7. New Zealand's overall contribution to UNMISS includes two other single-person deployments on fixed-term mandates that will not be renewed and are not considered in this paper: the Chief of Staff [Brigadier] for the mission is on a one year fixed term mandate, set to expire in May 2019; and the Military Assistant [Lieutenant Colonel] to the SRSG David Shearer is on a mandate which is set to expire in July 2020.

Background

Political and Security situation

8. South Sudan's short history has been marked by ongoing political and security crises. Since the country gained independence in 2011, internal political disputes have escalated into nation-wide violence with rival tribes and political groups vying for power. The conflict is primarily driven by fighting between President Salva Kiir's government and former Deputy President Riek Machar's opposition forces, although other opposition groups have entered the fray over the past 18 months. Ongoing peace negotiations, facilitated by the regional trade bloc, the Intergovernmental Authority on Development, have failed to bring an end to the conflict.

9. Sustained violence has caused a national humanitarian crisis and displaced millions of civilians. The United Nations has expressed grave concern about ongoing cases of extrajudicial killings, ethnically targeted violence, rape and other forms of sexual and gender-based violence, and recruitment and use of children to participate in the conflict in South Sudan. There are now nearly 2.5 million South Sudanese refugees and an additional 1.8 million internally displaced people, making South Sudan the site of the largest refugee crisis in Africa.

10. The United Nations established its mission in South Sudan in 2011 to provide governance support to the newly independent country. As the political landscape fractured and humanitarian situation deteriorated, the mandate for the Mission evolved and, as of 2014, now expressly prioritises the protection of civilians.

11. [REDACTED] s6(a)
[REDACTED] s6(a), s6(b)(i), s6(b)(ii)
[REDACTED] UNMISS continues to play a role in creating the political and security space for the peace process and in preventing a critical humanitarian and security situation from worsening.

12. Recent developments in the peace process, including the signing of an Agreement in August to establish transitional governance arrangements and a pathway to elections, have been met with cautious optimism. [REDACTED] s6(a)

New Zealand's commitment

13. New Zealand's targeted contribution to South Sudan is designed to provide expert support to Mission leadership with a relatively small footprint. [REDACTED] s6(a)

[REDACTED] (see map at **Annex A**). This mandate reviews three NZDF personnel deployed in leadership roles in the Mission:

- The Deputy Chief of Plans is based in Mission Headquarters and is [REDACTED] s6(a) [REDACTED] responsible for supervising production and maintenance of operational plans; and
- Two Military Liaison Officers (currently based in the regional centres of Yambio and Malakal) build relationships between local government, civil administration, and local military leadership.

14. The Chief of Staff and Military Assistant roles (not considered in this mandate review) [REDACTED] s6(a) [REDACTED] deliver significant value to the Mission. Both roles work closely with the Force Commander and Special Representative of the Secretary-General.

15. New Zealand's contribution to Sudan and South Sudan is well-established. We have contributed personnel to UNMISS since 2012, and prior to South Sudan's independence New Zealand contributed three personnel to the United Nations Mission in Sudan from 2005 to 2011. New Zealander David Shearer heads the Mission as the SRSG, [REDACTED] s6(a) [REDACTED].

Comment

Principles underpinning the deployment

16. New Zealand's deployment to UNMISS meets a set of principles (some of which are outlined in the Strategic Defence Policy Statement 2018) which Ministers can apply when considering advice on peace support operations.

Is there a clear, legitimate and compelling case for New Zealand involvement?

17. New Zealand's participation in UNMISS is a tangible expression of our support to the United Nations, international law, and the maintenance of the international rules-based order.

18. Our contribution to this challenging and high-profile Mission demonstrates our interest in upholding the international rules-based order through supporting the resolution of a conflict affecting some of the world's most vulnerable people. Supporting the maintenance of the international rules-based order, through peacekeeping

operations such as UNMISS, is fundamental to New Zealand's national security, as outlined in the *Strategic Defence Policy Statement 2018*.

19. South Sudan is a politically difficult and dangerous peacekeeping environment, and [REDACTED] s6(a), troop-contributing countries are collectively preventing a critical humanitarian and security situation from further deterioration. New Zealand's contribution to the Mission is valued by the United Nations and African partners, and demonstrates our credibility as a trusted peacekeeping contributor.

