

HON RON MARK, MINISTER OF DEFENCE

Proposal to Renew the Mandate for New Zealand's Contribution to the Multinational Force and Observers

October 2020

This publication provides documents on Cabinet's June 2020 decision to renew the mandate for New Zealand's contribution to the Multinational Force and Observers to September 2022.

The pack comprises the following documents:

- the 23 June 2020 Cabinet minute: *New Zealand's Contribution to the Multinational Force and Observers: Proposal to Renew Mandate* [ERS-20-MIN-0013]
- the redacted Cabinet paper: *Proposal to Renew the Mandate for New Zealand's Contribution to the Multinational Force And Observers* [ERS-20-SUB-0013].

This pack has been released on the Ministry of Defence website, available at:

www.defence.govt.nz/publications.

It has been necessary to withhold certain information in accordance with the following provisions of the Official Information Act 1982. Where information is withheld, the relevant sections of the Act are indicated in the body of the document. Where information has been withheld in accordance with section 9(2) of the Act, no public interest has been identified that would outweigh the reasons for withholding it.

Information is withheld where making it available would be likely to prejudice:

- the security or defence of New Zealand or the international relations of the Government of New Zealand [section 6(a)]
- the entrusting of information to the Government of New Zealand on the basis of confidence by the Government of any other country [section 6(b)(i)]
- the entrusting of information to the Government of New Zealand on the basis of confidence by an international organisation [section 6(b)(ii)].

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- maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any department or organisation in the course of their duty [section 9(2)(g)(i)]



Cabinet External Relations and Security Committee

Minute of Decision

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

New Zealand's Contribution to the Multinational Force and Observers: Proposal to Renew Mandate

Portfolios Foreign Affairs / Defence

On 23 June 2020, the Cabinet External Relations and Security Committee (ERS):

Background

1 **noted** that:

- 1.1 New Zealand has contributed to the Multinational Force and Observers mission (MFO) in the Sinai Peninsula, Egypt since 1982, and that this contribution directly supports the government's priority to create an international reputation New Zealand can be proud of;
- 1.2 on 11 September 2018, ERS agreed to extend the 28-person mandate of the New Zealand Defence Force (NZDF) to the MFO by two years, until September 2020 [ERS-18-MIN-0016];

2 **noted** that the MFO continues to monitor the peace between Israel and Egypt, [REDACTED]

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

Proposed mandate renewal

3 **agreed** to renew the mandate for the New Zealand Defence Force's (NZDF) contribution of up to 28 personnel to the MFO for a further two years, until 30 September 2022;

4 **noted** that New Zealand's Force Commander and two associated positions were approved under a separate Cabinet mandate [ERS-19-MIN-0017] and are not a component of this mandate renewal;

5 **noted** that since 2016, New Zealand has provided surge support to the MFO 'reconfiguration process' to modernise the mission and create a safer environment for personnel, and is likely to receive further requests for contributions;

6 **authorised** the Prime Minister, the Minister of Foreign Affairs and the Minister of Defence to provide approval for surge deployments of up to five roles for terms of up to six months to support the reconfiguration efforts, provided those roles can be met within baseline funding;

- 7 **agreed** that the NZDF may temporarily exceed the Cabinet-mandated personnel numbers for this deployment for the purposes of command reconnaissance, rotation, and extraction of forces from theatre [CAB-18-MIN-0346];
- 8 **noted** that the Chief of Defence Force will inform the Prime Minister, the Minister of Foreign Affairs and the Minister of Defence in advance whenever Cabinet-mandated personnel numbers are exceeded;
- 9 **noted** that the unmitigated overall threat to New Zealand Defence Force personnel to the MFO is s6(a)
- 10 **agreed** that, should this renewal be approved, officials will advise close partners through standard defence and diplomatic channels, and that a public announcement will be made in conjunction with concurrent Cabinet deployment decisions;

Financial implications

- 11 **noted** that the total estimated cost of this deployment from 1 October 2020 to 30 September 2022 is assessed as \$6.080 million;
- 12 **noted** that the estimated cost of \$6.080 million is able to be met within the existing baseline for Vote Defence Force: Operations Contributing to New Zealand's Security, Stability and Interests MCA.

