

HON PEENI HENARE, MINISTER OF DEFENCE

New Zealand Defence Force Support to Afghanistan for Evacuation Operations

December 2021

This publication provides documents on Cabinet's August 2021 decisions for the NZDF to assist international efforts to extract nationals and approved Afghan citizens:

The pack comprises the following documents:

- the redacted note to Ministers: *New Zealand Government Approach to Requests for Resettlement Assistance from Afghan Nationals* 6 August 2021
- the redacted Aide Memoire: *Possible Request for New Zealand Assistance with Afghanistan Non-Combatant Evacuation Operations* 13 August 2021
- the redacted Cabinet minute: *Additional Item: Possible Request for the New Zealand Defence Force to Provide Support in Afghanistan for Evacuation Operations* [CAB-21-MIN-0323] 16 August 2021
- the redacted Cabinet minute: *Oral Item: Afghanistan* [CMG-21-MIN-0001] 16 August 2021
- the redacted Aide Memoire: *Defence Options for New Zealand Assistance with Afghanistan Non-Combatant Evacuations* 16 August 2021
- the redacted Ministerial submission: *New Zealand Defence Force Deployment to Support Non-Combatant Evacuation Operations in Afghanistan* 18 August 2021
- the redacted Aide Memoire: *Ministry of Foreign Affairs and Trade Assisted Departures and Legal Criteria Submissions* 24 August 2021
- the redacted Ministerial submission: *Transition of New Zealand Defence Force Non-Combatant Evacuation Operations From Afghanistan (Operation KŌKAKO)* 30 August 2021
- the redacted: *Briefing for the Foreign Affairs, Defence and Trade Select Committee hearing on the briefing on the Governments response to recent events in Afghanistan* 31 August 2021

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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)]

Proactively Released Defence Documents

- the entrusting of information to the Government of New Zealand on the basis of confidence by any international organisation [section 6(b)(ii)]

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

- protect the privacy of natural persons, including that of deceased natural persons [s9(2)(a)]
- 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)].
- maintain legal professional privilege [section 9(2)(h)].

Where information is withheld pursuant to section 9(2), it is not considered that the public interest in this information outweighs the need to protect it.



Submission

NEW ZEALAND GOVERNMENT APPROACH TO REQUESTS FOR RESETTLEMENT ASSISTANCE FROM AFGHAN NATIONALS

MoD ref: 076-2021

NZDF tracking: 2021-250

Type of submission:	Ministerial Submission	For Action by:	Minister of Defence
Addressed to:	Minister of Defence	Addressed to:	Minister of Foreign Affairs
Addressed to:	Minister of Immigration		
Purpose:	To inform Ministers of the pathway for applications for resettlement assistance from Afghan nationals connected to New Zealand's contribution in Afghanistan.		

Recommendations:

- a) Note the tiered assistance package agreed to by Cabinet in 2012 for Afghan interpreters and other locally employed staff is considered to be fulfilled. Yes / No
- b) Note that due to the deteriorating security situation in Afghanistan, officials are responding to new requests for assistance from Afghan nationals. Yes / No
- c) Note that such requests will be treated in a similar manner to other requests for an exception to immigration instructions under Section 61A of the Immigration Act 2009. Yes / No
- d) Note that any offers of resettlement will be met from within existing baselines; the Minister of Immigration will revert to Cabinet if additional funding is required. Yes / No
- e) Refer this submission to the Associate Minister of Immigration for information. Yes / No

HON NANAIA MAHUTA
Minister of Foreign Affairs
Date:

HON KRIS FAAFOI
Minister of Immigration
Date:

HON PEENI HENARE
Minister of Defence
Date:

KR Short
KR SHORT
Air Marshal
Chief of Defence Force
Date: 06 AUG 21

Andrew Bridgman
ANDREW BRIDGMAN
Secretary of Defence
Date: 6/8/21

Rob Taylor
ROB TAYLOR
For Secretary of Foreign Affairs
and Trade
Date: 6/8/21

Fiona Whiteridge
FIONA WHITERIDGE
For Deputy Secretary
Immigration, MBIE
Date: 10/8/21

s9(2)(a)

NZDF contact:

MOD contact:

Agencies involved:

Ministry of Defence, New Zealand Defence Force, Ministry of Foreign Affairs and Trade, and Ministry of Business, Innovation and Employment



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



NEW ZEALAND
FOREIGN AFFAIRS & TRADE



MANATŪ KAUPAPA
WAONGA
NEW ZEALAND
MINISTRY OF DEFENCE



MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT
HĪKINA WHAKATUTUKI

06 August 2021

Minister of Foreign Affairs

Minister of Defence

Minister of Immigration

NEW ZEALAND GOVERNMENT APPROACH TO REQUESTS FOR RESETTLEMENT ASSISTANCE FROM AFGHAN NATIONALS

Purpose

1. To inform Ministers of the pathway for applications for resettlement assistance from Afghan nationals connected to New Zealand's contribution in Afghanistan.

Background

2. In 2012, Cabinet agreed to a tiered assistance package for interpreters and locally employed staff (LES) who worked for the New Zealand Provincial Reconstruction Team (PRT), New Zealand Police, or Special Forces in Afghanistan (see Annex A).¹ The option to resettle in New Zealand was only offered to interpreters, as they were considered to be at the highest risk of Taliban retribution. All of the interpreters who met the eligibility criteria for resettlement accepted this offer.

3. Cabinet additionally noted that those who did not qualify for resettlement could still write to the Minister of Immigration to request a grant of residence as an exception to immigration instructions under Section 72 of the Immigration Act 2009. The Minister of Immigration was also authorised to extend resettlement assistance to individuals on the same basis as those who enter New Zealand through the refugee quota. This was to ensure that anyone who had worked for the New Zealand Government in Afghanistan, and who could point to a specific and legitimate threat, still had a pathway through which they could seek resettlement in New Zealand.

Current Situation

4. As the withdrawal of Coalition forces from Afghanistan nears its conclusion, the security situation in Afghanistan is deteriorating rapidly under the advance of the Taliban. Agencies are receiving an increasing number of enquiries from Afghan nationals seeking assistance to resettle in New Zealand. It is expected that this trend will continue, and partners have also been forced to consider their response to this issue (see Annex B). New Zealand's key messaging has been provided at Annex C for reference.

5. Officials consider it unlikely that any new applicants would meet the eligibility criteria of the 2012 assistance package. However, Afghan nationals may seek assistance by writing to the Minister of Immigration to seek the grant of residence and resettlement support. s9(2)(a)

¹ CAB Min (12) 37/11 and CAB Min (12) 44/28 refer.

6. Although the 2012 Cabinet decisions noted the Minister of Immigration had discretion under Section 72 of the Immigration Act 2009 for individual requests, going forward it would be more appropriate for any new requests to be treated in a similar manner to other requests for an exception to immigration instructions under Section 61A of the Immigration Act 2009. That Section, introduced in 2020, provides that the Minister of Immigration may at any time at the Minister's own volition, by special direction, grant a visa of any type to a person who is outside of New Zealand

7. Like all others granted such an exception from the Minister of Immigration, the individuals would be responsible for assembling the resident applications and meeting all costs related to that application and their travel to New Zealand. On arriving in New Zealand, as residents, they are eligible to access the same government-funded services as other New Zealand residents.

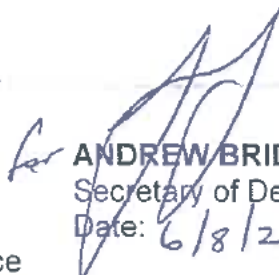
Consultation

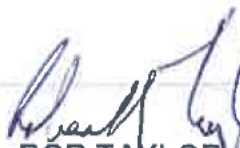
8. This is a joint submission written by the Ministry of Defence, New Zealand Defence Force, Ministry of Business, Innovation and Employment, and MFAT.


Recommendations

9. It is recommended that you:
- 9.1. **Note** the tiered assistance package agreed to by Cabinet in 2012 for Afghan interpreters and other locally employed staff is considered to be fulfilled.
 - 9.2. **Note** that due to the deteriorating security situation in Afghanistan, officials are responding to new requests for assistance from Afghan nationals.
 - 9.3. **Note** that such requests will be treated in a similar manner to other requests for an exception to immigration instructions under Section 61A of the Immigration Act 2009.
 - 9.4. **Note** that any offers of resettlement will be met from within existing baselines; the Minister of Immigration will revert to Cabinet if additional funding is required.
 - 9.5. **Refer** this submission to the Associate Minister of Immigration for information.


KR SHORT
Air Marshal
Chief of
Defence Force
Date: 06 AUG 21

for

ANDREW BRIDGMAN
Secretary of Defence
Date: 6/8/21


ROB TAYLOR
For Secretary of
Foreign Affairs
and Trade
Date: 6/8/21


FIONA
WHITERIDGE
For Deputy
Secretary
Immigration,
MBIE
Date: 10/8/21

Annex A: Eligibility for Assistance²

Category	Current staff				Former staff		Other
	Current interpreters working for NZ Government (21 with an estimated 44 dependants)	Current interpreters working for EUPOL alongside NZ Police (4 with 14 dependants)	Vehicle mechanics and engineers at the PRT (18)	Other LES (cooks and cleaners) (10)	Interpreters that have resigned from the PRT in the past two years (since 1 December 2010) (up to 6 with an estimated 27 dependants)	All other former staff (number unknown)	
Offer of resettlement in NZ or 3 year salary payment	x	x			x		LES employed by other countries at the PRT
Offer of relocation payment			x				
Offer of one year salary payment			x	x			
No offer						x	x
Total individuals proposed for assistance	65	18	18	10	33	N/A	N/A

² Table from Joint Cabinet Submission, Afghanistan: Approach to Further Requests for Resettlement in New Zealand by Locally Engaged Staff dated 10 December 2012.

Annex B: Partners' Responses

s6b(i)

Released by the Minister of Defence

s6b(i)

Released by the Minister of Defence

Annex C: Key Messaging

Afghan Interpreters

- Afghan interpreters played a critical role in the operation of New Zealand's Provincial Reconstruction Team in Afghanistan.
- In 2012-2013 the New Zealand Government provided a group of Afghan interpreters (who had worked for the New Zealand Defence Force and Ministry of Foreign Affairs and Trade in Bamyan Province) with an assistance package, which included the opportunity to resettle in New Zealand.
- The assistance package, offered almost a decade ago, reflected the service this group provided to the New Zealand Government during that time. The opportunity to resettle to New Zealand was also extended to the interpreters' spouse and dependent children.
- Support was also provided to local staff who were closely involved with the New Zealand Defence Force and New Zealand Police in Bamyan.
- The US recently announced they would be withdrawing from Afghanistan by 31 August 2021. New Zealand agencies, and those of our partners, have seen an increase in enquiries from locally employed contractors seeking resettlement outside of Afghanistan.
- Those individuals that did not qualify for resettlement assistance offered by the Government in 2012/2013 can write to the Minister of Immigration to request the grant of residence under section 61A of the Immigration Act 2009.
- Defence is referring any new requests to Immigration New Zealand.

[If Raised] Current Situation

- New Zealand is following developments in Afghanistan, including those in Bamyan, with concern as the international withdrawal is drawing to a conclusion.
- We call for an end to the ongoing violence, respect for human rights in Afghanistan and progress in the intra-Afghan peace negotiations.
- Our deployment was one of New Zealand's longest-lasting, having involved over 3,500 personnel over two decades and delivered NZ\$109 million in official development assistance to the people of Afghanistan.
- New Zealand has a long-standing relationship with Afghanistan and will continue to support this Afghan-led peace process and the people of Afghanistan going forward, including through further aid contributions which are currently under consideration.

AIDE MEMOIRE: POSSIBLE REQUEST FOR NEW ZEALAND ASSISTANCE WITH AFGHANISTAN NON-COMBATANT EVACUATION OPERATIONS

Decision sought: what am I asking for?

_____ s6(a) _____ the New Zealand Defence Force to provide support to imminent non-combatant evacuation operations in Afghanistan.

I am seeking Cabinet approval to delegate authority to relevant Ministers to consider options and decide on New Zealand's response.

