HON RON MARK, MINISTER OF DEFENCE

Proposal to Renew the Mandate for New Zealand's Contribution to the United Nations Mission in South Sudan

October 2020

This publication provides documents on Cabinet's June 2020 decision to renew the mandate for New Zealand's contribution to the United Nations Mission in South Sudan to September 2022.

The pack comprises the following documents:

- the 23 June 2020 Cabinet minute: New Zealand's Contribution to the United Nations Mission in South Sudan: Proposal to Renew Mandate [ERS-20-MIN-0014]
- the redacted Cabinet paper: Proposal to Renew the Mandate for New Zealand's Contribution to the United Nations Mission in South Sudan [ERS-20-SUB-0014].

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

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)].

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)]



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 United Nations Mission in South Sudan: Proposal to Renew Mandate

Portfolios Foreign Affairs / Defence

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

Background

- 1 **noted** that New Zealand's well established participation in the United Nations Mission in South Sudan (UNMISS) supports the international rules-based order, and contributes to the government's priority to create an international reputation that New Zealand can be proud of;
- 2 **noted**

s6(a), s9(2)(g)(i) and that the need for an enduring United Nations presence

will remain;

- 3 **noted** that:
 - 3.1 on 11 September 2018, ERS agreed to a 20-month extension for New Zealand Defence Force (NZDF) personnel deployed to UNMISS, to 30 June 2020 [ERS-18-MIN-0021];
 - 3.2 New Zealand's current contribution to UNMISS consists of a Deputy Chief of Plans, Military Assistant to the Special Representative of the Secretary General, and two Military Observers;

Proposed mandate renewal

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agreed to extend the mandate for the Deputy Chief of Plans and two Military Observers for a period of two years, to 30 June 2022;

noted that:



- 6 **agreed** to extend the mandate for the Military Assistant to the Special Representative of the Secretary General for up to two years, to 30 June 2022 \$\$9(2)(g)(i)
- 7

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

- 8 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];
- 9 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;
- 10 **noted** that in the event that Cabinet decides not to renew the mandate, it is convention to provide six months' notice to the United Nations, which would involve extending the deployment mandate to December 2020;
- 11 **noted** that the overall unmitigated operational threat level for NZDF personnel deployed to South Sudan is assessed as S6(a)
- 12 **agreed** that, should this renewal be approved, officials will advise the United Nations and 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

- 13 **noted** that the total estimated cost of New Zealand's proposed contributions to UNMISS from 1 July 2020 to 30 June 2022 is assessed as \$2.189 million;
- 14 **noted** that the estimated cost of \$2.189 million can be met from within the existing baseline of the 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

Hard-copy distribution:

Minister of Foreign Affairs Minister of Defence **Officials present from:** Office of the Prime Minister Officials Committee for OERS Office of the Minister of Foreign Affairs Office of the Minister of Defence Chair, External Relations and Security Committee

PROPOSAL TO RENEW THE MANDATE FOR NEW ZEALAND'S CONTRIBUTION TO THE UNITED NATIONS MISSION IN SOUTH SUDAN

Proposal

1. To seek approval to renew New Zealand's contribution to the United Nations Mission in South Sudan (UNMISS) when the current mandate expires on 30 June 2020.

Relation to Government priorities

2. New Zealand's well established participation in UNMISS supports the Government's priority to create an international reputation that we can be proud of. By deploying personnel to a United Nations mission, New Zealand contributes to the maintenance of the international rules-based order, which is fundamental to our national security interests and foreign policy objectives.

Executive Summary

- 3. This paper seeks Cabinet's agreement to renew New Zealand's small but wellestablished contribution to UNMISS. It proposes a two-year mandate extension for three New Zealand Defence Force (NZDF) personnel in UNMISS (a Deputy Chief of Plans and two Military Observers), as well as an extension of up to two-years for the Military Assistant to the UNMISS Special Representative of the Secretary General (SRSG), David Shearer, to 30 June 2022.
- UNMISS was established in 2011 to provide governance support to the newly independent South Sudan but has since become one of the United Nations' (UN) most challenging missions.
 s6(a), s9(2)(g)(i)

An enduring UN

presence is still required.

New Zealand's deployment to UNMISS contributes to the promotion of peace and stability, and the protection of civilians, in one of the world's most challenging environments. UNMISS is also New Zealand's only contribution to a UN peacekeeping mission in Africa, and accounts for a third of our total contribution to UN peacekeeping missions worldwide (with only 12 peacekeeping roles mandated in total)¹. In this context, New Zealand's contribution to UNMISS is a modest demonstration of our willingness to play our part in support of international peacekeeping.

