

HON JUDITH COLLINS KC, MINISTER OF DEFENCE

Deployment in Support of United Nations Security Council Sanctions Against the Democratic People's Republic of Korea (North Korea)

July 2024

This publication provides details on Cabinet's 22 August 2023 decision to approve the deployment of a P-8A Poseidon aircraft and support elements to conduct one mission under the Operation WHIO mandate, during the period from January 2024 until June 2024.

The pack comprises the following documents:

- the Cabinet minute of decision: *Deployment in Support of United Nations Security Council Sanctions Against the Democratic People's Republic of Korea (North Korea)* [ERS-23-MIN-0047]
- the Cabinet paper: *Deployment in Support of United Nations Security Council Sanctions Against the Democratic People's Republic of Korea (North Korea)* [ERS-23-SUB-0047]

This pack has been released on the Ministry of Defence website, available at: www.defence.govt.nz/publications.

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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 constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials [section 9(2)(f)(iv)]
- 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 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.

Deployment in Support of United Nations Security Council Sanctions Against the Democratic People's Republic of Korea (North Korea)

Portfolios Defence / Foreign Affairs

On 22 August 2023, the Cabinet External Relations and Security Committee:

- 1 **noted** that the United Nations Security Council sanctions regime is a key element of the global effort to peacefully apply pressure on North Korea to denuclearise and abandon its ballistic missile programme, and that supporting this effort is in New Zealand's interests and consistent with New Zealand's foreign and defence policies;
- 2 **noted** that New Zealand's deployments are part of ongoing coordinated efforts by the Pacific Security Maritime Exchange (PSMX) involving Japan, the United States, the Republic of Korea, Australia, the United Kingdom, Germany, Canada, France, and New Zealand;
- 3 **noted** that due to the faster than anticipated progress of the Royal New Zealand Air Force P-8A Poseidon through introduction into service, a P-8A Poseidon aircraft will be available for Operation WHIO tasking from January to June 2024;
- 4 **noted** that continuing New Zealand's commitment to PSMX activities supports the safety of New Zealanders by strengthening the underlying security conditions that support New Zealand's ability to trade, engage and prosper in a peaceful and stable Indo-Pacific;
- 5 [REDACTED] s6(a)
- 6 **noted** that:
 - 6.1 [REDACTED] s6(a)
 - 6.2 [REDACTED] s6(a)
- 7 **approved** the deployment of a P-8A Poseidon aircraft and support elements to conduct one mission under the current Operation WHIO mandate, during the period from January 2024 until June 2024, with the mission not exceeding 30 days;
- 8 **noted** that the total estimated cost of the deployment is \$3.565 million in Financial Year 2023/24;

- 9 **noted** that the deployment can be funded through Vote Defence Force baseline funding;
- 10 **noted** that any unforecast regional or global contingency response, humanitarian assistance and disaster relief operation, as well as any changes to existing mandates in Financial Year 2023/24 may require s9(2)(f)(iv) either a fiscally neutral adjustment and/or a Vote Defence Force baseline increase.

Janine Harvey
Committee Secretary

Present:

Hon Kelvin Davis
Hon Andrew Little
Hon David Parker
Hon Nanaia Mahuta (Chair)

Officials present from:

Office of the Prime Minister
Officials Committee for ERS

Released by the Minister of Defence

Office of the Minister of Defence

Office of the Minister of Foreign Affairs

Chair, External Relations and Security Cabinet Committee

DEPLOYMENT IN SUPPORT OF UNITED NATIONS SECURITY COUNCIL SANCTIONS AGAINST THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA (NORTH KOREA)

Proposal

- 1 To seek Cabinet's agreement to a deployment of a P-8A Poseidon maritime patrol aircraft and support elements to North Asia under the current Operation WHIO mandate, in support of United Nations Security Council (UNSC) sanctions monitoring against North Korea for up to 30 days in the period January until June 2024.

