

## HON JUDITH COLLINS KC, MINISTER OF DEFENCE

### FUTURE MANDATE OPTIONS FOR THE NEW ZEALAND DEFENCE FORCE'S DEPLOYMENT TO THE UNITED NATIONS MISSION IN SOUTH SUDAN

August 2024

This publication provides documents on Cabinet's 7 May 2024 decision to extend the mandates for the deployment of NZDF personnel to the United Nations Mission in South Sudan (UNMISS).

The pack comprises the following documents:

- the redacted Cabinet minute of decision: *Future Mandate Options for the New Zealand Defence Force's Deployment to the United Nations Mission in South Sudan* [FPS-24-MIN-0006]
- the redacted Cabinet paper: *Future Mandate Options for the New Zealand Defence Force's Deployment to the United Nations Mission in South Sudan* [FPS-24-SUB-0006]

This pack has been released on the Ministry of Defence website, available at: [www.defence.govt.nz/publications/future-mandate-options-for-the-new-zealand-defence-force-deployment-to-the-united-nations-mission-in-south-sudan/](http://www.defence.govt.nz/publications/future-mandate-options-for-the-new-zealand-defence-force-deployment-to-the-united-nations-mission-in-south-sudan/)

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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)]

Information is also withheld in order to:

- 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)]



# Cabinet Foreign Policy and National Security Committee

## Minute of Decision

*This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.*

### Future Mandate Options for the New Zealand Defence Force's Deployment to the United Nations Mission in South Sudan

**Portfolios** Foreign Affairs / Defence

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

- 1 **noted** that in March 2022, the previous government agreed to extend the mandate for New Zealand’s contribution of three personnel to the United Nations Mission in South Sudan to 30 September 2024, with authorisation to bid for two additional roles [ERS-22-MIN-0009];
- 2 **noted** that continuing New Zealand’s contribution would reinforce our reputation as a longstanding contributor to the United Nations and international rules-based system, s6(a) and provide a means of developing New Zealand Defence Force (NZDF) collaboration and operational experience and skills which are applicable in the Pacific and more widely;
- 3 **noted** that the overall threat assessment for the United Nations Mission in South Sudan is s6(a)
- 4 s6(a)
- 5 **agreed** to extend the mandate for New Zealand’s contribution of three personnel for two years until 30 September 2026;
- 6 **agreed** to the strategic objectives for this deployment, as outlined in the submission under FPS-24-SUB-0006;
- 7 s6(a)
- 8 s6(a)
- 9 s6(a)

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10 **noted** that the total estimated cost of maintaining the mandate for two years from 1 October 2024 to 30 September 2026 is assessed as \$1.586 million, which is able to be met from within the existing baseline for ‘Vote Defence Force: Operations Contributing to New Zealand’s Security, Stability and Interests MCA’.

Jenny Vickers  
Committee Secretary

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**Present:**

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

**Officials present from:**

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

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Office of the Minister of Foreign Affairs

Office of the Minister of Defence

Chair, Foreign Policy and National Security Committee

## **FUTURE MANDATE OPTIONS FOR THE NEW ZEALAND DEFENCE FORCE'S DEPLOYMENT TO THE UNITED NATIONS MISSION IN SOUTH SUDAN**

### **Proposal**

1. To provide advice and seek Cabinet decision on the future of the New Zealand Defence Force's (NZDF) deployment to the United Nations Mission in South Sudan (UNMISS).

### **Relation to Government Priorities**

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

### **Executive Summary**

3. This Cabinet paper recommends that Cabinet maintains and renews the current deployment of three NZDF personnel to UNMISS for a further two years to September 2026, at an estimated cost of \$0.597 million in 2024/25, \$0.789 million in 2025/26 and \$0.200 million in 2026/27.

4. This recognises the significant strategic benefits this operation provides to New Zealand <sup>s9(2)(g)(i)</sup> [redacted] and promoting New Zealand's interests in the international rules-based system.