¹ Four NZDF roles are mandated in UNMISS, the remaining eight are mandated in the United Nations Truce Supervision Organisation.

- 6. The unmitigated overall threat level for South Sudan is assessed as s6(a)
- 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.
- 8. 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.

Problem definition: South Sudan's political and security situation

- 9. South Sudan's short history has been marked by political, security and humanitarian crises. When the country gained independence in 2011, internal political disputes escalated into nation-wide violence with rival tribes and political groups vying for power in a civil-war. In June 2018 the two main parties to the conflict reached a ceasefire arrangement, followed by the eventual formation of the Revitalized Transitional Government of National Unity in February 2020. Notwithstanding this milestone, the presence of a UN peacekeeping mission is still needed, as evidenced by the UN Security Council's decision in March 2020 to renew the mandate for UNMISS for another year.
- 10. s6(a), s5(2)(g)(i)
- 11. The sustained violence has also caused a severe humanitarian crisis and displaced millions of civilians, mostly women and children. South Sudan is the site of the largest refugee crisis in Africa with 2.2 million South Sudanese refugees in neighbouring countries and an additional 1.5 million internally displaced people. The UN has expressed grave concerns about extrajudicial killings, ethnically targeted violence, rape and other sexual and gender-based violence, as well as the recruitment and use of children to participate in the conflict.

International response: the United Nations Mission in South Sudan

- 12. UNMISS was established in 2011 to provide governance support to the newly independent South Sudan², and has since become one of the UN's most challenging missions. As the political landscape fractured and the humanitarian situation deteriorated, the mandate for UNMISS evolved and, as of 2014, now expressly prioritises the protection of civilians, while also monitoring human rights abuses and supporting the delivery of humanitarian assistance. UNMISS is a global effort: over 16,000 personnel from over 70 countries are deployed to UNMISS, including some of our closest partners such as Australia, Fiji, Samoa, the United Kingdom (UK), Canada and the United States.
- 13. Like many UN peacekeeping missions, UNMISS faces challenges, s6(a), s9(2)(g)(i)

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

The case for continuing New Zealand's contribution

- 14. New Zealand's interests weigh in favour of continuing our contribution to UNMISS. Our commitment to the mission advances New Zealand's national security interests, reinforces international partnerships and foreign policy objectives and brings operational benefits to the NZDF.
- 15. As a strong advocate of the international rules-based order, there is a need for New Zealand to make targeted and tangible contributions to those supporting institutions and arrangements that reinforce global security, such as the UN and its peacekeeping missions. In this context our contribution is a modest but welcome demonstration of New Zealand's support for the international rules-based order.
- 16. Renewing our long and positive engagement in UNMISS allows New Zealand to reinforce our commitment to peace and stability in Africa in a way that resonates with our growing political and economic relationships with key African partners. s6(a), s6(b)(i), s6(b)(ii)

Continuing New Zealand's peacekeeping commitment to South Sudan complements New Zealand's humanitarian support, delivered through the International Committee of the Red Cross (\$3 million in 2019).

s9(2)(g)(i)

² Africa is the focus of UN Peacekeeping Operations: 80 percent of UN peacekeepers are deployed on the African continent; African nations provide almost half of the UN's peacekeepers; and seven of the thirteen UN peacekeeping missions are in Africa.

s6(b)(i), s6(b)(ii)

18. New Zealand participation in the mission also provides opportunities for NZDF personnel to gain and strengthen experience in the planning, delivery and monitoring of activities focused on humanitarian assistance and nation re-building. s6(a), s9(2)(g)(i)

UNMISS NZDF personnel are also operating alongside members of the African Union and gaining experience in working with those nations, many of which New Zealand would not otherwise frequently engage.

New Zealand's current commitments

- 19. New Zealand has contributed NZDF personnel to UNMISS since 2011 and, before South Sudan's independence, three personnel to the United Nations Mission in Sudan from 2005 to 2011. David Shearer's role heading UNMISS as the SRSG significantly raises New Zealand's profile in the mission⁴.
- 20. New Zealand's current contribution provides expert support to Mission leadership with a relatively small footprint. s6(a), s9(2)(g)(i)

Annex A). New Zealand's four mandated positions are:

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Role	Description 🧹 🎽	Value
Deputy Chief of	Responsible for supervising	An influential position which provides insight
Plans (2011-Ongoing)	production and	into UNMISS' operational plans.
	maintenance of operational	
	plans.	
Military Assistant to	Supports the planning and	An influential role which directly supports the
SRSG (2017-Ongoing)	implementation of SRSG	well regarded work which SRSG David
	David Shearer's initiatives	Shearer does.
	and travel.	
Military Observer:	Builds relationships	These two positions are based in regional
Malakal (2011-	between local government,	centres (Malakal and Yambio). They provide
Ongoing) and	civil administration, and	New Zealand officers with enhanced
Military Observer:	local military leadership.	understanding of security issues in South
Yambio (2017		Sudan, as well as credibility with local
Ongoing)	-	interlocutors.