Janine Harvey
Committee Secretary

Present:

Rt Hon Jacinda Ardern
Rt Hon Winston Peters (Chair)
Hon Kelvin Davis
Hon Grant Robertson
Hon Andrew Little
Hon David Parker
Hon Ron Mark

Officials present from:

Office of the Prime Minister
Officials Committee for OERS

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Office of the Minister of Defence

Chair, External Relations and Security Committee

PROPOSAL TO RENEW THE MANDATE FOR NEW ZEALAND'S CONTRIBUTION TO THE MULTINATIONAL FORCE AND OBSERVERS

Proposal

1. To seek approval to renew New Zealand's contribution to the Multinational Force and Observers (MFO) in the Sinai Peninsula, Egypt when the current mandate expires in September 2020.

Relation to government priorities

2. New Zealand's participation in the MFO supports the government's priority *to create an international reputation that we can be proud of* and contributes towards the maintenance of the international rules-based order, which is fundamental to New Zealand's national security interests and foreign policy objectives.

Executive Summary

3. This paper seeks Cabinet's agreement to renew the mandate for the 28-person contingent to the MFO for a further two years to 30 September 2022. In addition, it is recommended that Ministers with Power to Act be authorised to consider and approve requests for surge capability of up to five positions for up to six months in order to support the mission's reconfiguration efforts. This would allow New Zealand to consolidate our support to the MFO, and reinforce our international reputation as a natural and reliable partner.
4. The MFO was established in 1982 to act as a neutral arbiter in ensuring compliance with the provisions of the 1979 Egypt-Israel Peace Treaty ('the Treaty') and to observe, monitor and verify each country's military presence along the border zones between Egypt and Israel.
5. New Zealand's participation in the MFO since 1982 supports a longstanding operation which upholds the international rules-based order and makes a tangible contribution to maintaining peace in the region. The deployment also provides situational awareness (including on counterterrorism issues); bolsters interoperability with our close security partners; contributes to our international relationships, including with our partners in the Middle East and Africa; and strengthens the skills of the New Zealand Defence Force (NZDF) in an operational environment.
6. The increased threat posed by extremist elements (including Islamic State-Sinai) has necessitated that the MFO mission undergo a 'reconfiguration process' to modernise and to improve safety, including changes to infrastructure, leveraging the use of technologies, and reducing the force size by 30 percent. In addition to our core contingent of 28 personnel, New Zealand has provided surge support to this reconfiguration process on a number of occasions, and will likely receive further requests for such assistance.
7. In December 2019, New Zealand assumed the role of MFO Force Commander [CAB-19-MIN-0360 refers] with two associated personnel, mandated until March 2022. These three positions are not included within the scope of this paper.

8. The unmitigated overall threat level for the MFO is s6(a)
9. s6(a), s6(b)(i)
10. COVID-19 has had an impact on the sustainment of approved NZDF deployments. Officials continue to monitor the effects of COVID-19 on missions in which NZDF personnel are deployed and will advise the Ministers of Foreign Affairs and Defence of any significant developments relating to COVID-19.
11. Costs associated with this deployment would be met within existing baseline for Vote Defence Force: Operations Contributing to New Zealand's Security, Stability and Interests.

The problem definition: monitoring international peace amid a rise of domestic violent extremism

12. The MFO was established in 1982 as a result of the Camp David Accords and the signing of the Treaty, a landmark agreement which effectively ended thirty years of hostility, including three wars, between the two states. The MFO operates observation posts and conducts land and coastal patrols to ensure both countries are complying with the limitations on military personnel and equipment along the border as stipulated by the Treaty.
13. Since 2010 the Sinai Peninsula has seen a rise in the presence of extremist elements, including Islamic State and al-Qaeda-aligned groups. In response, the Egyptian Armed Forces (EAF) launched its Operation Sinai, a deployment of 60,000 troops into the Peninsula, which is subject to monitoring by the MFO mission. s6(a), s6(b)(i)
14. In response to the volatility of the security environment, in 2016 the MFO began a process of reconfiguring its mission and physical footprint. s6(a), s6(b)(i)
- ².

s6(a)

² New Zealand has made a number of contributions to this reconfiguration process, including through the deployment of 33 engineers in 2017 to construct perimeter fencing, as well as additional surge deployments of electricians and engineers in 2017/2018, 2019 and 2020.