5. <sup>s6(a)</sup> [redacted]

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

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

### **Context**

#### *Background*

8. The UNMISS was established in 2011 to help consolidate peace and security in South Sudan, enable conditions for development, and strengthen the capability of the government to govern effectively and democratically. A map of the area of responsibility is at Annex A. UNMISS is authorised by the UN to use all necessary means to implement

its mandate which includes: protection of civilians; creating conditions conducive to the delivery of humanitarian assistance; supporting the implementation of the revitalised peace process; and monitoring, investigating and reporting on violations of humanitarian and human rights.

9. In 2022 the deployment of three NZDF personnel to UNMISS<sup>s6(a)</sup> <sup>s6(a)</sup> was renewed for two years until 30 September 2024 [ERS-22-MIN-0009 refers].


*Strategic case for the deployment*

10. The benefits of contributing to this deployment include:

- 10.1. <sup>s6(a), s9(2)(g)(i)</sup> 
- 10.2. contributing to a successful UN mission and showing our support for the UN system;
- 10.3. promoting the international rules-based system <sup>s9(2)(g)(i)</sup> 
- 10.4. collaborating with key security partners <sup>s6(a), s9(2)(g)(i)</sup> 
- 10.5. providing operational experience for NZDF personnel.

*Future strategic objectives*

11. In line with the strategic case for the deployment to UNMISS, it is proposed that the future strategic objectives for the NZDF's contribution be:

- 11.1. to maintain New Zealand's credibility as a supporter of the international rules-based system, particularly within Africa as a region with a significant UN peacekeeping presence;
- 11.2. to contribute to the credibility and effectiveness of UN peacekeeping efforts, and to peace and security in South Sudan as a recently established nation;
- 11.3. to reinforce relationships with key partners that New Zealand will potentially work alongside <sup>s9(2)(g)(i)</sup> 
- 11.4. to provide NZDF personnel from a wide range of ranks and trades across the three services with exposure to operations in a challenging and austere environment, and to experiences which would see them better equipped to deal with humanitarian, stability and security challenges arising in the Indo-Pacific.

12. Options to meet these objectives are proposed as follows.

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

Proposed Commitment	Personnel/Capability	Duration	Cost
Maintain current personnel deployment of three personnel; s6(a)	Agree to renew the mandate for New Zealand’s contribution of three personnel s6(a) to UNMISS.	October 2024 to September 2026	Up to \$1.586M

**Risks**

13. The situation in South Sudan is fragile with an elevated operational risk to NZDF personnel. New Zealand Defence Intelligence assesses the unmitigated overall threat to NZDF personnel deployed in South Sudan is s6(a)

14. The strategic environment in South Sudan is volatile. To manage the risk to personnel, each NZDF patrol is assessed on a case-by-case basis to ensure that safety and support measures meet acceptable standards.

s6(a)

s6(a)

Released by the Minister of Defence

18. Notwithstanding the risks identified above, the strategic benefits stated in paragraph 10 deliver a strong return on the investment in this mission, and from a strategic New Zealand interest perspective, outweigh the identified risks to NZDF personnel (with appropriate mitigations in place). Therefore this option is recommended.

**Option Two: Withdraw (Not recommended)**

19. This option proposes a complete NZDF withdrawal from UNMISS.

s6(a)

## Benefits and Risks

20. This option would release funds otherwise committed to the UNMISS deployment. Withdrawal would, however, leave New Zealand without an alternative peace support deployment that delivers the same benefits, as shown in the attached covering note. Additionally, it would be difficult for New Zealand to re-enter this mission following a complete withdrawal, should the Government choose to do so.

## Financial Implications

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

21. The option to continue current support of up to three personnel to UNMISS is estimated to cost \$0.597 million in 2024/25, \$0.789 million in 2025/26 and \$0.200 million in 2026/27. This option can be funded within the existing unallocated baseline for "Vote Defence Force: Operations Contributing to New Zealand's Security, Stability and Interests MCA", and no additional funding is required.

22. The Minister for Veterans has declared this deployment to be 'qualifying operational service' under the Act. The estimated impact to the veterans' support entitlement obligation is \$0.476 million. These expenses can be funded within the existing unallocated baseline for "Vote Defence Force Non-Departmental Other Expenses: Service Cost – Veterans' Entitlements", and no additional funding is required.