- The United States, the United Kingdom, Canada and Australia intend to conduct large-scale evacuation operations from Afghanistan to evacuate thousands of foreign nationals, Embassy staff and Afghans who had worked alongside the international military presence.
- The United States-led evacuation operation has just started, following a rapid deterioration in the security situation on the ground in the last few days. Other partners' operations are either just underway or expected to start imminently.
- These evacuations respond to a significant humanitarian crisis as the Taliban have rapidly taken a series provincial capitals and continue to advance across Afghanistan, with violence intensifying.
- _____ s6(a) _____
- The Government announced its decision to conclude New Zealand's twenty-year deployment to Afghanistan in February this year and the remaining six New Zealand Defence Force personnel returned to New Zealand in March.
- While the New Zealand Defence Force no longer has a presence in theatre, agencies are considering options _____ s6(b)(i), s9(2)(g)(i) _____ and can provide detailed advice to Ministers, _____ s6(a), s6(b)(i) _____.
- To provide a sense of what might be possible, options for New Zealand support could range from providing ground support staff to support Australia Defence Force air transport operations from _____ s6(a) _____ to providing a C-130 aircraft in theatre that could evacuate approximately 100 people per day from Kabul. The operation could last a number of weeks.
- _____ s9(2)(g)(i) _____
- Regardless of any New Zealand support for the evacuations, there may be an opportunity to work with partners to assist our nationals and approved Afghan nationals. There are currently 17 New Zealanders registered in Afghanistan. The Ministry of Foreign Affairs and Trade is in the process of contacting these individuals.
- Given the evolving situation and the need for a quick decision, I recommend that Cabinet delegate this decision to relevant Ministers (Prime Minister, Minister of Finance, Minister of Foreign Affairs and Minister of Defence).

Bottom line: This situation is evolving very quickly. There is a high degree of media and public interest in this unfolding humanitarian crisis. We need to be in a position to act quickly, if necessary.



Cabinet

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.

Additional Item: Possible Request for the New Zealand Defence Force to Provide Support in Afghanistan for Evacuation Operations

Portfolios **Defence / Foreign Affairs / Immigration**

On 16 August 2021, Cabinet:

- 1 **noted** the update on the security situation in Afghanistan;
- 2 **noted** that the United States, the United Kingdom, Australia and Canada are planning to evacuate their nationals and approved Afghan citizens from Afghanistan;
- 3 **noted** that the NZDF has prepared options to assist international efforts to extract nationals and approved Afghan citizens;
- 4 **agreed in principle** to the deployment of NZDF assets and/or personnel to assist with the extraction of nationals and approved Afghan citizens subject to operational deployment decisions by Australia and other countries;
- 5 **agreed in principle** that Afghan nationals may be considered for resettlement in New Zealand if they:
 - 5.1 worked directly with the NZDF, NZ Police, MFAT or other New Zealand agencies during the Provincial Reconstruction Team period (2003-2013) or since, or were employed by third parties who worked alongside these agencies; and are able to be verified by those agencies;
 - 5.2 provided material assistance to the Inquiry into Operation Burnham and can be verified by relevant parties; and
 - 5.3 there are reasonable grounds to believe that the safety or well-being of the individual or their immediate family has been put at risk from their association with New Zealand in Afghanistan, and that no other partner government (e.g. US, Canada) would bear greater responsibility for their welfare;
 - 5.4 this would apply to individuals or/and their immediate nuclear family only;
- 6 **directed** Immigration New Zealand to work with NZDF, NZ Police, MFAT and other relevant New Zealand agencies to enable visa processing for those who meet the criteria for resettlement, as set out in paragraph 5;

- 7 **authorised** a group of Ministers comprising the Prime Minister, Minister of Finance, Minister of Foreign Affairs, Minister of Immigration and the Minister of Defence to have Power to Act to take further decisions on New Zealand's response to the situation in Afghanistan and the deployment of NZDF assets and personnel to assist with international efforts to extract nationals and approved Afghan citizens, and the criteria for resettlement.

Michael Webster
Secretary of the Cabinet

Released by the Minister of Defence



COVID-19 Ministerial Group

Minute of Decision

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Oral Item: Afghanistan

Portfolio Foreign Affairs

Out of Scope

Following discussions on 19 August 2021 with officials and Ministers, the group of Ministers with Power to Act, together with the Minister of Foreign Affairs, Minister of Immigration and Minister of Defence:

- 1 **noted** that on 16 August 2021, Cabinet:
 - 1.1 agreed in principle to the deployment of New Zealand Defence Force (NZDF) assets and/or personnel to assist with the extraction of nationals and approved Afghan citizens;
 - 1.2 agreed in principle that Afghan nations may be considered for resettlement in New Zealand, if they:
 - 1.2.1 worked directly with the NZDF, NZ Police, Ministry of Foreign Affairs and Trade (MFAT) or other New Zealand agencies during the Provincial Reconstruction Team period (2003-2013) or since, or were employed by third parties who worked alongside these agencies; and are able to be verified by those agencies;
 - 1.2.2 provided material assistance to the Inquiry into Operation Burnham and can be verified by relevant parties; and
 - 1.2.3 there are reasonable grounds to believe that the safety or well-being of the individual or their immediate family has been put at risk from their association with New Zealand in Afghanistan, and that no other partner government (e.g. US, Canada) would bear greater responsibility for their welfare;
 - 1.2.4 this would apply to individuals or/and their immediate nuclear family only;
 - 1.3 directed Immigration New Zealand to work with NZDF, NZ Police, MFAT and other relevant New Zealand agencies to enable visa processing for those who meet the criteria for resettlement, as set out in the above paragraph;

1.4 authorised a group of Ministers (the Prime Minister, Minister of Finance, Minister of Foreign Affairs, Minister of Immigration and Minister of Defence) to have Power to Act to take further decisions on New Zealand's response to the situation in Afghanistan and the deployment of New Zealand Defence Force assets and personnel to assist with international efforts to extract nationals and approved Afghan citizens, and the criteria for resettlement;

[CAB-21-MIN-0323]

- 2 **noted** the briefing by the Minister of Foreign Affairs and officials on the fast moving situation in Afghanistan, and the planning under way to identify and support New Zealanders and eligible Afghans for safe travel to New Zealand;
- 3 **noted** that, based on the available information, there were around 192 people who had been identified as requiring New Zealand assistance to leave Afghanistan (including New Zealand citizens and residents, Defence, Police and other agency personnel), and that this number is expected to increase;
- 4 **agreed** that people in Afghanistan with a valid New Zealand visa can also be included in exit flights if space permits, and granted a border exception to enter New Zealand;
- 5 **agreed** that, for clarity, NZDF will lead work on the ground in Afghanistan, supported by Immigration New Zealand, and that MFAT, with the assistance of other relevant agencies, will work with Australia for the purposes of getting people back to New Zealand;
- 6 **noted** that further advice will be submitted to Ministers in due course on the implications for New Zealand's Refugee Quota Programme.

Janine Harvey
Cabinet Office

Released by the Minister of Defence

AIDE MEMOIRE: DEFENCE OPTIONS FOR NEW ZEALAND ASSISTANCE WITH AFGHANISTAN NON-COMBATANT EVACUATIONS

Decision sought: what am I asking for?

I am presenting Cabinet with initial options for the New Zealand Defence Force to support partners' non-combatant evacuation operations in Afghanistan in response to the rapidly unfolding humanitarian crisis.

I am also seeking Cabinet's approval to delegate authority to relevant Ministers to decide on the specific details of any New Zealand Defence contribution.

- New Zealand Defence Force options include:
 - **Air transport support**
 - New Zealand could contribute a C-130 aircraft to support Australia's evacuation operations.
 - This could involve evacuation of civilians out of Kabul or distribution of evacuees to other locations.
 - Air transport support would usually involve a New Zealand Defence Force footprint of around 40 personnel (including air movement support, maintenance personnel, intelligence staff)
 - The aircraft could leave New Zealand by Wednesday 18 August and ready to conduct operations by 23 August.
 - The deployment would likely last for up to one month.
 - **Medical support**
 - New Zealand could contribute a number of personnel to assist with health screening of evacuees outside of Afghanistan (following evacuation of individuals).
- [REDACTED] s6(a) Al Minhad Airbase, in the United Arab Emirates
[REDACTED] s6(a) in support of the evacuation efforts.
- The New Zealand Defence Force has already pivoted one person, already deployed to the Middle East, to focus on this combined evacuation effort, coordinating air transport flows and scheduling in and out of Kabul, working with the United States and coalition partners. Other deployed personnel may also be diverted towards this effort.
- The New Zealand Defence Force confirms that this potential deployment would not impact on its ability to respond to events domestically and in the Pacific region. In the event of an aircraft contribution, one C-130 would still be available within New Zealand.
- Should Cabinet wish to pursue one of these options, then officials would provide further advice to relevant Ministers (Prime Minister, Minister of Finance, Minister of Foreign Affairs and Trade, Minister of Immigration and Minister of Defence)

- The threat assessment for Afghanistan [redacted] S6(a)
- All of the options could be covered within New Zealand Defence Force baseline funding.

Caveats around a potential Defence contribution

- Any New Zealand defence contribution would be in support of broader coalition evacuation efforts, not focused exclusively on evacuating New Zealanders or Afghan Approved Foreign Nationals who claim links to New Zealand.
- [redacted] s6(b)(i), S6(a)
[redacted]
[redacted]
[redacted]
- Any defence deployment into Afghanistan would require the threat environment to remain permissive (not deteriorate significantly from this point).
- It is unclear at this stage which country (place of safety) evacuees would be conveyed for processing.
- Defence would not be able to assist with processing Afghan nationals. Any repatriation of Afghan Approved Foreign Nationals would be in slower time and require Immigration New Zealand to take a lead role.

Partners

- [redacted] s6(b)(i)
[redacted]
[redacted]
- [redacted] s6(b)(i)
[redacted]
[redacted]

Released by the Minister of Defence

18 August 2021

Minister of Defence

NEW ZEALAND DEFENCE FORCE DEPLOYMENT TO SUPPORT NON-COMBATANT EVACUATION OPERATIONS IN AFGHANISTAN

Purpose

1. To seek approval to deploy a Hercules aircraft (C-130H) and up to 80 New Zealand Defence Force (NZDF) personnel to the Middle East region for up to one month to assist with the international Non-combatant Evacuation Operation and the extraction of New Zealand citizens, permanent residents and approved foreign nationals from Afghanistan (Operation KOKAKO).

Background

2. On 16 August 2021 Cabinet noted the update on the security situation in Afghanistan and **agreed in principle** to the deployment of NZDF assets and/or personnel to assist with the extraction of New Zealand citizens, permanent residents and approved Afghan nationals, subject to operational deployment decisions by Australia and other countries (CAB-21-MIN-0323).

3. Cabinet also **authorised Ministers with Powers to Act to take further decisions** on the deployment of NZDF assets and personnel to assist with the international Non-combatant Evacuation Operation (NEO).

4. This submission seeks approvals for the proposed deployment of NZDF capabilities and personnel. Agencies will provide separate advice on interagency efforts underway to respond to Cabinet's direction of 16 August 2021. This advice will cover the extension of eligibility for resettlement in New Zealand for Afghan nationals who meet specific criteria. Advice will also be provided to the Minister of Foreign Affairs on a recommended package of financial humanitarian assistance for the people of Afghanistan.

Proposed deployment

5. It is proposed that Ministers approve the deployment of a C-130H and up to 80 NZDF personnel to the Middle East region for up to one month from the planned date of departure of the C-130H (currently 19 August).

6. Key tasks would include:

- Integrating into the international NEO effort as quickly and seamlessly as possible; and

- Supporting the Ministry of Foreign Affairs and Trade (MFAT)-led evacuation of New Zealand citizens, resident visa holders and eligible Afghan nationals from Kabul, Afghanistan.