Strengthening interoperability with security partners

21. The MFO is comprised of 13 participating nations. Primarily staffed by the US, the 1150-strong military personnel on mission also include contributions from Australia, Canada, United Kingdom, Colombia, Czech Republic, Fiji, France, Italy, Japan³, Norway and Uruguay. This allows the NZDF to strengthen interoperability with a wide array of traditional and non-traditional partners.
22. MFO also presents an opportunity to deploy alongside the 170-strong contingent from the Republic of Fiji Military Forces (RFMF) – Fiji's largest peacekeeping deployment

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

Strengthening NZDF skills in an operational environment

23. The MFO deployment delivers unique benefit to NZDF. While many peace support operations require officer rank contributions, the MFO provides a wealth of opportunities for junior personnel and non-commissioned officers to gain operational experience. It also allows for the deployment of personnel from all three services (Navy, Army and Air Force), and is the only deployment where New Zealand's Army driver trade is deployed in an operational context.

Proposed commitment

24. The composition of New Zealand's current force of 28 personnel is outlined in the 1999 Exchange of Letters constituting an Agreement on New Zealand Participation in the Multinational Force and Observers (the '1999 Exchange of Letters') with the MFO, but may be changed by mutual agreement between the mission and New Zealand. At present the force is comprised of [See Annex B for a full list of roles]:
 - 24.1. A Driving Section which provides support for personnel movements and logistics convoys;
 - 24.2. A Training and Advisory team;
 - 24.3. Headquarters staff;
 - 24.4. Engineering support personnel;
 - 24.5. A Force Military Police officer; and
 - 24.6. A New Zealand contingent support team.
25. It is recommended that Cabinet approve the renewal of the mandate for New Zealand's 28-person commitment to the MFO.

³ Japan began contributing to the MFO in 2019, and this is the Japan Self-Defense Forces' only overseas peace support mission.

Ministers with Power to Act

26. [Redacted] s6(a), s6(b)(ii)
[Redacted]
[Redacted]
[Redacted]
[Redacted]

27. New Zealand has provided support to this reconfiguration process since 2016. These contributions have been highly valued by the MFO and by our partners in the mission. It is likely that New Zealand will be asked to provide further surge support as the reconfiguration process continues.

28. Authorisation is therefore sought to enable Ministers with Power to Act (the Prime Minister, Minister of Foreign Affairs and Minister of Defence) to approve surges of up to five additional roles for up to six months in support of the reconfiguration process, provided these roles could be met within baseline funding.

Implications should Cabinet not approve the proposal

29. [Redacted] s6(a), s9(2)(g)(i)
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

30. [Redacted] s6(a), s9(2)(g)(i)
[Redacted]
[Redacted]

31. Should Cabinet decide not to renew New Zealand's contribution to the MFO, then New Zealand would be required to provide six months' notice for the withdrawal, as outlined in the 1999 Exchange of Letters.

Threat level

32. New Zealand Defence Intelligence assesses the unmitigated overall threat to NZDF personnel in the MFO as [Redacted] s6(a)
[Redacted]
[Redacted]
[Redacted]
[Redacted]

33. NZDF continually monitors the operational threat level in the MFO, and should the security situation deteriorate significantly, the Chief of Defence Force would take appropriate measures to ensure the security of NZDF personnel. The Ministers of Defence and Foreign Affairs would be notified of any significant developments.