 Due to border restrictions imposed as a result of the COVID-19 pandemic, New Zealand was unable to complete a scheduled rotation of United Nations Military Observers into South Sudan in March 2020. New Zealand's contribution to the mission is therefore currently reduced by two personnel [both Military Observers].

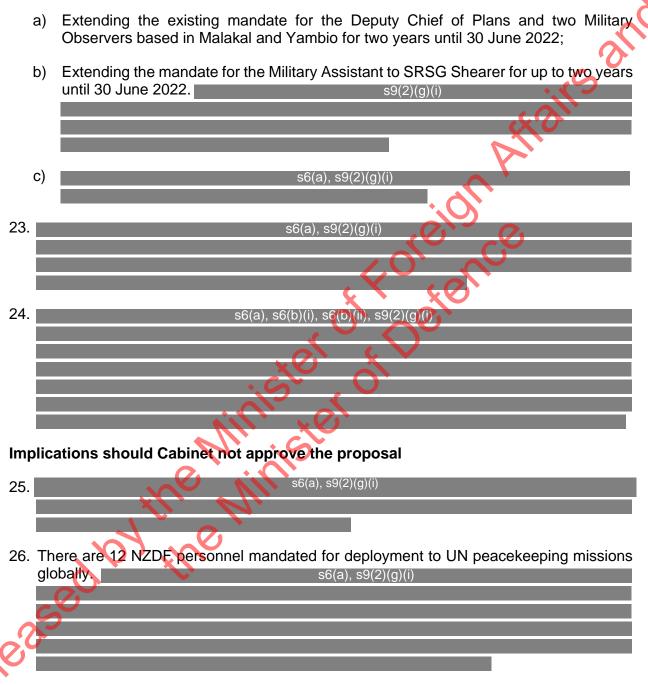
s9(2)(g)(i)

In

(see map at

Proposal to renew New Zealand's contribution to UNMISS

22. It is recommended that New Zealand renew its contribution to UNMISS by:



27. Should Cabinet decide not to renew New Zealand's contribution to UNMISS, then it is convention to provide six months' notice to the United Nations. This would involve extending the deployment mandate out six months from June 2020 to December 2020.

Threat level

- 28. New Zealand Defence Intelligence assesses the unmitigated overall threat to NZDF personnel deployed to South Sudan as s6(a)
- 29. South Sudan's operational risk and in-theatre force protection is managed by UNMISS. This includes the provision of UN quick response forces and contracted aero-medical evacuation provisions⁵. The NZDF mitigates the operational risk to its personnel through a range of measures including robust pre-deployment training; personal protective equipment; the conduct of regular, in-theatre continuation training to maintain core force protection skills, and on-going mission risk assessments.
- 30. NZDF continually monitors the operational threat level in South Sudan, and should the security situation deteriorate significantly, the Chief of Defence Force would take appropriate measures to ensure the security of NZDF personnel. The Minister of Defence and Minister of Foreign Affairs would be notified of any significant developments.

The impact of COVID-19

- 31. COVID-19 has affected all nations, including those hosting UN missions. Like many other nations, South Sudan implemented border restrictions on the movements of people. The UN is deeply concerned about the risks of COVID-19 spreading inside camps for internally-displaced persons. COVID-19 could have catastrophic effects in South Sudan, which the UN has designated as one of the two most vulnerable nations to the disease in Africa.
- 32. COVID-19 has also affected all UN peacekeeping missions, limiting rotations and restricting in theatre movement. The UN response is focused on protecting, containing and mitigating transmission, securing supply chains, supporting national authorities, and implementing mandates. The UN is experienced in operating in environments where communicable disease is present: Ebola virus and Zika virus being the two most recent examples.
- 33. NZDF personnel have continued to perform their respective roles with minimal impact. Deployed personnel report having access to masks (PPE) and sanitiser, with workspaces demonstrating good levels of hygiene. There is no specific direct concern about NZDF personnel being infected with COVID-19 though cross-border restrictions have affected the ability of UNMISS personnel to receive medical care (including for non-COVID related conditions).
- 34. Officials continue to monitor the effects of COVID-19 on missions in which NZDF personnel are deployed, including peacekeeping contributions and will advise the Ministers of Foreign Affairs and Defence of any significant developments or changes to scheduling.