### *Option Two: Withdraw (Not recommended)*

23. Option Two would save the amounts otherwise invested in Option One. A NZDF Output 5 financial forecast is attached at Annex B.

## Legal Considerations

24. *Legal framework for activities:* The legal framework for UNMISS activities and action is established by UN Security Council Resolution 1996 (2011). NZDF personnel will be based in UN camps and facilities. In accordance with article 16 of the Status of Forces Agreement between the United Nations and the Government of the Republic of South Sudan concerning the United Nations Mission in South Sudan, these facilities are inviolable and subject to the exclusive control and authority of the UN. They are also immune from search or interference. While on duty, NZDF personnel will enjoy the status, privileges and immunities as extended in the Status of Forces Agreement. This includes immunity from detention and jurisdiction for acts done in the performance of the mission.

25. *Civilian harm:* The likelihood of involvement in any action leading to civilian harm is very low. NZDF personnel will be directed to report any incidents of civilian harm. Reporting requirements will follow those in Defence Force Order 35.

26. *Detainee handling:* Detainee handling is a very remote possibility. In the very unlikely event that NZDF personnel are required to handle detainees, it will be carried out in accordance with the 2022 Detention Policy Framework. <sup>s6(a)</sup>

27. *Rules of engagement:* Deployed personnel will be armed during the proposed commitments. <sup>s9(2)(h)</sup>

s9(2)(h)

28. *Human rights risk assessment:* There is a negligible likelihood of this deployment causing or contributing to a human rights breach. There is a negligible likelihood that interactions as part of the deployment could contribute to a breach of human rights. The UN is a standard bearer for human rights and therefore does not condone breaches of human rights as part of its missions.

### Consultation

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

### Recommendations

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

1. **Note** that in March 2022, Cabinet agreed to extend the mandate for New Zealand's contribution of three personnel to the United Nations Mission in South Sudan to 30 September 2024, s6(a) [ERS-22-MIN-0009 refers];
2. **Note** that the proposal to continue New Zealand's contribution would reinforce our reputation as a longstanding contributor to the United Nations and international rules-based system, s6(a), s9(2)(g)(i) and provide a means of developing New Zealand Defence Force collaboration and operational experience and skills which are applicable in the Pacific and more widely;
3. **Note** that the overall threat assessment for the United Nations Mission in South Sudan is s6(a)

s6(a)

5. **Agree** to:

#### EITHER

##### ***Option One: Maintain and renew New Zealand's commitment (recommended)***

- 5.1. **Agree** to extend the mandate for New Zealand's contribution of three personnel for two years until 30 September 2026;
- 5.2. **Agree** to the proposed strategic objectives for this deployment;

s6(a)

s9(2)(h)



- 5.5. s6(a)
- 5.6. **Note** that the total estimated cost of maintaining the mandate for two years from 1 October 2024 to 30 September 2026 is assessed as \$1.586 million, which is able to be met within the existing baseline for 'Vote Defence Force: Operations Contributing to New Zealand's Security, Stability and Interests MCA';

**OR**

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

- 5.7. **Approve** the withdrawal of the three person contingent from the United Nations Mission in South Sudan by 30 September 2024; and
- 5.8. **Note** the associated risks from withdrawal to: the credibility of New Zealand's support for the United Nations and international rules-based system; economic and political relationship benefits for New Zealand in Africa derived from this longstanding deployment; and skills and experience acquisition by the New Zealand Defence Force;

Authorised for lodgement

Rt Hon Winston Peters  
**MINISTER OF FOREIGN AFFAIRS**

Hon Judith Collins KC  
**MINISTER OF DEFENCE**

**Annexes:**

- A. Map of UNMISS Area of Responsibility
- B. NZDF Output 5 Financial Forecast

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**ANNEX A: Map of UNMISS Area of Responsibility**

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

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**ANNEX B: NZDF Output 5 Financial Forecast**

s9(2)(f)(iv)

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