

## HON ANDREW LITTLE, MINISTER OF DEFENCE

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

July 2023

This publication provides documents on Cabinet's June 2022 decisions to extend the mandates for the deployment of NZDF personnel to the United Nations Security Council sanctions against North Korea.

This pack of documents comprises:

- the March 2022 Cabinet document: *Deployments in Support of United Nations Security Council Sanctions Against the Democratic People's Republic Of Korea (North Korea)* [ERS-22-SUB-0021] and
- the associated minute: *Deployments in Support of United Nations Security Council Sanctions Against the Democratic People's Republic Of Korea (North Korea)* [ERS-22-MIN-0021]

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- the security or defence of New Zealand or the international relations of the Government of New Zealand [section 6(a)]

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

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

**Portfolios** Foreign Affairs / Defence

On 7 June 2022, 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 the government's foreign and defence policies;
- 2 **noted** that New Zealand's deployments are part of ongoing coordinated efforts by the s6(a)
- 3 **noted** that continuing New Zealand's commitment to Pacific Security Monitoring Exchange 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;
- 4 **noted** that the overall threat assessment for Operation WHIO is s6(a) s6(a);
- 5 s6(a)
- 6 **agreed** to extend the current New Zealand Defence Force s6(a)
- 7 **agreed** to increase the contribution s6(a)
- 8 **noted** that the total estimated cost is \$1.297 million;
- 9 **noted** that the proposed deployment can be funded within the existing unallocated baseline for Vote Defence Force: Operations Contributing to New Zealand's Security, Stability and Interests MCA;

10 **noted that:**

10.1

s9(2)(f)(iv)

10.2

11 **noted that:**

11.1

s6(a)

11.2

Janine Harvey  
Committee Secretary

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**Present:**

Rt Hon Jacinda Ardern (Chair)  
Hon Grant Robertson  
Hon Kelvin Davis  
Hon Andrew Little  
Hon David Parker  
Hon Poto Williams  
Hon Kris Faafoi  
Hon Peeni Henare  
Hon Kiri Allan  
Hon Dr David Clark

**Officials present from:**

Office of the Prime Minister  
Officials Committee for ERS

Released by the Minister of Defence

Office of the Minister of Foreign Affairs

Office of the Minister of Defence

Chair, External Relations and Security Cabinet Committee

## DEPLOYMENTS 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 extend the New Zealand Defence Force (NZDF) commitments (referred to as Operation WHIO) in support of United Nations Security Council (UNSC) sanctions enforcement against the Democratic People's Republic of Korea (North Korea). s6(a)

### Relation to Government Priorities

- 2 New Zealand's deployments in support of UNSC sanctions enforcement directly contribute to 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.
- 3 All proposals support the Minister of Defence's *People* priority,<sup>1</sup> which ensures that NZDF personnel have the skills and experience they need to deliver government requirements safely and effectively, at home and abroad.
- 4 These operational commitments in Northeast Asia are consistent with the Minister of Defence's *Pacific* priority. The *Defence Assessment 2021*<sup>2</sup> supports a focus on the Pacific as the region where Defence can have the greatest material impact,

s6(a)

<sup>1</sup> Considered by Cabinet in November 2021 (ERS-21-MIN-0040).

<sup>2</sup> Considered by Cabinet in November 2021 (ERS-21-MIN-0039).

## Executive Summary

5 New Zealand has contributed personnel and P-3K2 maritime surveillance aircraft to Pacific Security Monitoring Exchange (PSMX)<sup>3</sup> efforts to enforce United Nations (UN) sanctions against North Korea on five occasions since 2018. PSMX deployments support the implementation of UNSC sanctions by detecting and deterring North Korea's sanctions evasion activities at sea, thereby increasing the financial, political and economic costs of nuclear activities and decreasing the flow of revenue to North Korea (for more detail see paragraphs 13 to 16). s6(a)

6 New Zealand is a strong supporter of the UN sanctions regime given our interests in maintaining peace and stability in the Indo-Pacific. New Zealand's contribution to PSMX activities is a tangible demonstration of our support for international law, the international rules-based system, and our strong stance against nuclear weapons proliferation.