⁵ New Zealand also has an additional complimentary arrangement for aeromedical evacuation contracted to s9(2)(q)(ii)

Legal considerations

International legal basis for UNMISS

- 35. The UN Security Council recently authorised UNMISS by passing resolution 2514 (2020), which renews the mandate for military, police, and civilian personnel to work together to support sustainable peace in South Sudan. The mandate includes authority to use all necessary means to:
 - a) protect civilians from threats and deter violence;
 - b) enable the delivery of humanitarian assistance;
 - c) monitor and investigate human rights abuses and violations of international humanitarian law;
 - d) protect United Nations personnel; and
 - e) support implementation of the 2018 Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan.
- 36. The mandate also includes thematic tasks on the basis of landmark Security Council resolutions on women, peace and security (resolution 1325, 2000); children and armed conflict (resolution 1612, 2005); and the protection of civilians in armed conflict (resolution 1674, 2006).

Status of Forces

- 37. The United Nations and the Government of South Sudan signed a Status of Forces Agreement on the 8th of August 2011 (the UN-GoSS SOFA). Under the UN-GoSS SOFA, the Military Assistant and Military Observer positions are considered as experts on mission meaning that they are afforded the privileges and immunities of experts on mission as described in Article VI of the Convention on the Privileges and Immunities of United Nations adopted by the General Assembly the the of United Nations on 13 February 1946. This includes immunity from personal arrest as well as immunity from legal process of every kind for acts done by them in the performance of their mission.
- 38.

s6(a), s9(2)(g)(i) the Deputy Chief of Plans have the privileges and immunities described in the UN-GoSS SOFA for military personnel of national contingents assigned to the military component of UNMISS. This includes immunity from South Sudanese civil and criminal jurisdiction in respect of acts performed by them in their official capacities.

Rotations

39. In 2012, Cabinet agreed to include in all NZDF deployment papers 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 personnel numbers.

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

40. The proposed deployment can be undertaken without impacting the ability of the NZDE's standing obligations within the Pacific, or emergency responses.

Financial implications

- 41. The estimated cost of the proposed deployment is \$2.189M made up of
 - 41.1. The Deputy Plans Officer and the two Military Observers for the period 1 July 2020 to 30 June 2022 \$1.688M;
 - 41.2. The Military Assistant to the Special Representative of the Secretary General to be extended for two years (24 months) from 1 July 2020 to 30 June 2022 \$0.318M, and
 - 41.3. s6(a), s9(2)(g)(i)
- 42. The funding required can be met from within the existing funded Operations Contributing to New Zealand's Security, Stability and Interests Multi-Category Appropriations.
- 43. The following table sets out the expenditure and funding arrangements for this deployment.

	NZ \$million					
Vote Defence Force	2019/ 20	2020/ 21	2021/ 22	2022/ 23	2023 /24	Total
The Deputy Plans Officer and two Military Observers for the period 1 July 2020 to 30 June 2022	-	0.771	0.917	-	-	1.688
The Military Assistant to the Special Representative of the Secretary General for the period 1 July 2020 to 30 June 2022	-	0.159	0.159	-	-	0.318
s6(a), s9(2)(g)(i)	-	0.055	0.128	-	-	0.183
Total Estimated cost of proposed deployment	-	0.985	1.204	-	-	2.189
Total funded from existing appropriation: Operations Contributing to New Zealand's Security, Stability and Interests	-	0.985	1.204	-	-	2.189
Additional Funding Required	-	-	-	-	-	-

Consultation

44. This paper has been prepared jointly 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), and the Treasury were consulted.