Relation to Government Priorities

- 2 Providing military support to UNSC sanctions monitoring directly contributes to the Government's priorities in the following ways:
 - 2.1 This deployment would support the Government's priority to 'lay the foundations for a better future' by reinforcing New Zealand's long-standing and active participation in collective security efforts, our support for the international rules-based system, and our firm and principled stance on the elimination and non-proliferation of nuclear weapons.
 - 2.2 This deployment would support the Government's priority, that the New Zealand Defence Force (NZDF) attract, retain and develop a skilled, sustainable and diverse workforce.

Executive Summary

- 3 Operation WHIO is New Zealand's contribution to monitoring of UNSC sanctions against North Korea. In June 2022, Cabinet extended the current Operation WHIO mandate [CAB-22-MIN-0218] from October 2022 to September 2024, and expanded the NZDF's personnel commitment to the Pacific Security Maritime Exchange (PSMX) s6(a) to provide continuity in New Zealand's commitment to UNSC sanctions implementation.
- 4 The 2022 mandate renewal did not include the deployment of aircraft. This was due to a lack of aircraft availability as the Royal New Zealand Air Force (RNZAF) managed the transition from the P-3K2 Orion to the P-8A Poseidon maritime surveillance aircraft. Due to the faster than anticipated introduction into service of the P-8A Poseidon fleet, an RNZAF aircraft will be available for Operation WHIO tasking from early 2024.
- 5 This deployment supports the safety of New Zealanders, and addresses a key regional and global security concern that has the potential to disrupt New Zealand's own security, economy and prosperity. It provides a visible demonstration of our commitment to international efforts aimed at the complete, verifiable, and irreversible denuclearisation of North Korea. It bolsters our most

visible deployment to the Indo-Pacific (one of only two¹), in line with Defence's Pacific priority, and the intention stated in the *Defence Policy and Strategy Statement 2023* (DPSS) to make valued [redacted] s6(a) contributions to addressing Indo-Pacific security challenges.

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[redacted] s6(a), s9(2)(g)(i)

7 Officials have assessed risks associated with this proposal, including: unmitigated threat level [redacted] s6(a) [redacted] and the NZDF's capacity to operate in the Pacific. They have determined that the risks are limited and able to be mitigated.

Background

8 North Korea remains one of the most pressing security issues facing the Indo-Pacific. [redacted] s6(a)

[redacted] These capabilities also pose a risk to North Korea's immediate neighbours, the Republic of Korea (ROK) and Japan.

9 As of 12 July 2023, North Korea has launched approximately 30 ballistic missiles including at least four inter-continental ballistic missiles. North Korea has also conducted six nuclear weapon tests, the last being in September 2017.

[redacted] s6(a) [redacted] These nuclear weapon tests, as well as many missile tests, are in contravention of UNSC Resolutions.

PSMX sanctions monitoring

10 UNSC sanctions are the international community's key tool to restrict North Korea's access to inputs for its illicit nuclear and ballistic weapons programmes and to encourage it to pursue denuclearisation and a return to diplomacy. From 2006 to 2017 the UNSC passed ten resolutions imposing sanctions against North Korea. The sanctions ban North Korea's export of resources such as coal and sand (revenues that have historically contributed to its nuclear and ballistic missile programmes), and limit the import of refined petroleum to 500,000 barrels per year (a key strategic resource for North Korea's weapons programmes). Humanitarian aid is exempt from sanctions. New Zealand does not maintain an independent sanctions regime against North Korea making our commitment to UNSC sanctions even more important.

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[redacted] s6(a)

[redacted] Evasion activities (such as ship-to-ship transfers at sea with foreign-flagged vessels) continue to undermine the sanctions' intended effects.

¹ The second deployment is Operation MONITOR, the NZDF contribution to the United Nations Command in South Korea.