7. The NZDF is also prepared to support the establishment of an Evacuation Coordination Centre at the Hamid Karzai International Airport (HKIA) to facilitate MFAT and Ministry of Business, Innovation and Employment (MBIE) processing of evacuees. This would likely be in conjunction with a partner nation such as Australia. MBIE is working through the feasibility of providing Immigration New Zealand staff to support the operation and considering the appropriate location.

s6(a)

9. It is proposed that Ministers with Powers to Act be advised on any increase beyond the initial 80 personnel. Likewise approval would be sought from Ministers with Powers to Act should the deployment exceed one month in duration.

Deployment of a C-130H

10. The NZDF C-130H is currently scheduled to depart New Zealand at 0800 on Thursday 19 August from Royal New Zealand Air Force Base Auckland and arrive at the Al Minhad Air Base (AMAB) in the United Arab Emirates (UAE) by Sunday 22 August.

11. The NZDF plans to base operations in AMAB alongside Australia. S6(a)

[Redacted]

S6(a)

12. The NZDF is also preparing to conduct operations to and from HKIA in Kabul, Afghanistan to support evacuation efforts.

13. The New Zealand C-130H would be a pooled asset, meaning it would be available for operations in support of broader international NEO efforts, although the NZDF would retain command and control. This may require that the C-130H and/or NZDF personnel operate throughout the Middle East region (excluding Iraq, Iran and Syria) and carry non-New Zealand passengers. The Minister of Defence would be advised of any operations beyond Afghanistan and the UAE.

Deployment of NZDF personnel

14. Given the dynamic and evolving situation and requirements, it is difficult to estimate the total number of personnel required to conduct expected tasks. The NZDF is planning for an initial contingent of up to 80 personnel.

15. The majority of the NZDF contingent will depart New Zealand for the UAE on commercial flights over the period 18 to 22 August 2021. Those personnel would arrive

[Redacted]

s6(a)

at AMAB in advance of those travelling on the C-130H, and commence preparation activities.

16. The NZDF contingent will comprise the following types of specialists:²
- a) Evacuation centre staff including a Female Engagement Team (AMAB and HKIA);
 - b) Aircrew
 - c) Maintenance personnel
 - d) Operational support staff (intelligence, communications, Gender Advisor)
 - e) Air movements staff (loading and unloading aircraft)
 - f) General support staff (e.g. medics, catering support)
 - g) Force protection and security element (note some of these personnel will be Special Forces)

17. The NZDF has redeployed one person from the Command Task Force 150 Command Team in Bahrain to the adjacent Coalition Crisis Centre, which is coordinating the NEO.

18. The NZDF is also planning to deploy a Liaison Officer to HKIA in Kabul as soon as possible.

Partners' plans

19. The NZDF has engaged with counterparts, including Australia and the United States, to notify them of Cabinet's in principle decision and initiate planning processes.

20. Partners are evolving their plans to respond to the unfolding situation on the ground.

21. [REDACTED] s6(b)(i)

(our Embassy in Abu Dhabi is in the process of securing necessary agreement to support a New Zealand NEO operating in the UAE). In addition to the C-130J already in theatre, Australia intends to deploy four additional aircraft (1 x C-130J, 2 x C-17s and 1 x KC-10 refuelling aircraft) as well as approximately 700 personnel, [REDACTED]

[REDACTED] s6(a), s6(b)(i) [REDACTED] s6(b)(i)

[REDACTED]

[REDACTED] The NZDF intends to integrate with ADF operations.

22. [REDACTED] s6(a), s6(b)(i)

[REDACTED]

² Most deployment proposals provide position descriptions. As this is a crisis response, position descriptions have not been developed for specific roles. A detailed description of the Op KÖKAKO contingent composition and functions is in Annex A.

23. [REDACTED] s6(b)(i)
[REDACTED]
[REDACTED]
[REDACTED]

Risks and considerations

24. [REDACTED] S6(a)
[REDACTED] Neither New Zealand nor our partners are able to confirm the security prospects for Afghan nationals attempting to evacuate Afghanistan. This lack of information precludes any military efforts to locate and recover any individuals beyond the HKIA.

25. As of 18 August, the US and UK are in control of HKIA, are providing air traffic control and have advised that there are sufficient fuel supplies to support evacuation efforts. The situation at HKIA is however very fluid and our ability to land there may change at any moment. Military aircraft have been able to continually operate out of HKIA, whilst commercial flights temporarily ceased operating on 15 August but have since tentatively resumed. Reporting indicates that at least 10 people have been killed at HKIA since 16 August while seeking to be evacuated.³ As HKIA is the single point of entry for the Five Nations' evacuation efforts, loss of access to HKIA would prevent the international NEO.

26. Access to other areas in Afghanistan is not currently possible. This includes Bamyán Province where the majority of potentially eligible Afghan resettlement candidates are located. We understand there is currently no ability for these individuals to reach Kabul Airport.

27. [REDACTED] S6(a)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

COVID-19 and health screening

28. The NZDF is working under the assumption that COVID-19 (including the Delta variant) will be rife in Afghanistan. Deploying NZDF personnel have all been vaccinated and will be equipped with adequate personal protective equipment (similar arrangements will also be made for the evacuees). Medical specialists will be monitoring both evacuated persons and NZDF personnel throughout the deployment. All NZDF personnel, other government agency staff and evacuees will be subject to extant New Zealand COVID-19 isolation protocols on return to New Zealand.

29. New Zealand is currently at Level 4 Lockdown; the NZDF is exempt from this order.

Threat Assessment

30. The overall threat level for New Zealand Defence Force personnel deployed to Afghanistan as part of this operation is [REDACTED] S6(a)

³ It is reported that these casualties were the result of Afghan nationals falling from the exterior of a military aircraft.

S6(a)

31.

s6(a)

The Minister of Defence will be updated should the overall threat level increase.

Financial Implications

32. The estimated cost of the proposed deployment of the C-130H Hercules detachment to conduct support flights to Afghanistan and deployed missions in the Middle East Region for up to one month in August - September 2021 is \$2.649 million.

33. The estimated cost of the mission can be funded from within the existing unallocated baseline for Vote Defence Force: Operations Contributing to New Zealand's Security, Stability and Interests MCA. There will be \$6.9 million remaining in the unallocated baseline for Vote Defence Force: Operations Contributing to New Zealand's Security, Stability and Interests.

Vote Defence Force	NZ \$million					Total
	2021/22	2022/23	2023/24	2024/25	2025/26	
C-130H Support Flight to Middle East August to September 2021	2.649	-	-	-	-	2.649
Additional Funding Required	-	-	-	-	-	-

34. The Minister for Veterans has declared these deployments to be 'qualifying operational service' under the Act. This means that any NZDF personnel who serve on these deployments, who do not already have qualifying operational service, will attain 'veteran' status making them eligible for veterans support entitlements.

35. This deployment decision is estimated to impact the veterans' support entitlement obligation by a maximum of \$4.416 million over the term of the deployment. These expenses are able to be funded within the existing unallocated Vote Defence Force appropriation Service Cost – Veterans' Entitlements and no additional funding is required.

Legal Considerations

Legal Basis

36. Under international law, the use of force against the territorial integrity or political independence of any state is prohibited, subject to some exceptions such as the lawful exercise of self-defence. The use of force in another State's territory may also be lawful when the consent of the host state is obtained, where there is a United Nations Security Council Resolution (UNSCR) or under the doctrine of protection of nationals abroad.

S6(a)

37. The doctrine of protection of nationals provides States with a right to protect their nationals abroad when certain circumstances exist, and a legal justification to carry

out military activities that would otherwise be inconsistent with the principle of state sovereignty and the prohibition on the use of force. The required circumstances are: (i) there must be an imminent threat of injury to nationals; (ii) there must be an inability or unwillingness' on the part of the territorial state to protect them, and (iii) the action of the intervening state must be strictly confined to the objective of protecting nationals against injury.

38. [REDACTED] S9(2)(h)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Rules of Engagement

39. [REDACTED] S6(a)
[REDACTED]
[REDACTED]
[REDACTED]

40. [REDACTED] S6(a)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Law of Armed Conflict

41. There have been reports of pockets of resistance from Afghan forces against the Taliban. [REDACTED] S6(a), S9(2)(h)
[REDACTED]
[REDACTED]

[REDACTED] Notwithstanding, members of the NZDF will apply the laws of armed conflict as a matter of policy in accordance with Defence practices and policies.

Civilian Casualties

42. The situation on the ground in Afghanistan is dynamic. Where lawful military action results in civilian harm, the reporting requirements in Defence Force Order 35 are to be followed as soon as reasonably practicable. Due to the nature of the activity this may be on return to New Zealand.⁴

Human Rights Risk Assessment

43. A human rights risk assessment (HRRRA) would not typically be required for a NEO, and officials have not conducted one for this deployment. Should the situation change, officials would conduct a HRRRA to ensure any risk of human rights abuses are identified and mitigated where possible.

⁴ The purpose of the DFO is to implement NZDF procedures for responding to reports of civilian harmonising from military activity in situations of armed conflict (both international and non-international).

Detainee Handling

44. Although, detainee handling is considered to be a remote possibility as a consequence of this deployment,⁵ officials will consider the risks associated and if risk and likelihood are assessed to be significant, would advise Ministers on approach.

S9(2)(h)

Consultation

46. This paper has been jointly prepared by the Ministry of Defence and the New Zealand Defence Force paper and consulted with the Ministry of Foreign Affairs and Trade, the Ministry of Business, Innovation and Employment, the Department of Prime Minister and Cabinet, the New Zealand Security Intelligence Service, the Government Communications Security Bureau and the Treasury.

Recommendations

47. It is recommended that you:

- a) **Note** that on 16 August Cabinet agreed in principle to the deployment of New Zealand Defence Force capabilities and personnel to assist with the extraction of New Zealand citizens, permanent residents and eligible Afghan nationals (CAB-21-MIN-0323).
- b) **Note** that Cabinet also authorised Ministers with Powers to Act to take further decisions on the deployment of NZDF capabilities and personnel to assist with the international Non-combatant Evacuation Operation.
- c) **Agree** to deploy a New Zealand Defence Force C-130H and up to 80 personnel to the Middle East region for up to one month from the current date of departure from New Zealand on 19 August.
- d) **Note** that the C-130H and/or New Zealand Defence Force personnel may be required to operate throughout the Middle East region (excluding Iraq, Iran and Syria) in support of the international Non-Combatant Evacuation efforts and that the Minister of Defence will be advised of any operations beyond Afghanistan and the United Arab Emirates.
- e) **Agree** that the Ministers with Powers to Act will be advised should the deployed number of New Zealand Defence Force personnel exceed 80.

⁵ For example if evacuated Afghan nationals attempt to flee in third countries and need to be restrained.

- f) **Note** that officials would seek approvals from Ministers with Powers to Act should the deployment exceed one month in duration.
- g) [REDACTED] S6(a)
[REDACTED]
[REDACTED]
- h) **Note** that the estimated cost of this deployment is \$2.649 million, which can be funded within the existing unallocated baseline for Vote Defence Force: Operations Contributing to New Zealand's Security, Stability and Interests.
- i) **Note** that there will be \$6.9 million remaining in the unallocated baseline for Vote Defence Force: Operations Contributing to New Zealand's Security, Stability and Interests.
- j) **Note** that this deployment is estimated to increase the value of the veterans' support entitlements liability by a maximum of \$4.416 million, which can be met from within the existing unallocated baseline for Vote Defence Force non-Departmental Other Expenses appropriation: Service Cost – Veterans' Entitlements.
- k) [REDACTED] S9(2)(h)
[REDACTED]
- l) **Note** that the overall operational threat to New Zealand Defence Force personnel deployed to Afghanistan is assessed [REDACTED] S6(a) and that the Minister of Defence will be notified should this increase.
- m) **Refer** this submission to the Prime Minister, Minister of Finance, Minister Responsible for the Government Communications Security Bureau and New Zealand Security Intelligence Service, Minister of Foreign Affairs and Trade and Minister of Immigration for their concurrence.



KR SHORT
Air Marshal
Chief of Defence Force
Date: 18 August 2021



ANDREW BRIDGMAN
Secretary of Defence
Date: 18 August 2021

Annex:

A: NZDF Support to the Afghanistan Non-Combatant Evacuation Operation (NEO): Organisation Chart and Description

ANNEX A: NZDF Support to the Afghanistan Non-Combatant Evacuation Operation (NEO)

Organisation Chart and description

Introduction.