7 s6(a)

8 s6(a)

9 We propose that Cabinet:

9.1 Approve the extension of the mandate for the s6(a) and increase the contribution s6(a)

9.2 Agree in-principle to s6(a)

9.3 Authorise Ministers with Powers to Act (Prime Minister, Minister of Finance, Minister of Foreign Affairs, and Minister of Defence) to s6(a)

9.3.1 Further advice to Ministers on deployments of s6(a) would address the NZDF's capacity to meet its commitments to the Pacific, s6(a)

s6(a)

s6(a) and readiness to respond to contingencies in New Zealand and our region, in line with the Minister of Defence's *Pacific* priority.

- 10 Officials have assessed risks associated with this proposal, including: threat level s6(a) and the NZDF's capacity to operate in the Pacific and support the domestic response to COVID-19. They have determined that the risks are limited and mitigated.

## Background

- s6(a)
- 11 Russia's invasion of Ukraine is an inflection point in global security that further degrades New Zealand's strategic environment. The invasion and the strong international response are consistent with the findings of Defence Assessment 2021, but suggest that New Zealand's strategic environment is changing even more rapidly than the Assessment anticipated. The direct and indirect impacts from Russia's invasion will mean greater instability and insecurity globally, and accelerating strategic competition. s6(a)

- 12 The fundamental direction of the policy recommendations provided in Defence Assessment 2021 remains sound: Defence should still seek to more proactively pursue New Zealand's security interests, in concert with international partners, with a particular – but not exclusive - focus on the Pacific.

- 13 s9(2)(g)(i)

### *North Korea – broad trends and trajectory*

- 14 North Korea remains one of the most pressing security issues facing the Indo-Pacific. s6(a)
- It also poses a risk to North Korea's immediate neighbours, the Republic of Korea (ROK) and Japan.
- 15 As of 9 May 2022, North Korea has launched missiles on 14 occasions including at least two inter-continental ballistic missiles (the first since 2017). All of its ballistic missile tests are in violation of UNSC resolutions. Kim Jong-un has indicated twice, in 2019 and in January 2022, that he no longer feels bound by North Korea's self-imposed moratorium on nuclear tests and long-range missile tests. s6(a)

*PSMX sanctions enforcement*

16 UN 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.

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s6(a)

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s6(a)

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.

s6(a)

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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)

*New Zealand's contributions*

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New Zealand has filled the

s6(a)

s6(a)

21 New Zealand has been a strong supporter of PSMX activities through regular contributions of P-3K2 deployments in September 2018, October 2019, October 2020, May 2021 and November 2021. Each of these deployments included an operational flying window of [redacted] s6(a)

22 On 20 November 2021, the North Korean Foreign Ministry released a statement criticising New Zealand for its deployments of P-3K2 maritime patrol aircraft to monitor the enforcement of UNSC sanctions. North Korea has made similar statements regarding other PSMX partners. The statement is evidence that New Zealand's deployments are a notable contribution to the international community's efforts to enforce UNSC sanctions and hold North Korea to account.

23 [redacted] s6(a)

### Options Analysis

24 Three options are presented for consideration for New Zealand's ongoing contributions to sanctions monitoring: enhance New Zealand's personnel contribution to [redacted] s6(a) or, withdraw the current personnel commitment by the end of the existing mandate.

**Option 1:** [redacted] s6(a)

25 We recommend that Cabinet approve the proposed [redacted] s6(a) by:

25.1 **Extending** the mandate for [redacted] s6(a)

and

25.2 **Increasing** the contribution to [redacted] s6(a)

26 [redacted] s6(a)

[redacted] s6(a)



s6(a)

27 Cabinet is asked to consider authorising **Ministers with Powers to Act** (Prime Minister, Minister of Finance, Minister of Foreign Affairs, and Minister of Defence) to approve any deployments of s6(a) over the mandate period.

28 Delegating authority to Ministers with Powers to Act would enable New Zealand to respond quickly to short notice requests s6(a)

29 Should Cabinet agree in principle, further details would be provided to Ministers with Powers to Act s6(a)

30 s6(a)

#### *Objectives for Option 1*

31 New Zealand's objectives for the recommended contribution (Option 1) are:

- To maintain pressure on North Korea to abandon its nuclear and ballistic missile programmes and return to diplomatic negotiations.
- 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'.
- To support and enhance New Zealand's reputation as a natural, trusted and reliable partner in maintaining Indo-Pacific regional security, s6(a) in line with the Minister of Defence's *Pacific* priority.
- To enhance the NZDF's operational experience within a complex multinational environment, in support of the Minister of Defence's *People* priority.