12 The PSMX is a multinational coalition formed in 2018 to monitor the UNSC sanctions.² PSMX member nations deploy naval vessels, maritime patrol aircraft and staff officers to assist with sanctions monitoring. These efforts are coordinated by the Enforcement Coordination Cell (ECC), hosted by the US Navy 7th Fleet. The ECC is located at Yokosuka Naval Base, Japan. Information on vessels suspected of contravening sanctions is passed to the ECC and shared with PSMX partners for presentation to the UN Panel of Experts, which reports on North Korea's sanctions evasion. Many PSMX partners, including New Zealand, also routinely conduct bilateral diplomatic follow up with flag countries of vessels of interest to encourage enforcement of the sanctions regime. The PSMX maintains strong member support, which increased in 2021 with the admission of Germany.

13 North Korea continues to violate sanctions by illicitly importing refined petroleum and exporting commodities such as coal and sand. Despite this, sanctions have forced North Korea to make uncomfortable trade-offs between developing its ballistic and nuclear capability and economic growth and prosperity. s6(a)

Providing ongoing support to the PSMX helps ensure the initiative has the ability to detect actions which circumvent sanctions and acts as a disincentive to countries or entities willing to evade the UNSC's sanctions

14 s6(a)

New Zealand's response

15 The recently released DPSS outlines a strategy to promote and protect our interests in a more proactive, purposeful, and deliberate way, expressed through three interrelated themes:

15.1 **understand** – Defence has increased awareness of strategic and operating environments;

15.2 **partnering** – Defence improves and enhances its partnerships within and beyond New Zealand to support collective security approaches to shared challenges, and maximise interoperability with security partners; and

15.3 **act** – Defence is more ready and able to promote and protect New Zealand's interests by shaping our security environment with a credible, combat capable, deployable force able to operate across the spectrum of operations.

16 New Zealand's operational commitments in Northeast Asia are consistent with Defence's priorities. The DPSS acknowledges that Defence's contributions to collective security efforts, protect and promote New Zealand's interests and

² PSMX members currently include: Japan, the United States, the Republic of Korea, Australia, the United Kingdom, Germany, Canada, France, and New Zealand.

values, including a strong and effective international rules-based system with a particular interest in the Indo-Pacific region.

- 17 The proposed deployment of a P-8A Poseidon maritime patrol aircraft and support elements supports the DPSS. [REDACTED] s6(a)

- 18 New Zealand has been a strong supporter of PSMX activities through regular contributions of aircraft deployments in September 2018, October 2019, October 2020, May 2021 and November 2021. [REDACTED] s6(a)

- 19 The 2022 mandate renewal did not include the deployment of aircraft due to the Royal New Zealand Air Force (RNZAF) managing the transition from the P-3K2 Orion to the P-8A Poseidon maritime patrol aircraft. Due to the faster than anticipated introduction into service of the P-8A Poseidon fleet, an RNZAF aircraft will be available for Operation WHIO tasking from early 2024. [REDACTED] s6(a)

Options Analysis

- 20 **Option 1: Approve the deployment of a P-8A Poseidon aircraft (recommended)**

20.1 **Approve** the deployment of a P-8A Poseidon aircraft and support elements to conduct one mission under the current Operation WHIO mandate, during the period from January until June 2024, with the mission not exceeding 30 days.

- 21 [REDACTED] s6(a)

Objectives for Option 1

- 22 New Zealand's objectives for the recommended deployment (Option 1) are:

22.1 To maintain pressure on North Korea to abandon its nuclear and ballistic missile programmes and return to diplomatic negotiations.

22.2 To uphold the international rules-based system by supporting UNSC resolutions that contribute to the maintenance of peace and security on the Korean Peninsula, in line with the Government's priority to 'lay the foundations for a better future'.

22.3 To support and enhance New Zealand's reputation as a natural, trusted and reliable partner in maintaining Indo-Pacific regional security, [REDACTED]

s6(a), s9(2)(g)(i)

22.4 To enhance the NZDF's operational experience within a complex multinational environment, in support of Defence's People priority.