1. This document provides a visual organisation chart and a description of the various NZDF elements involved in the Afghanistan NEO. The NZDF has called this Operation KŌKAKO. It will consist of up to 80 NZDF personnel and a C130 aircraft supporting the Ministry of Foreign Affairs and Trade.

2. Organisation chart:



3. Descriptions:

- a. Op KŌKAKO C2 / Staff (5 personnel): Will command the NZDF contribution, co-ordinate with MFAT, and provide planning support. S6(a)
- b. AMAB EHC Spt (16 personnel). This evacuation handling centre (EHC) will assist MFAT with processing evacuees in AMAB once they have been evacuated from Afghanistan: both NZ citizens and approved foreign nationals. This team will also be able to provide medical screening and support to evacuees, and medical support to the NZDF personnel on Op KŌKAKO. This group also includes an Air Load Team (ALT) which

supports the loading and unloading of the C130 aircraft or other nations aircraft. This group has female members.

- c. C-130 (30 personnel: 11 aircrew, 13 maintenance, 6 support): This aircraft and associated personnel will move evacuees from Afghanistan to AMAB or other designated areas. It will also be available to backfill other coalition transport aircraft activities in the Middle East Region due to those aircraft being committed to the NEO operation.
- d. [REDACTED] S6(a) : This special operations task unit provides a special forces capability that provides a high level of force protection to the NEO activity and specialist capabilities if the situation changes. Such force protection activities will include providing security to the Hamid Karzai International Airport (HKIA) evacuation handling centre (EHC) personnel, protection to evacuees waiting for transport at the EHC, and to the C-130 aircraft. It includes a Female Engagement Team that will be forward based at HKIA to support the evacuation process.
- e. HKIA EHC Spt (6 personnel): The Hamid Karzai International Airport (HKIA) evacuation handling centre (EHC) support team will integrate with other partner nations (primarily Australia and the United Kingdom) to support MFAT with the identification and assembly of New Zealand citizens and approved foreign nationals. This group also includes an Air Load Team (ALT) which supports the loading and unloading of the C130 aircraft or other nations aircraft.
- f. LOs (1 person): This person has moved from the Bahrain based Combined Maritime Force Headquarters (Operation [REDACTED] s6(a)) to become the liaison officer to the United States Crisis Response Headquarters based in Bahrain. This person will provide New Zealand with situation awareness of the wider coalition NEO activities.
- g. Op [REDACTED] S6(a) Surge (3 personnel): Operation [REDACTED] S6(a) is a small NZDF team based [REDACTED] s6(a) and supports NZDF operations [REDACTED] s6(a) [REDACTED]. With the large inflow of personnel it is anticipated it will need reinforcement. These could consist of medical support (focused on COVID health protection measures), communications support and additional catering support.

AIDE MEMOIRE: MINISTRY OF FOREIGN AFFAIRS AND TRADE ASSISTED DEPARTURES AND LEGAL CRITERIA SUBMISSIONS

Decision sought: what am being I asking for?

The Minister of Foreign Affairs and Trade is presenting at least one submission as an oral item to Ministers regarding ongoing evacuation efforts from Afghanistan.

You are being asked to express your support for the submission(s), which Defence officials have been involved with as they have been developed.

MFAT-led advice on assisted departures for New Zealand evacuees from the United Arab Emirates (UAE)

- The Ministry of Foreign Affairs and Trade (MFAT) has drafted a submission regarding how New Zealand evacuees are being transported to New Zealand from the UAE.
- Evacuees are transiting from the UAE [REDACTED] s6(a)
[REDACTED]
[REDACTED]
- Defence officials are engaging with MFAT and other interagency colleagues on this work, and we support its intent [REDACTED] s6(a)
- As noted in paragraph 10 of the submission, there is a risk that decisions on the ground in Kabul by NZDF, remotely supported by other agencies, could result in some individuals being admitted into New Zealand who do not clearly meet the current criteria for resettlement. Note that efforts are being made across government agencies to mitigate against this risk at all steps of the evacuation process and agencies have accepted the collective risk of this occurring.

If Raised: Caveats around a potential further Defence contribution of assets instead of utilising commercial options such as Air New Zealand

- The New Zealand Defence Force are currently providing a C-130H Hercules and up to 80 personnel on the ground to the evacuation of New Zealanders and other eligible individuals from Afghanistan.
- The NZDF and Ministry of Defence have also provided support in confirming the eligibility of those seeking evacuation and assisted in this verification process.
- Once the evacuation operation has concluded, the role of Defence will diminish with continued support efforts being led by other agencies, such as the MFAT and the Ministry of Business, Employment and Innovation.
- A decision is expected to be announced on 24 August (EST) by the President of the United States, Joe Biden, regarding the deadline for the evacuation operation. Defence anticipates that if the international evacuation operation is not extended past 31 August, the current deadline, it is highly unlikely that New Zealand (and partners) will be able to continue to conduct operations in Afghanistan.
- The NZDF could provide a further C-130H aircraft to support the repatriation efforts. However, it remains our preference that Air New Zealand is utilised as the primary means to conduct this task.
- Although not formally requested NZDF is preparing to support all repatriations should Air NZ not be able to complete the task.

Further MFAT-led advice on legal criteria for the eligibility of certain Afghan nationals for evacuation to and resettlement in New Zealand

- As at 1700 24 August 2021, Defence officials are aware that MFAT is reviewing advice to Ministers on the legal criteria for eligibility of certain Afghan nationals for evacuation to and resettlement in New Zealand. This advice could be produced in time for consideration by the Cabinet Business Committee on 25 August.
- Defence officials remain engaged with MFAT and interagency colleagues on this work, and supportive of its intent to ensure s9(2)(g)(i)
- Afghan citizens who were affiliated with the NZDF deployments in Afghanistan were at the heart of the expanded eligibility criteria resulting from Cabinet's recent Afghanistan evacuation and resettlement decisions 9(2)(ba)(ii), 9(2)(a)
- 9(2)(ba)(ii), 9(2)(a)
- Thereafter, Defence officials reviewed cases of Afghan citizens affiliated with NZDF deployments as they were received and provided advice to MFAT officials. These were in turn to be provided to Immigration New Zealand officials in order for visas to be processed for these individuals.
- Due to obstacles such as date of birth data for these Afghan citizens affiliated with NZDF deployments not being currently held by officials, Immigration NZ is unable to issue their visas. However Immigration NZ have confirmed that this should not impact their ability to be evacuated. When they are processed in a safe haven location, the required biometric data will be obtained and the applicable visas issues.
- Defence officials are supporting all efforts by MFAT and Immigration New Zealand officials to resolve these system issues, and to process visas for Afghan citizens affiliated with NZDF deployments, within the deadline proposed by the submission.
- Conditions within Afghanistan and in the approaches to Hamid Karzai International Airport are also likely to result in individuals who have met the criteria and been approved for visas being unable to access the Australia/New Zealand evacuation flights.

30 August 2021

Minister of Defence

TRANSITION OF NEW ZEALAND DEFENCE FORCE NON-COMBATANT EVACUATION OPERATIONS FROM AFGHANISTAN (OPERATION KŌKAKO)

Purpose

1. To advise Ministers of: the completion of the evacuation phase of New Zealand Defence Force (NZDF) support for the international Non-combatant Evacuation Operation (NEO) from Afghanistan (Operation KŌKAKO) on 26 August; the potential follow-on activities; and the phased return to New Zealand of the deployed NZDF contingent from the United Arab Emirates.

Background

2. On 16 August 2021 Cabinet agreed in principle to the deployment of NZDF capability and/or personnel to assist with the extraction of New Zealand citizens, permanent residents and approved Afghan nationals and authorised Ministers with Powers to Act to take further decisions on the deployment [CAB-21-MIN-0323 refers].

3. On 19 August, Ministers with Powers to Act agreed to deploy a NZDF C-130H and up to 80 NZDF personnel to the Middle East region to support the international NEO in Afghanistan for up to one month.

NZDF support for the international NEO

4. The command element of the NZDF contingent arrived at Al Minhad Air Base (AMAB) on 19 August. A NZDF Evacuation Handling Team was forward deployed to Hamid Karzai International Airport (HKIA) on 20 August. The C-130H and remainder of the NZDF contingent arrived at AMAB on 22 August and the evacuation of New Zealand citizens and permanent residents and other approved individuals from Afghanistan started the same day, initially via Australian Defence Force (ADF) aircraft.

5. The NZDF Evacuation Handling Team in HKIA had personnel stationed at airport access points to allow approved individuals and their families through the gates. The security situation prevented NZDF personnel from venturing beyond the airport perimeter to locate and collect potential evacuees. With information from Ministry of Business, Innovation and Employment (MBIE) officials and Ministry of Foreign Affairs and Trade (MFAT) consular staff, who were in direct contact with eligible individuals waiting outside the gates, a large number were facilitated into the safety of the airport by NZDF personnel.

6. This work was physically and psychologically challenging. The Evacuation Handling Team were operating in a demanding and complex environment under the constant threat of terrorist activity. As well as bringing approved evacuees to safety, they were also required to turn away those who did not meet the criteria with significant consequences to those individuals.

7. The NZDF C-130H flew three missions to HKIA, evacuating a total of 125 people to the evacuation handling centre at AMAB.¹ In conjunction with the ADF, approximately 391 New Zealand citizens, permanent residents and visa holders have now been evacuated from HKIA to AMAB. The final group of 163 evacuees are scheduled to return to New Zealand via Australia on a commercial charter flight departing AMAB on 30 August.

8. MFAT and MBIE staff travelled to AMAB to assist with the processing and onwards travel of evacuees; the NZDF provided accommodation and logistic support.

Withdrawing NZDF forces from Afghanistan

9. As of 26 August, conditions on the ground required the conclusion of NZDF evacuation operations from HKIA:

- The deteriorating security situation in Afghanistan, including the credible threat to HKIA (confirmed by the bomb attack), and evacuees' inability to access HKIA prevented further evacuations;
- The United States' and other partners' preparations for the publicised 31 August deadline for withdrawal of Coalition forces from Afghanistan meant that essential functions supporting the NZDF presence in HKIA (such as partner nations' force protection and medical support) was being withdrawn.

10. The final NZDF C-130H mission to HKIA was conducted on 26 August and the Evacuation Handling Team was withdrawn to AMAB the same day. ADF flights to HKIA also ceased on 26 August. All NZDF personnel had departed HKIA before the bomb attack at the airport perimeter.

Phased return of the NZDF contingent to New Zealand

11. The NZDF has now reconstituted all personnel in AMAB and will commence a phased return to New Zealand, with the first personnel expected to depart on 30 August.

12. NZDF personnel will continue to support the ADF and other government agencies with the repatriation of Australian and New Zealand evacuees from AMAB to New Zealand and the closedown of the combined Evacuation Handling Centre in AMAB.

13. [REDACTED]

s9(2)(g)(i)

s6(a)

[REDACTED] Therefore, the C-130H is likely to commence its return to New Zealand on 1 September.

COVID-19

14. Two NZDF personnel have tested positive for COVID-19 in AMAB. The individuals are asymptomatic and isolating pending their return to New Zealand.

Threat level

15. The overall threat level to NZDF personnel deployed to AMAB [REDACTED] s6(a)

Financial implications

16. There are no financial implications in addition to those initially advised to Ministers on 18 August 2021.

¹ [REDACTED] s6(a), s6(b)(i)

Consultation

17. This paper has been jointly prepared by the New Zealand Defence Force and the Ministry of Defence, and consulted with the Ministry of Foreign Affairs and Trade, the Ministry of Business, Innovation and Employment, the Department of Prime Minister and Cabinet, the New Zealand Security Intelligence Service, the Government Communications Security Bureau and the Treasury.