#### *Benefits associated with Option 1*

32 The following benefits are associated with the recommended contribution:

- Provides a visible demonstration of our commitment to international efforts aimed at the complete, verifiable, and irreversible denuclearisation of North Korea – one of the most pressing security issues in our region.
- Bolsters our most visible deployment to the Indo-Pacific s6(a) in line with the Minister of Defence's *Pacific* priority, and the intention stated in the Defence Assessment 2021 to make materially valuable s6(a) contributions to addressing Indo-Pacific security challenges.
- Supports the safety of New Zealanders through a well-established mission that helps to address a key regional and global security concern with impacts on New Zealand's own security, economy and prosperity.

- Strengthens New Zealand's relationships with [redacted] s6(a) which is a stringent supporter of implementation of sanctions against North Korea. It would also be [redacted] s6(a)

[redacted]

- [redacted] s6(a)

- [redacted] s6(a)

- In line with the Minister of Defence's *People* priority, maintaining these commitments in the Indo-Pacific also ensures that NZDF personnel gain the experience and skills they need, particularly in a complex theatre and multinational mission environment, to respond effectively to contingencies in the Pacific and at home. In this way, these deployments support NZDF readiness to respond to the changing complexity in the Pacific whilst maintaining currency. [redacted] s6(a)

[redacted]

Risks of Option 1, including [redacted] s6(a)

33 [redacted] s6(a)

[redacted] NZDF personnel would be based from major US military facilities in Japan. The security threat environment is assessed as [redacted] s6(a)

34 Continuing these commitments would not diminish Defence's prioritisation of resources to the Pacific. The NZDF maintains constant readiness to respond to contingencies in and around New Zealand and our region. Further advice to Ministers [redacted] s6(a) to the Operation WHIO Area of Operations would address the NZDF's capacity to meet its commitments to the Pacific, implications of NZDF presence in the region, and readiness to respond to contingencies in New Zealand and our region, in line with the Minister of Defence's *Pacific* priority.

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s6(a)

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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)

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s6(a)

s6(a)

**Option 2: maintain our current commitment to the ECC**

s6(a)

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s6(a)

*Benefits associated with Option 2*

42 The following benefits would be associated with the reduced personnel commitment outlined in Option 2:

- Provides a small continuity of commitment to a widely supported mission that helps to uphold UNSC sanctions and maintain peace and stability in a key regional and global security concern.
- Builds NZDF operational experience in a multinational mission environment, in line with the Minister of Defence's *People* priority (to a far lesser extent than Option 1).

*Risks associated with Option 2*

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s6(a)

s6(a)

**Option 3: withdraw current ECC personnel commitment by the end of the existing mandate**

43 Should Cabinet select Option 3 then Defence would withdraw [redacted] s6(a) by the end of the current mandate [redacted] s6(a).

*Benefits associated with Option 3*

44 Should Cabinet wish to withdraw, the funding for this deployment would accrue to "Vote Defence Force: Operations Contributing to New Zealand's Security, Stability, and Interests MCA".

*Risks associated with Option 3*

45 [redacted] s6(a)

46 [redacted]

47 [redacted]

**Next Steps, Communications and Proactive Release**

48 Should Cabinet approve Option 1, officials would confirm the decision to continue New Zealand's commitment with the ECC and seek approval to boost our contribution [redacted] s6(a).

49 Officials would seek approval from Ministers with Powers to Act (the Prime Minister, Minister of Finance, Minister of Foreign Affairs and Minister of Defence) in the event that [redacted] s6(a) become available to support this deployment over the mandate period.

50 If [redacted] s6(a) approved, that decision would be publicly announced and a communications plan provided to Ministers of Foreign Affairs and Defence. [redacted] s6(a) If Option 3 is

approved, the decision to conclude New Zealand’s deployments in support of UNSC sanctions would be publically announced and a communications plan provided to Ministers of Foreign Affairs and Defence.