Benefits associated with Option 1

23 The following benefits are associated with the recommended deployment:

Benefit	Assessment
Supports the safety of New Zealanders	Contributes in a substantial way to a well-established mission that helps to address a key regional and global security concern with consequences for New Zealand's own security, economy and prosperity.
Contributes to collective security efforts that protect New Zealand's interests and values	Signals New Zealand's continued commitment to deploying Defence assets into North Asia, in line with the DPSS.
Partner relationships and interoperability	Strengthens New Zealand's relationships with PSMX partners, s6(a) by contributing to multinational coalition efforts that support the implementation of sanctions against North Korea.
s6(a)	
Contributes to the enhancement of NZDF operational skills	The deployment of NZDF personnel on an intelligence, surveillance and reconnaissance (ISR) mission employing a number of collection capabilities develops important RNZAF technical skills in aircraft operations. The deployment of both aircrew and support elements in this high density operational setting enhances their overall trained state with the technical skills then able to be applied to other operations, s6(a)
Support retention of NZDF talent	Any deployment, including Op WHIO has the benefit of allowing NZDF personnel to conduct meaningful activities with a sense of real purpose supporting retention and morale amongst NZDF.

Risks of Option 1

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s6(a)

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A C-130H or B757 transport aircraft will be required to move NZDF personnel and equipment to Japan. The period of this proposed deployment is concurrent with the C-130J introduction into service and will therefore take into consideration prioritisation of other aircraft taskings.

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s6(a)

NZDF personnel would be based from major US military facilities in Japan.

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s6(a)

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s6(a)

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s6(a)

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s6(a), s9(2)(g)(i)

s6(a)

s6(a), s9(2)(g)(i)

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s6(a), s9(2)(g)(i)

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s6(a)

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With the operational mitigation measures in place and the known operating environment, the mitigated operational risk assessment remains as s6(a)

s6(a)

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s6(a)

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Option 2: Not approve the deployment of the P-8A Poseidon aircraft.

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Should Cabinet select Option 2 then Defence would not deploy a P-8A Poseidon aircraft, and maintain the already approved s6(a) NZDF personnel s6(a) under the current Operation WHIO mandate.

s6(a), s9(2)(g)(i)

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s6(a), s9(2)(g)(i)

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Threat Assessment

40 New Zealand Defence Intelligence assesses the unmitigated overall threat as s6(a). The mitigated threat is therefore also s6(a)

Financial Implications

41 Should Cabinet agree to the recommended option to deploy a P8-A maritime patrol aircraft and support elements in support of Operation WHIO, this would cost an estimated total of \$3.565 million in FY2023/24. This would be funded through the remaining unallocated \$2.903 million currently available from within Vote Defence Force baseline in FY 2023/24. The remaining balance will be funded within existing Vote Defence Force baseline.

42 Any unforecast regional or global contingency response, humanitarian and disaster relief operation, as well as any changes to existing mandates in FY 2023/24 may require s9(2)(f)(iv) either a fiscally neutral adjustment and/or a Vote Defence Force baseline increase. This includes a potential extension to Operation Solomon Island's Assistance (Op SIAST) which Ministers with Power to Act (MWPTA) will decide on no later than December 2023.

43 The following table provides financial summary of the proposed Operation WHIO costs against the unallocated 'Vote Defence Force: Operations Contributing to New Zealand's Security, Stability and Interests MCA.'

Estimated Direct Costs	NZ\$ Million				
	2023/24	2024/25	2025/26	2026/27	2027/28 & Outyears
Deployment of P-8A Poseidon to Operation WHIO	3.565	-	-	-	-
Total	3.565	-	-	-	-
<i>Remaining unallocated funding</i>	2.903	26.723	30.883	30.883	30.833
Funding to be met within baseline	0.662	-	-	-	-

44 The Minister for Veterans Affairs has not declared this deployment to be 'qualifying operational service' under the Veterans Support Act.