Recommendations

18. It is recommended that you:

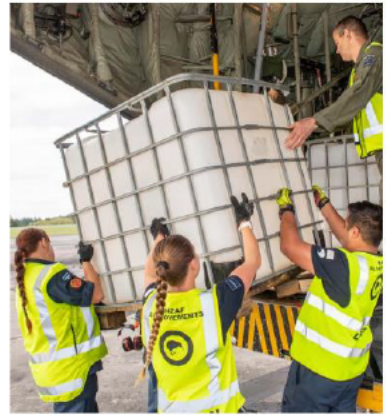
- a) **Note** that on 19 August Ministers with Powers to Act agreed to deploy a New Zealand Defence Force C-130H and up to 80 personnel to the Middle East region for up to one month to support the international Non-combatant Evacuation Operation (Operation KÖKAKO).
- b) **Note** that the New Zealand Defence Force C-130H flew three missions to Hamid Karzai International Airport over the period 23–26 August, evacuating 125 people to the evacuation handling centre at Al Minhad Air Base and that, in conjunction with the Australian Defence Force, approximately 391 New Zealand citizens, permanent residents and visa holders were evacuated from the airport.
- c) **Note** that New Zealand Defence Force evacuation operations from Hamid Karzai International Airport concluded on 26 August.
- d) **Note** that the New Zealand Defence Force will now conduct a phased return of its personnel to New Zealand from Al Minhad Air Base.
- e) **Note** that it is unlikely the C-130H will be required s9(2)(g)(i) therefore the C-130H is likely to commence its return to New Zealand on 1 September.
- f) **Note** that the overall threat assessment to New Zealand Defence Force personnel deployed to Al Minhad Air Base in the United Arab Emirates is s6(a)
- g) **Note** that there are no additional financial implications associated with this advice.
- h) **Refer** this submission to the Prime Minister, Minister of Finance, Minister Responsible for the Government Communications Security Bureau and New Zealand Security Intelligence Service, Minister of Foreign Affairs and Minister of Immigration for their information.



KR SHORT
Air Marshal
Chief of Defence Force
Date: 30 August 2021



ANDREW BRIDGMAN
Secretary of Defence
Date: 30 August 2021



FOREIGN AFFAIRS, DEFENCE AND TRADE COMMITTEE

August 2021

New Zealand Government



Released by the Minister of Defence

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Released by the Minister of Defence

Opening remarks

[Handling note: the purpose of these opening remarks is to provide introductory comments to the Committee prior to the Q & A. The Minister of Foreign Affairs will lead the opening remarks, and will then pass to you for your remarks. Your remarks focus on providing an overview of the NZDF contribution to the international Non-Combatant Evacuation Operation (NEO) in Afghanistan, and are a chance to highlight the achievements made by OPERATION KŌKAKO].

Introduction

- I would also like to acknowledge the opportunity provided to Minister Mahuta and myself today to speak to recent events in Afghanistan. I welcome the interest of the public and the Committee in the significant and complex developments in Afghanistan over the previous weeks. These are important issues, and ones that will continue to impact the global community for months and years to come.
- Thank you Minister Mahuta for addressing the situation in Afghanistan, and the overall New Zealand Government response. I will now speak to the New Zealand Defence Force (NZDF) deployment in support of the international military evacuation of civilians from Afghanistan.
- *[Handling note: Minister to provide his own reflections on the NZDF achievements through this deployment].*
- As a direct result of their work, and the efforts of the wider coalition, there are now close to 400 people who will find a new and better life in Aotearoa New Zealand. And I know that New Zealanders will join with me in welcoming these people to their new home (or on their return home, for those that already were New Zealand citizens or permanent residents).

Government decision

- On 19 August, I and a group of Ministerial colleagues whom Cabinet had appointed with Powers to Act for this Operation, approved the deployment of an NZDF C-130 Hercules aircraft and up to 80 NZDF personnel, some to operate on the ground at the Kabul airport, and the remainder to be based out of an airbase in the United Arab Emirates (UAE).
- I would also like, at this opportunity to acknowledge the stalwart support and hospitality of the UAE Government in permitting the NZDF to operate from the UAE for this deployment. I spoke with my UAE counterpart last week and can confirm the close and meaningful defence relationship we have with the UAE.

Overview of the deployment

- We had NZDF personnel on the ground at Kabul airport within four days of the Ministerial decision to deploy our Defence Force to support the international efforts to evacuate and resettle civilians from Afghanistan. These personnel were able to get to work executing the instructions of MFAT and MBIE colleagues – this was a truly interagency effort.

- That is an exceptionally fast response, considering the complexity of the operating environment and the unfolding situation at the time. This demonstrates the high levels of training that the NZDF maintains to deliver its primary output of military operations to the Government and people of Aotearoa New Zealand.
- During the deployment, the NZDF C-130 Hercules and crew made three evacuation flights to and from Kabul airport, succeeding in evacuating a number of civilians from Afghanistan, as part of the wider coalition effort.
- I also want to specifically commend the bravery, tenacity and resilience of our ground forces who operated from the heart of Afghanistan at the Kabul airport throughout the deployment. These personnel made an extremely valuable contribution; of particular note are the outstanding efforts of our Special Forces personnel, including a Female Engagement Team, located at Kabul airport. This team made contact with approved evacuees and guided them through the crowds to points on the perimeter where they could be brought into the airport, secured, and safely evacuated.
- The NZDF deployment concluded its operations out of Kabul airport on 26 August. The US had signalled that the military airlift would conclude by 31 August, and that partners would need to depart days earlier than this as the final days would be reserved for the US' withdrawal of its significant numbers (around 6000) of personnel.

26 August HKIA terrorist attack

- The threat of terrorist attack was also a factor in the decision to conclude our activities out of Kabul airport when we did, as highlighted by the Prime Minister and the Chief of Defence Force in their media stand up on this matter on Friday 27 August. By that time MFAT has advised people not to come to Kabul airport.
- Sadly, that threat materialised in the early hours of 27 August New Zealand time, with the heinous act of terror perpetrated by the Islamic State in Khorasan Province (IS-KP) that we witnessed outside the Kabul airport mere hours after the NZDF presence had withdrawn.
- I want to reiterate the Prime Minister's statements on Friday in relation to this. We condemn this despicable attack on the innocent trying to flee to a better life, and on those trying to escort them safely to their flight to freedom. New Zealand's thoughts and aroha are with the families of the civilians and US personnel who sadly lost their lives.

Cooperation with our partners – the ANZAC spirit

- It is important to recognise the close cooperation and partnership with our closest defence partners through this deployment, including the US, Australia, the UK and Canada. It is clear that without the US' leadership and forces on the ground at the Kabul airport, the evacuation would not have been able to occur. The contributions of the UK and Canada were also central.
- But I must especially recognise the true comradeship and partnership between our NZDF deployment and the Australian Defence Force deployment. We have

jointly provided airlift for each other's evacuees, supported each other on the ground in Afghanistan and in the UAE, and we have benefitted hugely from this cooperation. This deployment has shown that the ANZAC spirit is alive and well, and that we have no defence partner closer than our ally Australia.

Closing remarks

- I would like to reiterate both the words of the Prime Minister and of the Minister of Foreign Affairs.
- The military-led evacuation effort from Afghanistan has now concluded. We were not the masters of this timeframe and we did all that we could do to evacuate people within the time that we had.
- I am saddened to hear of media reports indicating that we have been unable to evacuate all those whom we had sought to. We knew this was a risk given the short timeframe of the international evacuation, and the Prime Minister mentioned this last week. And I know this is a weight that rests heavy on all the agencies who formed part of the truly interagency New Zealand contribution to the Afghanistan international military evacuation.
- We are not turning our backs on those still in Afghanistan; we will continue to see how we can support those seeking to leave Afghanistan. However, that will no longer be a military-led effort which the NZDF will feature so prominently in. It will also be within a much larger international effort that New Zealand will be a part of.
- I look forward to welcoming the close to 400 people who have been successfully evacuated from Afghanistan. These people will find an open and inclusive home here in New Zealand, and I have no doubt that they will make a great addition to our communities.
- I would like to conclude by again acknowledging the bravery and service of our Defence Force personnel who have conducted this deployment under incredibly difficult circumstances. I know that I speak for all New Zealanders when I state how proud I am of what they have achieved, and how they have demonstrated the force for good that Aotearoa New Zealand is on the world stage.

Contextual Guidance

- We expect that the focus of questioning at the 31 August FADTC focussing on Afghanistan will be to interrogate:
 - The speed with which New Zealand reacted;
 - Whether we had sufficiently foreseen the events that unfolded;
 - The many claims from people who were not successful in gaining permission to enter New Zealand; and,
 - What the government is doing for those who did not manage to make it out.
- We expect the group of Afghan nationals who previously worked for the NZDF but did not qualify for resettlement under the 2012/2013 Cabinet decisions will be raised (this group has also been referred to as the Bamyan 37).
- Defence officials have provided you with a range of questions and answers in each of the briefs in this pack, with a view to provided robust and clear responses to any questions on the NZDF deployment, on Defence contributions to the NZ interagency effort, and in relation to Defence's interests and risks.
- There are likely to be a range of questions which will require you to defer to the Minister of Foreign Affairs. These include such subjects as:
 - Questions focussed on the overall numbers of people evacuated from Afghanistan (MFAT leads on data collection and determination of figures).
 - Humanitarian contributions to Afghanistan going forward.
 - Why did the numbers of those requiring assistance in Afghanistan change throughout the course of the past two weeks.
 - Will NZ recognise the Taliban? Are we providing financial aid to the Taliban?
 - Was the US wrong to withdraw from Afghanistan?
- There are also likely to be a range of questions that pertain to the work of Immigration New Zealand, and as such, would be most appropriately directed to the Minister of Immigration. These include such subjects such as:
 - Questions specifically relating to the granting of visas and processing of eligibility for Afghan nationals, both since 2012 and during the evacuation operation.

Afghanistan: Background Brief on the situation in Afghanistan and New Zealand's 2001 to March 2021 Deployments

Key Messages

- Since early August, as the international military campaign was concluding, the Taliban swept a series of provincial capitals in quick succession. This culminated in the Taliban capturing Kabul on 15 August. No one predicted the speed at which this advance would occur and it took the whole international community by surprise.
- The Taliban have subsequently claimed that they will grant amnesty to all of those who assisted the Coalition and United States, and are planning to form a caretaker government in the coming weeks.
- New Zealand's deployment to Afghanistan concluded earlier this year, with the last remaining New Zealand Defence Force personnel departing Afghanistan in March, ending one of New Zealand's longest deployments.
- Whilst New Zealand no longer has a physical presence in Afghanistan, it will continue to be supportive of the Afghan people.

Background

- In April, the Biden Administration announced the withdrawal of all United States (US) military personnel from Afghanistan by 11 September 2021, though it will be completed by 31 August.
- The North Atlantic Treaty Organisation (NATO) subsequently announced it would also withdraw its troops from Afghanistan in line with the US withdrawal.
- Levels of violence in Afghanistan had surged in recent months, even while Afghan Government and Taliban negotiators continued to try and reach political settlement to end the decades' long conflict in their country. There was no expectation that that the subsequent deterioration of the security situation and Taliban takeover of Afghanistan would occur as rapidly as it did.
- Over the two decade commitment more than 3,500 New Zealand Defence Force and other agency personnel served to improve regional security and development in Afghanistan. This came at the cost of 10 NZDF lives.
- The nature of New Zealand's deployments to Afghanistan varied markedly throughout its commitment: New Zealand's Special Operational Forces assisted in ejecting Al Qaeda from the country; the multiagency Provincial Reconstruction Team improved security and aided the development and governance of Bamyān province; and New Zealand Defence Force training and mentoring programmes supported the Afghan security forces.

Questions and Answers (if raised)

Was there a failure of intelligence? Why didn't we know Afghanistan and Kabul would fall so quickly?

- The fall of the current Government has occurred far quicker than any of the intelligence predictions. Even in early August, a week before the Taliban seized Kabul, US officials were still assessing that a swift Taliban takeover would take approximately 90 days.
- New Zealand, along with the international community and partners, worked with the best intelligence we had at the time decisions were made.
- We have responded to this unfolding humanitarian crisis as quickly as we could.