Released by the Minister of Foreign Affairs and the Minister of Defence

The impact of COVID-19 on the MFO

34. The MFO has secured cooperation from Egypt and Israel to function and sustain its activities despite curfews, border closures and flight restrictions, which ensures that the mission continues to have ample access to water, food, fuel and essential services. Sharm-el-Sheikh reported its first cases of COVID-19 in early April, all of which related to hospital workers. This has not had an impact on the MFO.
35. The NZDF will continue to monitor the effects of COVID-19 on the MFO and will notify the Minister of Defence and Minister of Foreign Affairs of any significant developments or changes to scheduling.

Legal considerations

36. The overarching legal framework for the MFO mission is provided by the Treaty. This defines the terms and conditions under which MFO forces are deployed as well as the activities they are authorised to carry out.
37. The formal mechanism for New Zealand's participation is a 1982 Exchange of Letters with the MFO mission, most recently updated by a 1999 Exchange of Letters. This instrument confirms New Zealand's continued commitment unless the mission mandate is terminated by either Egypt or Israel, or New Zealand otherwise decides to withdraw.
38. The status of NZDF personnel deployed in support of the 1979 Treaty is found in the 1981 Protocol to the same. The Protocol is similar in nature to a full status of forces agreement, and provides that NZDF personnel are subject to the exclusive jurisdiction of New Zealand in respect of any criminal offences, as well as not subject to civil jurisdiction for matters relating to official duties.

Rotations

39. In 2012, Cabinet agreed to the inclusion in all NZDF deployment papers of a provision that allows NZDF to temporarily exceed Cabinet-mandated personnel numbers for the purposes of command reconnaissance, rotation, and extraction of forces in and out of theatre [CAB Min (12) 10/2 refers]. In July 2018, Cabinet noted the 2012 decision and agreed that this convention should continue [CAB 18-MIN-0346 refers]. The Chief of Defence Force would inform the Minister of Defence, Minister of Foreign Affairs, and Prime Minister in advance, whenever a rotation, extraction, or command reconnaissance is planned above the mandated numbers for specific contributions.

Ability to service New Zealand's standing commitments or deploy in an emergency

40. These proposed deployments can be undertaken without impacting the ability of the NZDF to meet standing obligations within the Pacific, or emergency responses.

Financial implications

41. The estimated cost of the deployment is \$6.080M. The expenditure to be funded from Crown Revenue is \$6.080M and the estimated cost is able to be met from the existing funding for Vote Defence Force: Operations Contributing to New Zealand's Security, Stability and Interests MCA.

42. The following table sets out the estimate expenditure for the commitment from 1 October 2020 to 30 September 2022.

Vote Defence Force	NZ \$million					
	2019/20	2020/21	2021/22	2022/23	2023/24	Total
Estimated cost of proposed deployment	-	2.594	3.054	0.432	-	6.080
Total funded from existing appropriation: Operations Contributing to New Zealand's Security, Stability and Interests MCA	-	2.594	3.054	0.432	-	6.080
Additional Funding Required	-	-	-	-	-	-

Consultation

43. This paper has been prepared by the Ministry of Defence, the New Zealand Defence Force and the Ministry of Foreign Affairs and Trade. The Department of the Prime Minister and Cabinet (NAB, NSG, and PAG), s6(a), and the Treasury were consulted.

Communications

44. Should Cabinet approve the renewal of New Zealand's deployment to MFO, it is recommended that Cabinet's decision regarding this deployment be announced alongside concurrent Cabinet deployment decisions on commitments to the United Nations Mission in South Sudan, and the United Nations Truce Supervision Organisation, and that a two week period be allowed to advise key partners through defence and diplomatic channels. The Ministry of Defence and NZDF websites would also be updated to reflect these deployments.

45. Should Cabinet decide not to renew New Zealand's contribution to MFO, it is recommended that this decision not be made public until key partners have been advised and any issues regarding the timing of withdrawal have been worked through. Officials would keep the Prime Minister, Foreign Minister and Minister of Defence informed of developments in this regard.