20. New Zealand's deployment to UNMISS aligns with New Zealand's foreign policy strategy in Africa. [REDACTED] s6(a)

[REDACTED] Our defence engagement, including active contribution to African security through peacekeeping, complements our growing political and economic relationships with key African partners by demonstrating that New Zealand is an engaged and supportive international actor.

The legal basis for the deployment and consistency with international law

21. The United Nations Security Council most recently authorised UNMISS by passing resolution 2406 (2018), which provides the mandate for military, police, and civilian personnel to work together to support sustainable peace in South Sudan. The mandate includes authority to use all necessary means to:

- protect civilians from threats and deter violence;
- enable the delivery of humanitarian assistance;
- monitor and investigate human rights abuses and violations of international humanitarian law;
- protect United Nations personnel; and
- support implementation of the 2015 Agreement on the Resolution of the Conflict in the Republic of South Sudan.

22. The mandate also includes thematic tasks on the basis of landmark Security Council resolutions on women, peace and security (resolution 1325, 2000); children and armed conflict (resolution 1612, 2005); and the protection of civilians in armed conflict (resolution 1674, 2006).

23. United Nations peacekeeping is guided by three basic principles: consent of the parties; impartiality; and non-use of force except in self-defence and defence of the mandate.

Risks to the safety and security of New Zealand personnel

24. The security situation in South Sudan is fragile, with continued low-level violence across the country. The capital city Juba [REDACTED] s6(a) [REDACTED] provides a degree of stability for the capital's security environment. Outside of the capital, particularly in areas where opposition forces operate with greater freedom, violent clashes remain frequent.

25. The unmitigated operational threat to NZDF personnel remains [REDACTED] s6(a) [REDACTED]

26. South Sudan's operational risk and in-theatre force protection in South Sudan are managed by the United Nations Mission. This includes the provision of United Nations quick response forces and contracted aero-medical evacuation provisions. NZDF also mitigates operational risk through a range of measures including robust pre-deployment training, personal protective equipment, and mission risk assessments.

27. [REDACTED] s6(a) [REDACTED] [REDACTED] Reviews and remedial actions by the United Nations led to improvements to medical facilities, evacuation services, training, and equipment. The Chief of Defence Force is satisfied that risks to personnel can be sufficiently mitigated given improvements made to force protection measures.

28. NZDF continually monitors the operational threat level in South Sudan, and should the security situation deteriorate significantly, the Chief of the Defence Force, in consultation with the Minister of Defence, would take what measures are appropriate to ensure the security of NZDF personnel, [REDACTED] s6(a) [REDACTED]

Implications for New Zealand's ability to still deploy to our immediate region should an emergency arise

29. The extension of this three-person commitment to South Sudan would have minimal impact on NZDF's ability to deploy within our immediate region.

Future options

30. NZDF's contribution to South Sudan will decrease when the mandates for the Chief of Staff and Military Assistant roles conclude (in May 2019 and July 2020 respectively). If Ministers wish to retain or adjust the current level of New Zealand's commitment, officials can prepare options to reconfigure the contribution for Cabinet consideration. [REDACTED] s6(b)(ii) [REDACTED]

Rotations

31. 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 for the purposes of command reconnaissance, rotation, and extraction of forces in and out of theatre [CAB Min (12) 10/2 refers]. In July 2018, Cabinet noted the 2012 decision and agreed that this convention will continue [CAB 18-MIN-0346 refers]. The Chief of Defence Force will inform the Minister of Defence, Minister of Foreign Affairs and Prime Minister in advance whenever a rotation, extraction or command reconnaissance is planned above mandated numbers.

Consultation

32. This paper has been prepared by the Ministry of Defence, New Zealand Defence Force, and Ministry of Foreign Affairs and Trade. The Department of the Prime Minister and Cabinet (NAB, NSG, PAG) and the Treasury were consulted.

Financial Implications

33. The estimated cost of the proposed deployment is \$1.456 million.¹

34. There is a shortfall in funding available from current appropriations of \$0.525M because funding for Vote Defence Force: Operations Contributing to New Zealand's Security, Stability and Interests is fully committed for 2018/19 as a result of existing mandated missions. The additional funding required of \$0.525M is proposed to be charged against the tagged Operating Contingency established as part of Budget 17 for *Military Operations in Support of a Rules-based International Order*.