New Zealand and the international community were in Afghanistan for nearly 20 years. Was it worth it?

- The international commitment to Afghanistan, which dates back to 2001, has been described as a generational issue, requiring a dedicated effort over time.
- Its objectives were firstly to ensure that Afghanistan was no longer a safe haven for terrorist entities to conduct attacks in the aftermath of 9/11, and to regain Afghan Government control from the Taliban (2001-2014); then to stabilise Afghanistan to the point it can assume responsibility for its own security with the long term aim that Afghanistan would become a constructive contributor to regional and international security.
- Progress since 2001 had been slow and patchy, but there were signs of economic and social progress.
- New Zealand had remained supportive of the Afghan Government and a politically-negotiated resolution between the Afghan Government and the Taliban.
- Following the Taliban's takeover New Zealand has called on the Taliban to demonstrate through their actions, such as respecting the rights of women and girls, that they will make good on their promises of improved governance.

What does the international withdrawal mean for Afghan women? Are we concerned about what will happen in the wake of the withdrawal?

- We are carefully watching this issue, which, given the history of the Taliban in Afghanistan, is front of mind for the international community.
- Real and meaningful progress was made for women in Afghanistan since 2001 whilst the international mission was present in the country.
- New Zealand recently joined a number of nations in co-signing a joint statement, which called for the rights of Afghan women and girls to be respected. These included the rights to education, work and freedom of movement.

What did New Zealand's 20 year deployment achieve?

- New Zealand's deployment in Afghanistan evolved over time. New Zealand's deployments in Afghanistan began as a contribution to the US-led (United Nations Security Council endorsed) effort to dismantle the terrorist group Al-Qaeda in the wake of the September 11 attacks. As the international intervention has evolved it has continued to align with New Zealand values.
- The nature of New Zealand's deployments to Afghanistan varied markedly throughout its commitment:
 - New Zealand's Special Forces assisted in ejecting Al Qaeda from the country; the multiagency Provincial Reconstruction Team (NZPRT) significantly improved the lives of the Afghan people, through improved security and aiding the development and governance of Bamyan province.
 - The NZPRT was focused on assisting with the reconstruction of Afghan institutions, facilitating aid efforts, monitoring disarmament and providing security. It delivered over 200 development initiatives in the Bayman Province, at a value of over NZ\$109 million and included security sector reform, support for local government and reconstruction of infrastructure including local power supplies, roads and bridges.
 - Following the conclusion of the NZPRT deployment in 2013, the New Zealand contribution in Afghanistan transitioned to supporting the development of Afghan security forces.

Why did the Government decide to conclude New Zealand's deployment to Afghanistan by May 2021?

- After 20 years of New Zealand Defence Force deployments in Afghanistan, the time was right in 2021 for New Zealand's withdrawal.
- This decision was made in light of the downward trajectory in the overall size of the international military mission (the New Zealand Defence Force deployment itself had decreased to the point where only six New Zealand Defence Force personnel were deployed), and in recognition that the New Zealand commitment was never intended to be open-ended

International Non-Combatant Evacuation Operation (NEO)

Key Messages

- The situation in Afghanistan deteriorated much more quickly than anyone anticipated, including the international community.
- Many Coalition partners, including all our Five Eyes Defence partners, deployed military assets and personnel to evacuate citizens, permanent residents and eligible Afghan nationals from Kabul.
- The US led the international effort, deploying up to 6,000 troops to Kabul in order to secure Kabul's airport (Hamid Karzai International Airport, HKIA), and staff the control tower. The United Kingdom deployed over 1,000 personnel to assist with HKIA security. It is clear that our own evacuation could not have proceeded without these efforts.
- I would especially like to pass my thanks to Australia and the Australian Defence Force. The ADF and NZDF worked together in an ANZAC style throughout our respective evacuation operations, maximising the number of evacuees extracted from Kabul and overcoming hurdles together.
- On 16 August, Cabinet agreed in principle to the deployment of NZDF capability and/or personnel to assist with the extraction of New Zealand citizens, permanent residents and approved Afghan nationals.
- The NZDF deployed personnel within four days of Cabinet's decision. Their mandate was to evacuate New Zealand citizens, permanent residents and approved Afghan nationals from Afghanistan. *[Handling note: the details of the NZDF deployment are covered in a separate brief in this pack at page 18].*
- Defence also assisted the wider government effort in Wellington by inserting personnel into the various coordination mechanisms and providing verification on the links between Afghan nationals and the NZDF deployment to Afghanistan to MFAT and Immigration New Zealand officials.
- I would like to take this opportunity to strongly condemn the despicable terrorist attack of 26 August which targeted many innocent families and individuals who were vulnerable and simply seeking safety. I would also like to specifically acknowledge the US military personnel and the civilians who were killed in this attack, my thoughts are with their families.

Background

- The rapid deterioration of the situation in Afghanistan caught the entire international community by surprise. Coalition members (including our Five Eyes defence partners), Non-Government Organisations (NGOs), and the United Nations all had civilians, employees and/or eligible Afghan nationals requiring evacuation.
- The only remaining gateway out of Afghanistan was Hamid Karzai International Airport (HKIA). Commercial flights to HKIA were ceased on 15 August only leaving military evacuation options available. Furthermore, agreements with the Taliban specified that the United States (US) (and by implication wider Coalition)

military personnel would withdraw from Afghanistan by 31 August 2021, placed a significant time pressure upon the operation.

Partners' defence responses

- New Zealand was informed a few days prior to New Zealand's own Cabinet decision that our Five Eyes defence partners would be using military assets to evacuate their nationals and approved Afghan nationals.
- The US led the international effort and were in communication with the Taliban throughout the NEO. This included unsuccessful attempts to negotiate an extension to the 31 August deadline.
- The United Kingdom (UK) supplied over 1,000 personnel to assist with HKIA security and conduct their own NEO. The UK used a hotel (Baron Hotel) nearby HKIA as their forward base for processing evacuees.
- Canada deployed two C-17s to support their NEO. They operated out of a US base in Kuwait.
- Australia operated out of Al Minhad Airbase, UAE (as did the NZDF) and were in close communication with New Zealand throughout the NEO, often using an 'ANZAC style' approach to share the burden and overcome issues. *[Handling note:* S6(a), s6(b)(i)*]*

The Defence response

- On 16 August 2021 Cabinet agreed in principle to the deployment of NZDF capability and/or personnel to assist with the extraction of New Zealand citizens, permanent residents and approved Afghan nationals. Cabinet also authorised Ministers with Powers to Act to take further decisions on the deployment.
- On 19 August, Ministers with Powers to Act agreed to deploy a NZDF C-130H and up to 80 NZDF personnel to the Middle East region to support the international NEO in Afghanistan for up to one month. The Ministry of Defence also deployed a civilian Policy Adviser (POLAD) to support the contingent commander.
- On 30 August, a Ministerial Submission advised Ministers with Powers to Act that the NZDF support to the international NEO in Afghanistan had concluded and the NZDF contingent would begin a phased return to New Zealand.

Defence support to other government agencies

- Defence's contribution was part of a broader interagency process. MFAT was the lead agency for the operation, with support from MBIE, Defence, MoH, Police, s6(a) Delineation between agency responsibilities was agreed early in the process, with broad agreement on key responsibilities at each step of the evacuation chain from Kabul to New Zealand.

- The situation at HKIA was somewhat unique as only NZDF personnel were on the ground, where other partner nations had provided staff from their respective departments of foreign affairs and immigration. Accordingly, the NZDF personnel at Kabul airport worked closely with MFAT and MBIE to follow their instructions to identify and secure evacuees, while Australia's DFAT staff stationed in HKIA assisted with their processing for rearwards movement.
- Defence (MOD and NZDF) role in assessing candidates was limited to verifying whether Afghan nationals had been employed in the past by the NZDF using a formalised process. This verification was then provided to MFAT and Immigration New Zealand during the week of 16 August 2021. The process of determining the eligibility of evacuees was led by MFAT and also supported by Immigration New Zealand, and Immigration New Zealand processed the visas of those with confirmed eligibility.
- Defence also contributed personnel to MFAT's Emergency Coordination Centre and the Operational Planning Working Group.

HKIA

- HKIA quickly became overcrowded with those seeking to flee the Taliban rule, leading to fatalities as people stormed the runway and tried to cling to departing Coalition Aircraft from 16 August. The US were able to restore a perimeter to the airport on 19 August, but there continued to be leaks throughout the NEO.
- The security of the perimeter relied heavily upon Taliban cooperation. It is thought they cooperated as it was in their best interest to see the Coalition withdrawal. There was steady reporting of Taliban beatings, shots being fired, stampedes of people and denial of access to eligible evacuees.
- As a result of the unrest and Taliban occupation, access to HKIA was difficult throughout and prevented NZDF personnel from being able to venture outside the wire to collect evacuees. The NZDF and partners evacuated all the New Zealand evacuees who gained access to HKIA.
- This harrowing experience negatively affected the condition of evacuees throughout the NEO. NZDF Medics noted that many of the evacuated were suffering from exhaustion, fatigue, dehydration and numerous infections.

ISIS-K terrorist attack on HKIA

- The well-publicised threat of an attack by ISIS-K (Afghan ISIS-affiliate) materialised on 26 August when two suicide bombers detonated in the crowd outside HKIA, resulting in over 150 deaths including 13 US military personnel. In the lead up to the attack MFAT advised New Zealand evacuees to stay away from HKIA due to the imminent threat presented by ISIS-K.
- No New Zealand Defence Force personnel were in Kabul at the time of the explosions, as they had all safely departed on the final flight. There were no New Zealand evacuees left within HKIA.

United Arab Emirates

- Permission was secured for [redacted] S6(a), s6(b)(i) Al Minhad Airbase to serve as the NZDF's operational base for the NEO. Evacuees were transported from HKIA to the UAE, where they were processed and medically treated. Throughout the duration of the NEO it was reported that the evacuees were in good spirits despite the long wait times and overcrowding.
- Despite the larger than expected numbers of evacuees arriving at the UAE, the UAE was generous and did not enforce the prescribed limit on evacuees stationed at the airbase.

Questions and Answers (if raised)

Were the Bamyan 37 evacuated?

- The Bamyan 37 were at the heart of Cabinet's 16 August decision to expand eligibility criteria for Afghan nationals who had supported the NZDF's 20 year deployment in Afghanistan.
- We have been made aware of media reporting that the Bamyan 37 were not able to be evacuated despite the best efforts of our personnel on the ground.
- Last week Defence officials became aware the Bamyan 37 had managed to complete the journey from Bamyan to Kabul.
- However, as has been widely reported, access to HKIA was uncertain and dangerous. Many evacuees struggled to navigate these chaotic conditions in the face of obstacles presented by the Taliban, violence, and stampedes of people.
- The operational situation was not permissive for the NZDF to venture outside the airport perimeter to collect and escort them in.
- The Ministry of Immigration is conducting further work to process the key details of the civilians that have been evacuated and are either in or destined for New Zealand. I'm sure that you will appreciate this is an ongoing task.

Should we have evacuated people earlier?

- I would stress that the situation in Afghanistan deteriorated much quicker than anyone anticipated.
- There were still commercial flights available out of Kabul up until the day before Cabinet decided to deploy the NZDF on 16 August.
- Once actioned, the NZDF had personnel deployed in the region within just four days of Cabinet's decision.

Why did it take so long to plan/conduct the evacuation?

- Once actioned, the NZDF had personnel deployed in the region within just four days of Cabinet's decision. I would consider this to be an extremely efficient process considering the various factors at play.
- There were a number of factors to consider in the planning process, including: the COVID-19 outbreak; the impact of a C-130H deployment on domestic and regional readiness; the rapidly evolving situation on the ground; diplomatic clearances for the C-130H; and working cohesively with our partners – who were all developing their planning at the same time.