Proactive release

46. A redacted version of this Cabinet paper will be proactively released following the public announcement.

RECOMMENDATIONS

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

1. **Note** that New Zealand has contributed to the Multinational Force and Observers mission since 1982 and this directly supports the Government's priority to *create an international reputation we can be proud of*;
2. **Note** that the Multinational Force and Observes continues to monitor the peace between Israel and Egypt, s6(a), s6(b)(i)

3. **Agree** to renew the mandate for the New Zealand Defence Force's contribution of up to 28 personnel to the Multinational Force and Observers mission for a further two years until 30 September 2022;
4. **Note** that New Zealand's Force Commander and two associated positions were approved under a separate Cabinet mandate [CAB-19-MIN-0360] and are not a component of this mandate renewal;
5. **Note** that since 2016 New Zealand has provided surge support to the Multinational Force and Observers 'reconfiguration process' to modernise the mission and create a safer environment for personnel, and is likely to receive further requests for contributions;
6. **Authorise** Ministers with Power to Act (the Prime Minister, Minister of Foreign Affairs and Minister of Defence) to provide approval for surge deployments of up to five roles for terms of up to six months to support the reconfiguration efforts, provided those roles can be met within baseline funding;
7. **Agree** that the New Zealand Defence Force may temporarily exceed the Cabinet-mandated personnel numbers for this deployment for the purposes of command reconnaissance, rotation, and extraction of forces from theatre;
8. **Note** that the Chief of Defence Force will inform the Prime Minister, the Minister of Defence and the Minister of Foreign Affairs in advance whenever Cabinet-mandated personnel numbers are exceeded for the reasons set out in paragraph 39 of the paper;
9. **Note** that the unmitigated overall threat to New Zealand Defence Force personnel to the Multinational Force and Observers is s6(a)
10. **Agree** that, should this renewal be approved, officials will advise close partners through standard defence and diplomatic channels, and a public announcement will be made in conjunction with concurrent Cabinet deployment decisions;
11. **Note** that the total estimated cost of this deployment from 1 October 2020 to 30 September 2022 is assessed as \$6.080M;
12. **Note** that the estimated cost of \$6.080M is able to be met within the existing baseline for Vote Defence Force: Operations Contributing to New Zealand's Security, Stability and Interests MCA.

Authorised for lodgement

Rt Hon Winston Peters
Minister of Foreign Affairs

Hon Ron Mark
Minister of Defence

Annex A: Map of the MFO



Released by the Minister of Foreign Affairs and the Minister of Defence

Annex B: Current Roles filled by New Zealand Defence Force in MFO

Sector	Role	Qty	Indicative Rank
HQ Roles	Force Protection Analysts	s6(a)	LCPL-SGT
	Assistant Staff Officer Plans (ADJT)		CAPT
	Aide de Camp		CAPT (E)
	Passport Clerk		CPL (E)
	Joint Operations Plans SO2 (2IC)		MAJ
	Company Quartermaster		SGT
	Joint Plans Officer		LTCOL
	Personnel Support Officer		SSGT-CAPT (E)
Drivers	Driver	s6(a)	PTE/LCPL
	Driving Instructors		SSGT-WO2
	Drivers in Charge		LCPL/CPL
	Trainer/Instructor		SSGT
	Chief Instructor		CAPT
Training Facility	Training Warrant Officer	s6(a)	WO1
	Physical Training Instructor		CPL-SGT
Engineering and Infrastructure	Electrician	s6(a)	CPL-WO (E)
	Engineering Officer		MAJ (E)
	Engineering Warrant Officer		WO2
Force Military Police Unit	Military Police	s6(a)	SGT (E)
Total contingent considered in this mandate		28	
Roles under a separate mandate, not considered in the scope of this paper [CAB-19-MIN-0360]			
Command	Force Commander	1	MAJGEN
	Military Assistant to FC	1	LTCOL(E)
	Personal Protection Officer to FC	1	SGT-SSGT
Subtotal (separate mandate)		3	
Total New Zealand Contingent in MFO		31	