51 This paper will be proactively released following Cabinet’s decision.

**Financial Implications**

52 Option 1 and 2 can be funded from Crown Revenue within the existing unallocated Departmental baseline for ‘Vote Defence Force: Operations Contributing to New Zealand’s Security, Stability and Interests MCA.’ The following table sets out expenditure and funding arrangements for this deployment:

Estimated Direct Costs	NZ \$million			
	FY 22/23	FY 23/24	FY 24/25	Total
s9(2)(g)(i)				
[Redacted Table Content]				

53 The Minister for Veterans Affairs has not declared this deployment to be ‘qualifying operational service’ under the Act. Note that if in future a declaration of qualifying operational service is to be made, then there should be an assessment of whether additional funding is needed, or cost can be met within existing baselines. If this requires additional funding, then Cabinet agreement for that funding will be sought (e.g. through the Budget process or an out of cycle funding request if there is a compelling case for urgency) prior to a declaration being made.

**Legal Considerations**

54 **International mandate:** The legal basis for the NZDF deployment to monitor UN sanctions evasion by North Korea is UNSCR 2397 (2017) which was extended by UNSCR 2515 (2020) and most recently updated by UNSCR 2569 (2021).

55 **Status of forces:** NZDF personnel deployed [Redacted] s6(a), s9(2)(h)

56 [Redacted] s6(a)

- 57 **Rules of Engagement (ROE):** [REDACTED] s6(a)
- 58 **Health and safety:** Operation WHIO is an operational activity for the purposes of section 7 of the Health and Safety at Work Act 2015 (HSAW). CDF will ensure that the purposes of the HSAW are complied with to the maximum extent possible under Defence Force Order 71 – Defence Force Safety.
- 59 **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.
- 60 **Detainee handling:** Previously, the likelihood of detainee handling during this deployment has been negligible. Officials will consider the risks associated with [REDACTED] s6(a) [REDACTED] is negligible.
- 61 **Human Rights Risk Assessment (HRRA):** The NZDF has undertaken an HRRA to assess the risk of becoming complicit in a violation of human rights through its contribution to this mission. The HRRA was informed by the nature of the UNSC sanctions enforcement operations undertaken by the PSMX, its historical human rights record, and the specifics of the roles undertaken by NZDF personnel. The HRRA determined that there is a negligible likelihood of the NZDF knowingly contributing to a human rights violation.

## Consultation

- 62 This paper was jointly 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 (National Security Group and Policy Advisory Group), the New Zealand Intelligence Community, the Treasury and the National Assessments Bureau were consulted.

## Recommendations

The Ministers of Foreign Affairs and Defence 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 [REDACTED] s6(a) [REDACTED]
- 3 **note** that continuing New Zealand's commitment to [REDACTED] s6(a) [REDACTED] 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;

4 **note** that the overall threat assessment for Operation WHIO is [redacted] s6(a)

5 [redacted] s6(a)

6 **agree** to:

**EITHER**

**Option 1: transition to** [redacted] s6(a) **personnel support (recommended)**

6.1 **agree** to extend the current New Zealand Defence Force [redacted] s6(a)

**and**

6.2 **agree** to increase the contribution to the [redacted] s6(a)

**and**

6.3 **agree in principle** to up to [redacted] s6(a)

**and**

6.4 **agree** to authorise Ministers with Powers to Act (the Prime Minister, Minister of Finance, Minister of Foreign Affairs and Minister of Defence) to approve any deployments [redacted] s6(a) over the mandate period;

6.5 **note** that advice to Ministers with Powers to Act on deployments [redacted] s6(a) would address the NZDF's capacity to meet its commitments to the Pacific, implications of an NZDF presence in the region, and readiness to respond to contingencies in New Zealand and our region, in line with the Minister of Defence's *Pacific* priority;

6.6 **note** that the total estimated cost is [redacted] s9(2)(g)(i)

6.7 **note** the proposed deployment can be funded within the existing unallocated baseline for Vote Defence Force: Operations Contributing to New Zealand's Security, Stability and Interests MCA;



6.8

s9(2)(f)(iv)

[Redacted]

OR

**Option 2: maintain New Zealand's contribution to the ECC**

6.9

**agree** to extend the current New Zealand Defence Force

s6(a)

[Redacted]

6.10

s6(a), s9(2)(f)(iv)

[Redacted]

6.11

**note** that the total estimated cost is

s9(2)(g)(i)

[Redacted]

6.12

**note** the proposed deployment can be funded within the existing unallocated baseline for Vote Defence Force: Operations Contributing to New Zealand's Security, Stability and Interests MCA;

6.13

s9(2)(f)(iv)

[Redacted]