Legal Considerations

45 **International mandate:** The legal basis for the NZDF deployment to monitor UNSC sanctions evasion by North Korea is UNSCR 2397 (2017), which was extended by UNSCR 2515 (2020) and most recently updated by UNSCR 2680 (2023).

46 **Status of forces:** [Redacted] s6(a), s9(2)(h)

47 **Rules of Engagement (ROE):** [Redacted] s6(a)

48 **Health and safety:** Operation WHIO is an operational activity for the purposes of section 7 of the Health and Safety at Work Act 2015 (HSWA). The Chief of Defence Force will ensure that the purposes of the HSWA are complied with to the maximum extent possible under Defence Force Order 71 – Defence Force Safety.

49 **Civilian Casualties:** The nature of the proposed commitments renders the likelihood of involvement in any action leading to civilian harm as negligible. If instances of civilian harm are reported, they will be recorded and investigated in accordance with Defence Force Order 35 – Response to Civilian Harm.

50 **Human Rights Risk Assessment (HRRRA):** The NZDF has undertaken an HRRRA to assess the risk of becoming complicit in a violation of human rights through its contribution to this mission. The HRRRA was informed by the nature of the UNSC sanctions monitoring operations undertaken by the PSMX, its historical human rights record, and the specifics of the roles undertaken by NZDF personnel. The HRRRA determined that there is a negligible likelihood of the NZDF knowingly contributing to a human rights violation.

Consultation

51 This paper was jointly prepared by the New Zealand Defence Force, the Ministry of Defence and the Ministry of Foreign Affairs and Trade. The Department of the Prime Minister and Cabinet, the Treasury and the New Zealand Intelligence Community were consulted.

Proactive Release

52 The Ministry of Defence | Manatu Kaupapa Waonga will proactively release this paper subject to redactions as appropriate under the Official Information Act 1982.

Recommendations

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

- 1 **note** that the United Nations Security Council sanctions regime is a key element of the global effort to peacefully apply pressure on North Korea to denuclearise and abandon its ballistic missile programme, and that supporting this effort is in New Zealand's interests and consistent with our foreign and defence policies;
- 2 **note** that New Zealand's deployments are part of ongoing coordinated efforts by the Pacific Security Maritime Exchange involving Japan, the United States, the Republic of Korea, Australia, the United Kingdom, Germany, Canada, France, and New Zealand;
- 3 **note** that due to the faster than anticipated progress of the Royal New Zealand Air Force P-8A Poseidon through introduction into service, a P-8A Poseidon aircraft will be available for Operation WHIO tasking from January to June 2024;
- 4 **note** that continuing New Zealand's commitment to Pacific Security Maritime Exchange activities supports the safety of New Zealanders by strengthening the underlying security conditions that support our ability to trade, engage and prosper in a peaceful and stable Indo-Pacific;

5 [Redacted] s6(a)

6 [Redacted] s6(a) and

7 **agree** to:

EITHER

Option 1: Approve the deployment of a P-8A Poseidon aircraft (recommended)

- 7.1 **approve** the deployment of a P-8A Poseidon aircraft and support elements to conduct one mission under the current Operation WHIO mandate, during the period from January 2024 until June 2024, with the mission not exceeding 30 days;
- 7.2 **note** that the total estimated cost of the deployment is \$3.565m in Financial Year 2023/24;
- 7.3 **note** that the option can be funded through Vote Defence Force baseline funding; and
- 7.4 **note** that any unforecast regional or global contingency response, humanitarian assistance and disaster relief operation, as well as any changes to existing mandates in Financial Year 2023/24 may require [Redacted] s9(2)(f)(iv) either a fiscally neutral adjustment and/or a Vote Defence Force baseline increase.

OR

Option 2: Not approve the deployment of a P-8A Poseidon aircraft (not recommended)

7.5 **not approve** the deployment of a P-8A Poseidon aircraft.