Why didn't we get more people out? Why didn't we get all of our citizens out?
[Handling note: there are many possible variations to this question]

- There were several factors which influenced the decision to withdraw from the Airport in Kabul when we did.
- Firstly, the Taliban had made it clear that the deadline for Coalition forces to withdraw from Afghanistan remained 31 August. Our partners, who were enabling us to conduct our evacuations by providing airport perimeter security, and medical support, had advised that they needed four to five days to withdraw their military from the airport. As such, the last day for us to operate was 26 August – which was the day of our final flight into Kabul. Our closest partner, Australia, ceased operations on the same day.
- Secondly, the NZDF were mandated to stay in theatre and continue evacuations as long as it was safe to do so. We had strong intelligence that there would be an imminent attack by ISIS-K on the airport in Kabul, placing both those evacuees trying to get to the airport, and our personnel trying to evacuate them at risk. The threat was such that MFAT issued direction to evacuees not to come to the airport.
- These two factors combined led to the conclusion to cease operations at Kabul airport when we did.
- The NZDF evacuated all New Zealand citizens, permanent residents and visa holders who gained access to the airport.

What support will be provided to those who weren't evacuated?

- Although this particular window for the international military-led withdrawal is drawing to a close, Aotearoa's efforts to support those still in Afghanistan are not.
- This is an incredibly challenging environment to be operating in. While we did everything we could to assist those in Afghanistan seeking to evacuate, the circumstances on the ground had changed.

- The Ministry of Foreign Affairs and Trade, and other relevant agencies will continue to coordinate with international partners on potential next steps now that the military evacuation operation is effectively over.

Did we abandon the people who helped the NZDF in Bamyan? Why didn't we offer those outside of Kabul more support? Why didn't we take these people with us when we concluded our deployment in March?

- The situation on the ground deteriorated at a far quicker rate than anyone anticipated. New Zealand responded to the situation as quickly as possible. With the Taliban controlling many key highways I acknowledge that travel to Kabul would have been very difficult.
- The operational situation was not permissive for the NZDF to venture outside the airport perimeter. Consequently, there was no ability for the NZDF to offer support those in Kabul or in regions further afield, such as Bamyan Province.
- In 2012, the Government offered assistance packages to those who assisted our deployment to Bamyan through the Provincial Reconstruction Team. This package reflected the value New Zealand placed on the assistance we received from Afghan nationals and considered the potential threat of retribution from the Taliban.

What was the mandate of the mission? Who was deployed?

- Cabinet agreed in principle to the NZDF to assist with the extraction of New Zealand citizens, permanent residents and approved Afghan nationals. Cabinet also authorised Ministers with Powers to Act to take further decisions on the deployment.
- On 19 August, Ministers with Powers to Act agreed to deploy a NZDF C-130H and up to 80 NZDF personnel to the Middle East region to support the international NEO in Afghanistan for up to one month.

What was the criteria to be approved for evacuation? How was this criteria applied? Is it possible that we refused people who were actually eligible?

- Immigration New Zealand and MFAT led the visa eligibility process. The NZDF assisted with the verification of links between Afghan evacuees and employment by the NZDF prior to 2013.
- A formalised process was developed in order to verify the links thoroughly yet efficiently.
- For further details on the eligibility process I will defer to the Minister of Foreign Affairs.

Was a group of individuals turned away by the NZDF from the NZ holding area in HKIA? Are you aware of Amnesty International communications relating to this matter?

- I am aware of this matter. NZDF did remove one group of individuals from the New Zealand holding area in HKIA, who did not have the identification documentation required by the New Zealand Government.
- Although these individuals had physically gained access into HKIA, they were still effectively yet to be accepted as verified New Zealand nationals. This event was notable due to the hardship it caused our deployed NZDF personnel.
- Anyone inside HKIA that reached the NZ holding area and was not approved was taken to a safe alternate area within HKIA.

Released by the Minister of Defence

NZDF Support to International Non-Combatant Evacuation Operation

Key Messages

- The NZDF deployed a contingent of 78 personnel and a C-130H transport aircraft to facilitate the evacuation of NZ citizens and approved Afghan nationals from Kabul.
- The first NZDF elements arrived at Hamid Karzai International Airport (HKIA) on 20 August and remained there until 26 August. The C-130H arrived in the Middle East on 22 August and conducted three flights into HKIA over the period 23 to 26 August.
- During the operation, as at 0900 30 August 2021 approximately 391 NZ citizens and approved Afghan nationals were evacuated from HKIA, primarily on Australian Defence Force (ADF) and NZDF aircraft. The C-130H transported a total of 125 NZ and Australian evacuees. *[Handling note: The Ministry of Foreign Affairs leads on setting the official numbers of those evacuated from Afghanistan, and you should defer to the Minister of Foreign Affairs on this matter where possible].*
- NZDF personnel made an extremely valuable contribution on the ground both at HKIA and Al Minhad Air Base (AMAB) in the UAE. Of particular note is the outstanding efforts of our Special Forces personnel, including a Female Engagement Team, located at HKIA. This team made contact with approved evacuees and guided them to points on the perimeter where they could be brought into the airport, secured, and safely evacuated.

Background

- The NZDF contingent of 78 personnel conducted a staged deployment into theatre, arriving at AMAB over the period 19 to 22 August. Of the 78 personnel, 19 continued into HKIA to secure evacuees and facilitate their movement out of Kabul. NZDF personnel operated in HKIA from 20 to 26 August. The remaining 59 were based in AMAB.
- The NZDF contingent staged out of Al Minhad Air Base (AMAB) in the United Arab Emirates (UAE), which also served as the evacuee handling centre (EHC) for NZ citizens and approved Afghan nationals who were evacuated from Kabul.
- The NZDF contingent consisted of:
 - a command group of 5 personnel;
 - a special operations task unit of 18 personnel;
 - a C-130H contingent of 30 personnel, including 11 aircrew, 13 maintenance staff, and 6 support staff; and
 - evacuation support staff of 25 personnel, which included logistical, administrative, and medical support specialists.
- The C-130H transport aircraft arrived at AMAB on 22 August. The aircraft conducted three flights into HKIA over the period 23 to 26 August. During these flights, the aircraft transported 125 NZ and AUS evacuees from HKIA to AMAB,

and also transported NZDF and ADF personnel and equipment in and out of HKIA.

- NZDF personnel on the ground in HKIA worked closely with partners, in particular the ADF, as well as other agencies including officials from Australia's DFAT. They actively sought out approved individuals and their families, in many cases making direct contact with evacuees via mobile phone, guiding them through the crowds, to the airport gates and other points on the perimeter where they could be admitted to the airport.
- The last C-130H flight into Afghanistan occurred on 26 August and included the withdrawal of NZDF and ADF personnel from HKIA. The timing for this withdrawal was aligned with partners, in particular the ADF, and was based on the drawdown schedule for US forces, along with intelligence reporting of an increased terrorist threat against HKIA.
- NZDF personnel in AMAB, working closely with deployed staff from MBIE and MFAT, continue to provide support to AUS and NZ evacuees at AMAB. [REDACTED]
[REDACTED] s9(2)(g)(i) [REDACTED]
[REDACTED]
[REDACTED]
- The NZDF's mandate continues until 17 September. Notwithstanding, it intends to withdraw the C-130H to NZ by 1 September unless priority tasks in the Middle East arise. The aircraft will then be redeployed in support of Op Antarctica.

Questions and Answers (if raised)

Has the NZDF mission finished?

- Operations in and out of HKIA concluded on 26 August. NZDF personnel continue to assist with support to NZ and Australian evacuees at AMAB. The NZDF intends to withdraw the C-130H to NZ by 1 September so that it can be employed for other tasks.

Why did NZDF leave HKIA on 26th? Couldn't they have stayed until 31 August?

- The timing for this withdrawal was aligned with partners, in particular the ADF. It was based on the drawdown schedule for US forces, along with intelligence reporting of an increased terrorist threat against HKIA.

Will the NZDF deploy to Afghanistan again? Under which conditions would the NZDF redeploy?

- There is no intention for the NZDF to deploy to Afghanistan again at this time.

How did NZ work with partners? Did the C-130 deploy to assist partners' evacuations?

- The NZDF worked closely with Australia, in particular the ADF and Australia's Department of Foreign Affairs and Trade. NZ evacuees and NZDF personnel were carried on ADF flights and, likewise, Australian evacuees and ADF personnel were carried on NZDF C-130 flights. On the ground in Kabul, our personnel worked very closely with Australian, US, UK and other nations' forces who assisted in locating NZ evacuees. Overall the evacuation would not have been possible without US military forces maintaining the security and control of Kabul airport.

Why did the NZDF not go beyond the wire to get more NZ evacuees into the airport?

- Given the threat situation, NZDF personnel were not sent outside of Kabul airport to collect evacuees. However, considerable success was achieved by linking up with evacuees via mobile phone and guiding them to points on the perimeter where they could be brought in to the airport.

Why did the NZDF only send a C-130H aircraft?

- The C-130 Hercules was the only feasible option for this deployment due to the low availability of the Boeing 757 fleet, which is aging and consists only two aircraft.

Released by the Minister of Defence

Afghanistan: Assistance to Interpreters and Locally Employed Staff

Key Messages

- **NOTE:** The NZDF did not employ anyone after April 2013 when the Bamyán Provincial Reconstruction Team closed.
- Afghan interpreters played a critical role in the operation of New Zealand's Provincial Reconstruction Team in Afghanistan.
- In 2012-2013 the New Zealand Government provided a group of Afghan interpreters (who had worked for the New Zealand Defence Force and Ministry of Foreign Affairs and Trade in Bamyán Province) with an assistance package, which included the opportunity to resettle in New Zealand.
- Resettlement was offered to interpreters as they were considered to be at the highest risk of Taliban retribution and reflected the service this group provided to the New Zealand Government during that time. The opportunity to resettle to New Zealand was also extended to the interpreters' spouse and dependent children.
- Financial support was also provided to local staff who were closely involved with the New Zealand Defence Force and New Zealand Police in Bamyán, but who did not venture around the province with the NZDF, and were therefore deemed to be less directly associated with the NZDF.
- New Zealand agencies, and those of our partners, had seen an increase in enquiries from locally employed contractors seeking resettlement outside of Afghanistan in recent months, following the US's withdrawal announcement.

Background

- In October 2012, Cabinet agreed to an assistance package for Afghan interpreters who worked in Bamyán for the New Zealand PRT. All 21 interpreters that were working for the PRT when it concluded in 2013 applied for resettlement in New Zealand with their dependents.
- Resettlement was one of two choices presented to interpreters, the other being a payment of three years' salary to enable the interpreter and their dependents to relocate within Afghanistan.
- In December 2012 Government subsequently approved a tiered system for addressing additional requests received and any future requests. Under this tiered system;
 - Interpreters who worked for NZ but had resigned after 1 December 2010 were offered either relocation to New Zealand or a payment of three year's salary.
 - Engineers and vehicle mechanics received NZ\$10,000 in addition to one year's salary to enable these individuals to relocate within Afghanistan, given the heightened risk to individuals working in those professions.

- Other locally engaged staff (LES) working for the New Zealand PRT when it concluded, were eligible for a one off goodwill payment equivalent to one year's salary.
- The following groups were considered ineligible for Government assistance LES as the risk to individuals in both of these categories was considered to be low.
 - Afghans whose employment with the PRT concluded prior to 1 December 2010, and all other former LES.
 - Interpreters and LES working for other nations or the International Security Assistance Force (ISAF) were also ineligible for this assistance.
 - Those considered ineligible for the tiered assistance packages were still able to request relocation to New Zealand by writing to the Minister of Immigration under section 61A of the Immigration Act 2009.

Questions and Answers (if raised)

[Handling note: You could refer these questions to the Minister for Immigration. Alternatively, if pressed, you could answer along the lines provided below].

How did the assistance package fit within existing Government policy?

- In the case of interpreters, immigration policy at the time did not cover this scenario, as the interpreters were not able to be considered refugees. Nor were they considered likely to meet the threshold to qualify for resettlement under the Skilled Migrant Category. As a result, a special pathway was established for interpreters to apply for resettlement.

How were recent requests being addressed?

- Defence officials were passing on any new requests for assistance to Immigration New Zealand.

Are you able to provide the numbers of individuals who fit the various categories you outlined above?