35. The funding required in 2019/20 and 2020/21 can be met from within the existing funded *Operations Contributing to New Zealand's Security, Stability and Interests*.

36. The following table sets out the expenditure and funding arrangements for this deployment.

Vote Defence Force	NZ \$million				
	2018/19	2019/20	2020/21	2021/22	Total
Estimated cost of proposed deployment	0.525	0.664	0.267	-	1.456
Total funded from existing appropriation: Operations Contributing to New Zealand's Security, Stability and Interests	-	0.664	0.267	-	0.931
Additional Funding Required	0.525	-	-	-	0.525

37. The following table sets out the impact for this deployment and other pending deployment decisions for Cabinet consideration on the balance of tagged Operating Contingency established as part of Budget 17 for *Military Operations in Support of a Rules-based International Order*.

¹ Includes provision for in extremis Aero Medical Evacuation.

Vote Defence Force	NZ \$million				
	2017/18	2018/19	2019/20	2020/21	Total
Balance of tagged Operating contingency	2.420	20.000	20.000	-	42.420
Previously approved deployments	(3.410)	(8.332)	-	-	(11.742)
Afghanistan Deployment -pending	-	(1.763)	-	-	(1.763)
UNTSO Deployment - pending	-	(0.748)	-	-	(0.748)
MFO Deployment - pending	-	(1.994)	-	-	(1.994)
BPC Deployment - pending	-	(18.913)	-	-	(18.913)
Funding for this deployment	-	(0.525)	-	-	(0.525)
Remaining tagged operating contingency balance	(0.990)	(12.275)	20.000	-	6.735

Publicity

38. Decisions regarding this deployment will be announced with the concurrent Cabinet deployment decisions by the Prime Minister in September. A redacted version of this Cabinet paper will then be proactively released.

39. The United Nations and our partners will be informed separately through normal diplomatic and military channels.

Recommendations

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

1. **note** that the United Nations Mission in South Sudan has a critical role in addressing the security and humanitarian crisis across the country, and has a central focus on the protection of civilians;
2. **note** that the New Zealand Defence Force deploys five personnel to key leadership roles in the United Nations Mission in South Sudan, enabling targeted expert support to the Mission leadership with a relatively small footprint;
3. **note** that three mandates provide the basis for New Zealand's contribution:
 - a. Two Military Liaison Officers and the Deputy Chief of Plans on a mandate to November 2018 (the subject of this paper);
 - b. Chief of Staff for the mission on a one year fixed term mandate, set to expire in May 2019; and
 - c. Military Assistant to the Special Representative of the Secretary-General David Shearer on a mandate for up to three years from July 2017.
4. **agree** to continue the New Zealand Defence Force's contribution of two Military Liaison Officers and the Deputy Chief of Plans to the United Nations Mission in South Sudan for twenty months until July 2020 to align with the Military Assistant mandate described in recommendation (3) (c);
5. **note** New Zealand's contribution to South Sudan will decrease when the mandates for the Chief of Staff and Military Assistant roles come to an end, and if

Ministers wish to retain the current level of New Zealand's commitment, officials can prepare options to reconfigure the contribution for Cabinet consideration;

6. **note** that the unmitigated threat to New Zealand Defence Force personnel deployed to South Sudan remains [REDACTED] s6(a)
7. **note** that the risk to personnel is being managed by the United Nations and the NZDF through a range of personnel-based, procedural and physical security measures;
8. **note** that the New Zealand Defence Force continually monitors the operational threat profile, and that officials will immediately notify the Ministers of Defence and Foreign Affairs should the threat increase;
9. **agree** that the New Zealand Defence Force may temporarily exceed the Cabinet-mandated personnel numbers for this deployment for the purposes of command reconnaissance, rotation, and extraction of forces from theatre;
10. **note** that the Chief of Defence Force will inform the Minister of Defence, the Minister of Foreign Affairs, and the Prime Minister in advance whenever Cabinet-mandated personnel numbers are exceeded for the reasons set out in recommendation (9);
11. **note** that in the event that Cabinet decides not to extend this mandate, it is convention to provide six months' notice to the United Nations;
12. **note** that the total estimated cost of the deployment is assessed as \$1.456M;
13. **note** the estimated costs of \$0.664M for 2019/20 and \$0.267M for 2020/21 can be met from within the existing funding for *Operations Contributing to New Zealand's Security, Stability and Interests*;
14. **note** that there is a funding shortfall of \$0.525M in 2018/19 that is not able to be met within existing baselines for *Operations Contributing to New Zealand's Security, Stability and Interests*;
15. **note** the additional required funding of \$0.525M in 2018/19 is proposed to be charged against the tagged Operating Contingency established as part of Budget 17 for *Military Operations in Support of a Rules-based International Order*;