Authorised for lodgement

Hon Andrew Little
Minister of Defence

Hon Nanaia Mahuta
Minister of Foreign Affairs

Released by the Minister of Defence

Annexes:

A: Map of Operation WHIO Area of Operations

B: New Zealand's International Military Operations

C: Output 5 Expenditure

Released by the Minister of Defence

Annex A: Map of Operation WHIO Area of Operations

s6(a)

Released by the Minister of Defence

GLOBAL DEPLOYMENTS OVERVIEW

New Zealand, Antarctica, the Southern Ocean and the South Pacific are New Zealand Defence's highest priority and the majority of NZDF operations are in our near region, although many of these do not require Cabinet approval. This prioritisation does not preclude Defence from contributing further afield in a targeted way where New Zealand has significant security interests.

Commonly, these security interests often include:

- Safeguarding New Zealand citizens;
- Maintaining the international rules-based system;
- Contributing to the security of critical trade routes;
- Contributing to New Zealand's security partnerships; and
- Enhancing NZDF operational experience and interoperability.

TRIGGERS FOR CABINET DEPLOYMENT DECISIONS

- A new security threat (the emergence of ISIS in Iraq/Syria led to the formation of the Global Coalition to Defeat ISIS)
- Conclusion of an existing mandate and consideration of extension [*standard mandate 2 years*] (peacekeepers in South Sudan)
- A request or requirement to change the role, location, numbers of a deployment (surge deployment to United Nations Command)
- Third country deployments (NZDF personnel deployed within partner militaries on operations)
- Direct request from the United Nations or a multinational coalition (Force Commander for Multinational Force and Observers)
- A request of support from a partner nation (logistics support to Solomon Islands elections - helicopters)

s6(a)



DEPLOYMENTS: UPCOMING CABINET DECISIONS

2023

August 23 — Op WHIO: P-8A deployment (Japan)

November 23 — Op SIAST: Solomon Islands Assistance, Ministerial Submission (Solomon Islands)

December 23 — Op PUKEKO: Contribution to Maritime Security in the Middle East (Bahrain);

Op TROY: s6(a)

2024

March 24 — Middle East and Africa Peace Support Operations: Multinational Force and Observers (Egypt); UNMISS (South Sudan); UNTSO (Golan Heights/Lebanon)

April 24 — Op TIEKE: Support to Ukraine Options paper (Europe)

s9(2)(f)(iv)

TIMING AND SUSTAINABILITY

The ways in which deployment proposals arise cannot always be forecast, and can also create timing and coherency challenges. In considering deployments the NZDF ensures it can maintain sufficient capabilities to meet current and standing commitments (e.g. regular maritime patrols around New Zealand), and respond to directed contingencies (e.g. responding to natural disasters in New Zealand and the Pacific).

Annex C: Output 5 Expenditure

NZDF Output 5 Expenditure FY23/24

Vote Defence Force: <i>Operations Contributing to New Zealand's Security, Stability and Interests MCA.</i>		FY23/24 \$M	FY24/25\$M
Total Funding		30.883	30.883
Mandated Deployments			
• OP TIKI, OP PUKEKO (Maritime Security in Middle East)		1.362	—
• OP TROY		2.553	0.531
• OP SOLAR		2.532	2.194
• OP SUDDEN		0.790	0.123
• OP WHIO (existing deployment)		0.647	0.111
• OP SCORIA/UNTSO		0.823	0.148
• OP MONITOR		0.363	—
• OP MONITOR (renewal)		2.068	0.625
• OP FARAD (MFO)		3.639	0.428
• OP TIEKE		2.328	—
• OP TIEKE 2023/24 Options		10.296	—
• OP SIAST		0.579	—
Total Mandated		27.980	4.160
	Remaining unallocated	<u>2.903</u>	<u>6.723</u>
Proposed mandate (estimated cost)			
• OP WHIO		<u>3.565</u>	
Estimated funding required for current mandate to be taken from NZDF baseline		<u>0.662</u>	

Released by the Minister of Defence