- 21 interpreters accepted resettlement to New Zealand plus their dependents (estimated to be 44 people).
- There were 28 LES: 18 engineers or mechanics, and 10 other LES staff, which included roles such as cooks and cleaners.
- 6 interpreters had resigned after 1 December 2010 and were eligible for resettlement, plus dependents (an additional 27 people)
- There were no figures of all former LES, or how many LES were employed by other nations of ISAF.

How was dependents defined?

- Dependents were defined as the individual's spouse and children. The children had to be under the age of 24, single, and reliant on the principal applicant for financial support.

How did New Zealand's support compare to that of other nations deployed to Afghanistan?

- New Zealand's response in 2012 was in line with partner nations. Australia, Canada, Germany, the United Kingdom and United States all put in place support programmes for those who assisted their deployments in Afghanistan, with similar conditions in place as New Zealand's approach.

Released by the Minister of Defence

Bamyan Ranges Clearance Project

Key Messages

- The New Zealand Defence Force engaged with the Directorate of Mine Action Coordination (DMAC), a department of the Afghanistan National Disaster Management Authority, to assist in the execution of the Project.
- Following a robust tender evaluation process, conducted in accordance with Government regulations on procurement, the New Zealand Defence Force selected the Organisation for Mine clearance and Afghan Rehabilitation (OMAR) as the preferred Implementing Partner.
- Founded in 1990, OMAR is an Afghan non-profit organisation that is recognised as the principal organisation in the awareness and removal of mines in Afghanistan.
- A contract to the value of NZ\$5.3 million was signed with OMAR on 29 April 2020, for the additional clearance of the five live-firing ranges in Bamyan Province.
- Clearance operations are suspended for the winter period in Bamyan Province (November – March) due to the level of snowfall in the region. OMAR recommenced clearance operations on 1 April 2021, and all range areas are under clearance action in accordance with the agreed Schedule of Work, with one range area now completed. Overall progress is slightly behind schedule as shown in Table 1 below.

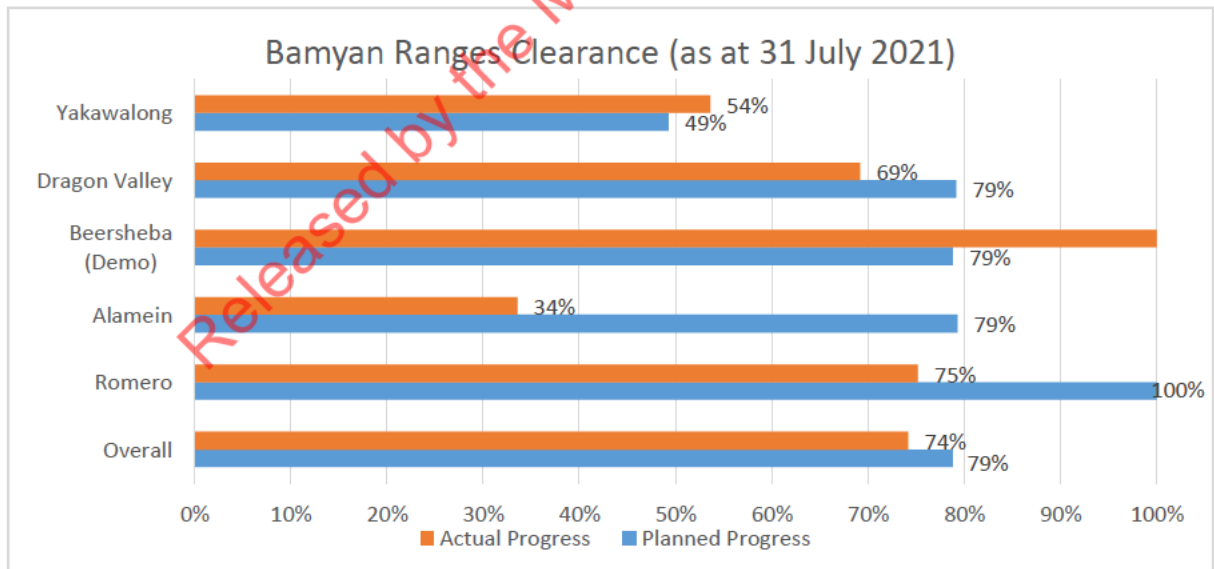


Table 1. Percentage of clearance work completed by OMAR

- As at 31 July 2021, OMAR had located and destroyed a total of 845 UXO/ERW items, the majority of which (approx. 76 percent) have been identified as originating from non-NATO sources. Of the NATO originated items, 69 (8 percent of the total) have been identified by an NZDF Subject Matter Expert as an ammunition type that was used by the NZPRT in Afghanistan, and therefore

could possibly be attributable to NZDF (or other NATO forces). The remaining 92% of UXO/ERW items found are not ammunition types used by the NZDF.

- The overall security situation in Afghanistan remains unsettled, noting the recent takeover of the national capital by Taleban forces and the developing environment as a new Afghan Government is established. s6(b)(ii)

[Redacted]

Questions and Answers (if raised)

How has the Bamyang Ranges Clearance Project been affected by the Taliban's takeover of Afghanistan?

- The NZDF Project Team maintain good communications with both the Implementing Partner/Contractor (OMAR) and the organisation monitoring & verifying the clearance activities (DMAC).
- Reporting from OMAR (as recently as 23 Aug) has confirmed their clearance operations continue unaffected at this time and there has been no engagement with Taliban representatives to date, neither through OMAR Headquarters in Kabul nor directly with OMAR field teams in the Bamyang province.
- DMAC reported they had temporarily suspended activities in their Kabul office, awaiting direction from the new government. DMAC's communication with its field teams remained unaffected, and they have continued with verification of OMAR's on-site work.

- s6(b)(ii)

[Redacted]

When is the Bamyang Ranges Clearance Project scheduled for completion?

- Based on the agreed Schedule of Work between NZDF and OMAR, the clearance operations in Bamyang are due to be completed in November 2021.

- Once DMAC have verified all clearance activities and issued NZDF with Clearance Certificates for each of the five range areas, NZDF will enter the Project Closure phase.
- The Bamyan Ranges Clearance Project is due to be completed in May 2022.

What are the future prospects for the Bamyan Ranges Clearance Project given the changed situation on the ground?

- The NZDF is committed to the successful completion of the Bamyan Ranges Clearance Project, based on the agreed Schedule of Work with OMAR.
- Noting the significant level of progress (approx. 75 percent complete) to the end of July 2021, it would be disappointing if project momentum were lost in Bamyan during this period of unsettled security in wider Afghanistan.
- [REDACTED] s6(b)(ii) [REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- Therefore, the NZDF Project Team assesses the prospects for the Bamyan Ranges Clearance Project as 'good' and recent reporting from OMAR on the situation in Bamyan would support this assessment.

What support was provided to the female mine clearers in Bamyan?

- I am aware of a group of female afghan mine clearers claiming links to the NZDF mine clearance project in Bamyan. The NZDF received two applications and worked to verify and secure all details regarding these individuals as quickly as possible. It was determined that these applicants did not meet the criteria for assistance as they did not work directly with or alongside the NZDF, but were employed by a third party contractor for the work they provided.

Q+A on the impact of the current COVID-19 outbreak on the Ministry of Defence and New Zealand Defence Force

What is the Impact of Covid-19 lockdown on capability projects

- All capability projects are expecting to cover any potential financial risks within their project budgets, including contingencies. Any adverse impact resulting from the Level 4 lockdown is likely to be schedule related.

What is the impact on acquisition contracts

- Acquisition contracts initiated since the previous national lockdown in 2020 have Covid-19 specific force majeure clauses and/or anticipated delays built into their schedules.
- For existing contracts, the Ministry of Defence's standard terms and conditions make provision for the Parties to claim an excusable delay, including for pandemics and quarantine restrictions. As a result, costs fall where they lie. This means the only additional costs the Ministry might incur will be for the extension of project management costs.
- Thus far no force majeure and/or excusable delay claims have been lodged. However, while project budgets are likely to be largely unaffected, we do expect some impact on schedules, the scale of which is still being determined.

What is the impact on Ōhakea infrastructure work

- Infrastructure work at RNZAF Base Ōhakea to support operations of the P-8A aircraft stopped with the commencement of Level 4 lockdown. The site has been secured. A shutdown plan has been implemented to ensure the site is maintained whilst work is paused.
- There will inevitably be cost and time implications as a result of the shut-down, the quantum of which is yet to be assessed. Notwithstanding this, the critical path of taking delivery of the aircraft and starting operational release is unlikely to be impacted.

Impacts of COVID lockdown on Defence?

- The key impact on the NZDF at present is the number of staff affected who are required to isolate. While the number changes, as a result of new locations of interest (LOI) being identified and staff completing their 14 days isolation and testing protocols following first exposure. As of Mon 30 Aug the NZDF has 392 staff still isolating: Navy 130, Army 82, Air 153, and 27 in the MIQ workforce. This number has reduced and stabilised since week one/two.
- At this point no NZDF outputs have been impacted to the point of failure however the situation has placed strain on the maintenance of some

operational, base/camp and related support functions. Essential functions are still being maintained but the situation has required active and sustained management in order to adjust working arrangements and align these with health protection and control measures. This is particularly challenging in areas requiring external contractor support such as some service/support and platform maintenance functions where this workforce (unlike at the border) is still largely unvaccinated.

- All non-essential training and support functions where physical contact is required have been concluded, suspended, postponed or cancelled as a result of this outbreak. While the short term impacts can be managed, longer term impacts will affect the trained state of both individual and collective capability.
- This issue has been noted in previous impact papers. Of particular note this time is the basic/initial recruit training courses planned for commencement within the next 1-3 weeks. Failure to conduct these courses this calendar year will have major force flow implications across the NZDF. While most core functions are able to be maintained remotely with alternatives to physical contact, the operation of platforms and training requires a degree of physical contact where there is no practical substitute and/or alternative.
- There is little substantive change internally for the NZDF due to a **change from AL4 to AL3** as the majority tasks and training remain largely curtailed. The NZDF is conducting further assessments of the potential training impacts at this time, and what essential training must continue to sustain directed outputs.
- Those impacts previously highlighted in various COVID impact update papers, specifically related to sustaining MIQ commitments, still remain and have been further compounded by this latest outbreak. National contingency functions and forces are being sustained with an ability to respond within designated response times (such as the recent NEO to Afghanistan), however the ability for concurrent and sustained commitments in addition to standing commitments is limited.
- As outlined above, the impact on the respective training state produces added risk where forces need to be maintained at heightened states of readiness for directed and operational level of capability and/or safety compliance. Constrained supply chains continue to impact a range of supply, support and infrastructure projects on the back of this latest outbreak. The downstream effects of these obstructions will likely extend work schedules and add cost.

Impact of LOI deployment of reserves and flow on to Local Emergency Response Groups (LERGs).

- There has been an impact on NZDF's MIQ workforce due to the need to isolate from having been a contact or at an LOI. This has been managed at the tactical level by the Joint Task Force and has resulted in Base Auckland and Devonport Naval Base utilising personnel from their LERGs in order to backfill MIQ vacancies. Those LERGs have subsequently been backfilled by personnel available due to them being unable to do their normal jobs under Alert Level 4.

Requests for Support

- NZ Police have requested 50 personnel to support them in the establishment of checkpoints at regional boundaries around Auckland. The personnel are to commence duty at 1200hrs on Wednesday 1 Sep 21, and NZPOL have currently estimated that the support be required for three weeks.
- Ministry of Health (MoH) have requested 10 NZDF medical personnel operate a 'pop-up drive-through' vaccination clinic at Sky Stadium Wellington, for a week.
- A possible task to support food distribution in Auckland with 120 personnel for up to 30 days has not eventuated at this time. With the need to support NZPOL checkpoints at regional boundaries, and the ongoing impact of LOIs on staff numbers, support to this task would be difficult. Personnel would need to be committed from the Humanitarian Assistance and Disaster Relief (HADR) Task Unit, and High Readiness Task Unit, from outside the Auckland region. Committing personnel from outside Auckland into the Alert Level 4 zone then makes it difficult to return those personnel to lower alert level zones in case of an emergency elsewhere in the country.

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