OR

**Option 3: Withdraw (not recommended)**

6.14

**agree** to withdraw the current New Zealand Defence Force

s6(a)

[Redacted]

and

6.15

s6(a), s9(2)(f)(iv)

[Redacted]

Authorised for lodgement

Hon Nanaia Mahuta  
Minister of Foreign Affairs

Hon Peeni Henare  
Minister of Defence

**Enclosed:**

**Annex A:** Position Descriptions

**Annex B:** Operation WHIO map

**Annex C:** New Zealand's International Military Operations (to be updated after March ERS)

Released by the Minister of Defence

**Annex A: Position Descriptions**

s6(a)

Released by the Minister of Defence

s6(a)

Released by the Minister of Defence

**Annex B: Operation WHIO Map**

s6(a)



Annex C: New Zealand International Military Operations [as at June 2022]<sup>9</sup>

Operation Name	Description	Theme	Location	Since	Mandated NZ personnel	Mandate Expiry	Cabinet decision	Notes	Recommended decision
Op WHIO	NZDF contribution to monitoring UN Security Council <b>sanctions against the Democratic Peoples' Republic of Korea</b> : personnel in the <b>Enforcement Coordination Cell (ECC)</b> and P-3K2 flights.	Supporting Indo-Pacific security.	s6(a)	2018	s6(a)	ECC liaison officer mandate expires 30 Sept 2022	ERS June 2022	Ministers updated ERS on strategic environment in September 2021.  Final P-3K2 deployment under current mandate completed Nov/Dec 2021.	s9(2)(f)(iv)
Op SOLAR	s6(a) <b>Operation Gallant Phoenix</b> intelligence fusion centre.	Countering violent extremism.	s6(a)	2014		30 June 2023	ERS Nov 2022	s6(a)	
Op MONITOR	NZ contribution to the <b>UN Command (UNC)</b> and the <b>UN Command Military Armistice Commission (UNCMAC)</b> .	Supporting peace and stability on the Korean Peninsula.	South Korea	1998		31 Aug 2023	ERS Feb 2023		
Op PUKEKO	NZ contribution to the <b>Maritime Security efforts in the Middle East</b> : Combined Maritime Forces (CMF) and UK Maritime Trade Operations (UK MTO).	Supporting maritime Security in the Middle East.	s6(a) (UK MTO)	2013		30 June 2024	s9(2)(f)(iv)	10 personnel also deployed on Op TIKI in command of Combined Task Force 150 (July 2021 –January 2022). Cabinet extended two roles in OIR until 30 June 2023.	
Op MOHUA Op KERERU	NZ contribution to the <b>Defeat-ISIS Coalition</b> in Operation Inherent Resolve Headquarters (OIR) s6(a) and Combined Air Operation Centre (CAOC).	Countering violent extremism (ISIS) in the Middle East.	Iraq and Kuwait (OIR) Qatar s6(a) CAOC	2015		Mandate for two remaining OIR roles expire 30 June 2023		All other roles will all be withdrawn by 30 June 2022.	
Op FARAD	NZ contribution to the <b>Multinational Force and Observers (MFO)</b> mission.	Contributing to a peace support operation in the Middle East.	Sinai Peninsula, Egypt	1982		30 Sept 2024 (core contingent) 31 Mar 2023 (Force Commander contingent)			
Op SCORIA	NZ contribution to the <b>UN Truce Supervision Organisation (UNTSO)</b> .	Contributing to a UN peacekeeping operation in the Middle East.	Israel Lebanon Syria	1954		30 Sept 2024			
Op SUDDEN	NZ contribution to the <b>UN Mission in South Sudan (UNMISS)</b> .	Contributing to a UN peacekeeping in North Africa.	South Sudan	2011		30 September 2024			
Op TROY	s6(a)	A critical enabler of NZ's regional deployments.	s6(a)	2003		30 September 2024		s6(a)	

<sup>9</sup> This table represents New Zealand's ongoing international military operations requiring regular Cabinet approval (as defined in the Confirmation of Defence Authorisations Cabinet paper, approved in 2021). It does not include standalone one-off deployments (such as New Zealand's contribution to the Afghanistan Non-Combatant Evacuation Operation in August 2021 or the deployment supporting stability in the Solomon Islands in December 2021). Nor does it include any military engagement or activities s6(a) many of which occur in the Pacific region.