Communications

- 45. Should Cabinet agree to renew New Zealand's deployment to UNMISS, it is recommended that this decision be announced alongside concurrent Cabinet deployment decisions on New Zealand contributions to the Multinational Force Observers (MFO) and the UN Truce Supervision Organisation (UNTSO), 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 decisions.
- 46. Should Cabinet decide not to renew New Zealand's contribution to UNMISS, it is recommended that this decision not be made public until the UN and 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

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

RECOMMENDATIONS

- 48. The Ministers of Foreign Affairs and Defence recommend that the Committee:
 - 1. **Note** that New Zealand's well established participation in the United Nations Mission in South Sudan supports the international rules-based order and contributes to the Government's priority to *create an international reputation that* we can be prove of.
 - 2. Note

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

and the need for an enduring UN presence

will remain;

- Note New Zealand's current contribution to the United Nations Mission in South Sudan consists of a Deputy Chief of Plans, Military Assistant to the Special Representative of the Secretary General, and two Military Observers;
- 4. **Agree** to extend the mandate for the Deputy Chief of Plans and two Military Observers for a period of two years until 30 June 2022;

- 5. s9(2)(g)(i)
 6. Agree to extend the mandate for the Military Assistant to the Special Representative of the Secretary General for up to two years until 30 June 2022 s9(2)(g)(i)
 7. s6(a), s9(2)(g)(i)
- 8. **Agree** that the New Zealand Defence Force may temporarily exceed the Cabinetmandated personnel numbers for this deployment for the purposes of command reconnaissance, rotation, and extraction of forces from theatre;
- 9. 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 Cabinetmandated personnel numbers are exceeded for the reasons set out in paragraph 39 of the paper;
- 10. **Note** that in the event that Cabinet decides not to renew the mandate, it is convention to provide six months' notice to the United Nations, which would involve extending the deployment mandate to December 2020;
- 11. **Note** that the overall unmitigated operational threat level for NZDF personnel deployed to South Sudan is assessed as ^{\$6(a)}
- 12. **Agree** that, should this renewal be approved, officials will advise the UN and close partners of through standard defence and diplomatic channels, and a public announcement will be made in conjunction with concurrent Cabinet deployment decisions;
- 13. **Note** that the total estimated cost of New Zealand's proposed contributions to UNMISS from 1 July 2020 to 30 June 2022 is assessed as \$2.189M;

14. Note the estimated cost of \$2.189m can be met from within the existing baseline of the 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:



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Annex B: Position Descriptions

Deputy Chief of Plans

Rank: Lieutenant Colonel

Duties

- Prepares and updates operational orders and contingency plans, and reviews plans for subordinate units which includes evacuation, redeployment and reinforcement activities.
- Checks and confirms deployment boundaries.
- Develops and updates the Force standard operating procedures, in conjunction with other Headquarter Branches.
- Provides military advice to the Force Chief of Staff and Force Commander.
- Manages the Reception, Staging, Onward movement & Integration of new Troop Contributing Country (TCC) contingents, and assists with the repatriation of TCC contingents retiring to home countries.
- Functions as the NZDF Senior National Officer and provides routine and extraordinary reports to Headquarters Joint Forces New Zealand.
- Maintains overview of operational employment of NZDF pers serving with UNMISS.
- Manages in-theatre NZDF UNMISS contingent administrative and logistic matters.

Military Observer

Rank: Major

Duties

- Assists the Senior Military Observer in liaison activities with the local government, civilian administration, international and regional organizations, local military leadership, opposing forces and parties as required by the situation.
- Interacts as part of the integrated mission team in close coordination with the Head of Office at the respective levels.
- Prepares procedures, orders, plans, reports, briefings and presentations on military issues, and briefs and interacts with local and international media.
 - Coordinates, as appropriate, military security assessments with the Senior Security Coordinator.
 - Participates in the planning of special programmes and negotiates with key stakeholders, including UN and non-UN actors.
- Facilitates regular meetings with the military key leadership at the county level.
- Conducts tasks as directed by the Senior Military Observer.
- Prepares orders, including patrol orders and tasking for Force Elements, and plans, briefs and leads patrols (vehicle and dismounted).

Military Assistant to the Special Representative of the Secretary General (MA to SRSG)

Rank: Lieutenant Colonel

Duties

- Co-ordinates and synchronises engagement between the UNMISS uniformed component and the Mission leadership.
- Liaises between Office of the SRSG and Force Headquarters, UN Police, Mission Support Division, the Joint Operations Centre, the Joint Mission Analysis Centre, the Strategic Planning Unit and Heads of Field Offices.
- Supports planning, organising and on-ground oversight of SRSG subnational level engagements to Field Offices.
- Supports SRSG interactions with UNMISS uniformed components, including preparation of speeches and co-ordination of ceremonial activities.
- Provides the Office of the SRSG focal point for UNMISS strategy development; Crisis Management and Operational Coordination Committee and UNMISS Governance.
- Supports to Principals management Meeting.
- Supports the generation of Mission reports and returns to UN Headquarters.