16. approve the following changes to appropriations to give effect to the policy decision in recommendation (4) above with a corresponding impact on the operating balance;

Vote Defence Force Minister of Defence	NZ \$m – increase / (decrease)				
	2018/19	2019/20	2020/21	2021/22	2022/23 & out- years
Multi-Category Expenses and Capital Expenditure Operations Contributing to New Zealand’s Security, Stability and Interests MCA					
Departmental Output Expense: Military Operations in Support of a Rules-Based International Order (funded by revenue Crown)	0.525	-	-	-	-

17. agree that the additional expenses required in 2018/19 under recommendation (16) above be a charge against the tagged Operating Contingency established as part of Budget 17 for Military Operations in Support of a Rules-based International Order; and

18. agree that the proposed change to appropriations for 2018/19 above be included in the 2018/19 Supplementary Estimates and that, in the interim, the increase be met from Imprest Supply.

Authorised for lodgement

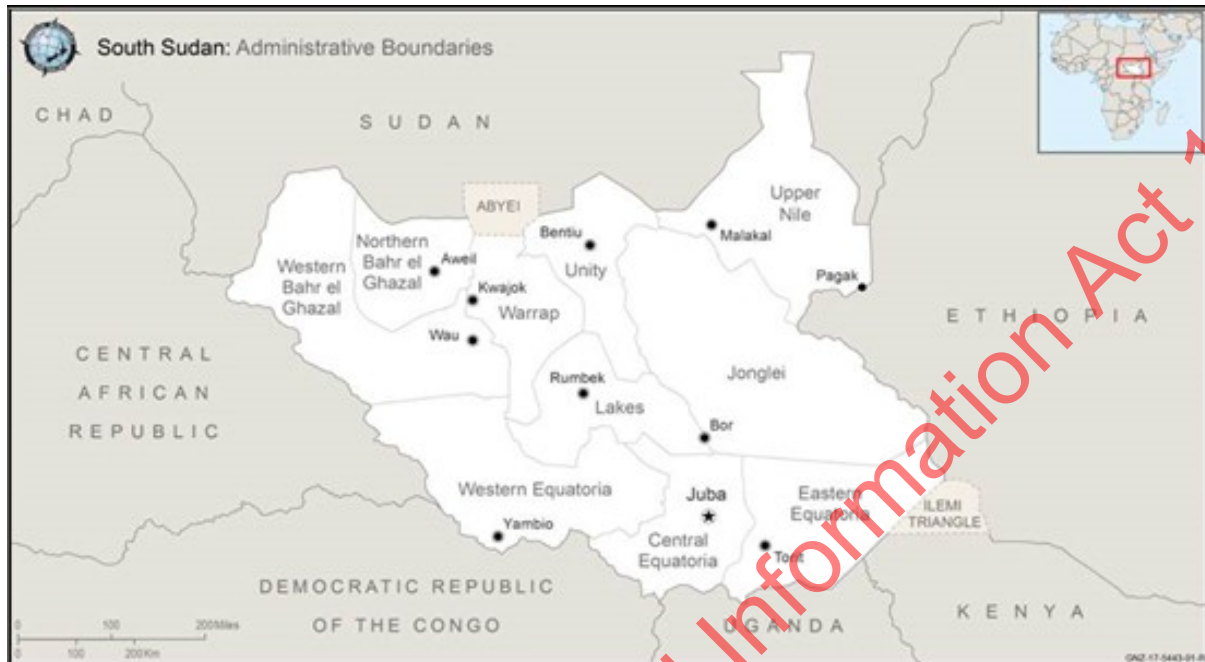
Rt Hon Winston Peters
MINISTER OF FOREIGN AFFAIRS

Hon Ron Mark
MINISTER OF DEFENCE

Annex A:

South Sudan administrative boundaries and capitals

Source: *Geospatial-Intelligence New Zealand*



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