



New Zealand
DEFENCE FORCE
Te Ope Kātua O Aotearoa



NEW ZEALAND
FOREIGN AFFAIRS & TRADE



New Zealand
MINISTRY OF DEFENCE
Manatū Kaupapa Waonga

Submission to the Minister of Foreign Affairs and Minister of Defence

TAJI DEPLOYMENT – USE OF OPERATIONAL CONTINGENCY

MoD ref:

NZDF tracking:

MFAT ref:

Type of submission:	Routine	Distributed by (office):	Defence
Addressed to:	Minister of Foreign Affairs	For approval by:	27 June 2018
Addressed to:	Minister of Defence	For approval by:	27 June 2018
For referral to:	Prime Minister	For concurrence by:	29 June 2018
Purpose:	This submission refers to delegations contained in the Cabinet mandate for the New Zealand Defence Force (NZDF) deployment to Iraq and the region in support of the Defeat-ISIS Coalition, and seeks to clarify the status of the current deployment of two NZDF personnel to Iraq.		

Recommended actions:

- a) **Note** that officials advised in the 2015 Iraq deployment Cabinet paper that a s6(a) operational contingency, contained within the mandated total of 143 personnel, should apply across the Iraq mission to both the deployment at Taji and headquarters and regional support roles; Yes / No
- b) **Note** that the minutes of that Cabinet decision provided for the establishment of a deployed force comprising: 106 personnel in Taji with an additional s6(a) personnel approved for headquarters and location support roles. This total s6(a) combined the s6(a) positions separately recommended for headquarters and regional support roles with the s6(a) operational contingency; Yes / No
- c) **Note** that officials did not identify the difference between the advice in the Cabinet paper and the minutes of the Cabinet decision until recently. As a consequence, two s6(a) personnel subsequently deployed to Taji. This has put the deployment numbers above the 106 personnel specifically approved for that location although still under the 143 overall mandate threshold; Yes / No
- d) **Note** that we recommend that the s6(a) operational contingency apply to the whole mission, including Taji; Yes / No
- e) **Agree:**
 - i. that the s6(a) operational contingency contained in the 2015 Cabinet paper also applies to Taji; Yes / No

OR

 - ii. **Agree** that the operational contingency does not apply to Taji and that any future requests to deploy personnel to Taji, over and above the 106 set out in CAB Min (15) 5/8, need to be approved by the Minister of Defence and the Minister of Foreign Affairs, with concurrence from the Prime Minister, as set out in paragraph 14 of the minutes of the Cabinet decision [CAB Min (15) 5/8]; Yes / No

and

 - iii. **Approve** the ongoing deployment, until November 2018, of the two additional s6(a) personnel currently in Taji s6(a);

- f) **Note** that Ministers approved the short term deployment of a Nursing officer to Taji in May 2018, in excess of the 106 mandated personnel, to fill a critical gap in the Task Group Taji medical capability; Yes / No
- g) **Refer** a copy of this note to the acting-Prime Minister for agreement; and Yes / No
- h) [Redacted] s6(a) Yes / No

MINISTER OF FOREIGN AFFAIRS
Date:

MINISTER OF DEFENCE
Date:

T.J. KEATING
Lieutenant General
Chief of Defence Force
Date:

HELENE QUILTER
Secretary of Defence
Date:

BEDE CORRY
for Secretary of Foreign Affairs
and Trade
Date:

NZDF contact:	[Redacted] s6(a)	Ph:	[Redacted] s6(a)	A/H:	[Redacted] s6(a)
MOD contact:	[Redacted]	Ph:	[Redacted]	A/H:	[Redacted]
MFAT contact:	[Redacted]	Ph:	[Redacted]	A/H:	[Redacted]

Agencies involved: Ministry of Defence, New Zealand Defence Force and Ministry of Foreign Affairs and Trade

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NZDF 3130/DSC/

22 June 2018

Minister of Foreign Affairs
Minister of Defence

TAJI DEPLOYMENT – USE OF OPERATIONAL CONTINGENCY

Purpose

1. This submission refers to delegations contained in the Cabinet mandate for the New Zealand Defence Force (NZDF) deployment to Iraq and the region in support of the Defeat-ISIS Coalition, and seeks to clarify the status of the current deployment of two NZDF personnel to Iraq.

Background

2. In February 2015, Cabinet authorised an NZDF training mission to Iraq as part of New Zealand's contribution to international efforts to counter ISIS/Da'esh. Cabinet approved the deployment of a main contingent to Taji and additional personnel to key coalition headquarters and support locations in the region [CAB Min (15) 5/8 refers].

3. As part of this deployment mandate, Cabinet delegated authority for the Minister of Defence, in consultation with the Minister of Foreign Affairs, to make changes to the deployment that did not significantly alter the cost, intent of the mandate, or the overall numbers.

4. The February 2015 Cabinet paper described the mission as comprising an overall deployment of 143 personnel; 106 personnel to be deployed to Taji, ^{s6(a)} in support roles across the region, and a ^{s6(a)} operational contingency spread across the mission. The contingency was intended to ensure that the mission could maintain operational effectiveness with decisions over its use delegated to the Chief of Defence Force (CDF), albeit with advice of its use to be provided to Ministers.

5. The operational contingency to deploy additional personnel to Taji (in excess of the 106 person threshold set out in the Cabinet paper) has been used on two occasions. The first was in January 2016, when CDF approved the deployment of a small number of NZDF specialist medical personnel to Taji for short periods from mid-

2016 to supplement Australian Defence Force personnel who were providing the medical support to our combined deployment in Taji.

6. The second was in June 2017 when CDF approved the deployment of two additional personnel [REDACTED] s6(a)

[REDACTED] Both of these approvals were in response to operational developments, which impacted the continued effectiveness and safety of the mission.

7. As at 13 June, we have [REDACTED] s6(a) personnel deployed under this mandate – 109¹ in Taji and [REDACTED] s6(a) in headquarters and support roles in Iraq and other locations.

8. Officials have noted the Ministerial guidance to limit the use of delegations until the review of the Iraq deployment ahead of its expiry in November 2018. In the course of reviewing the delegations, officials have recently become aware of a difference in the wording contained in the minutes of the Cabinet decision [CAB Min (15) 5/8] and the February 2015 Cabinet paper.

9. While the Cabinet paper recommended approval for the “*deployment of 143 personnel to Iraq, coalition headquarters and support locations in the region*”, the minutes indicate Cabinet approved the “*deployment of 106 personnel to Taji, and 37 personnel to coalition headquarters and support locations in the region*” [CAB Min (15) 5/8 refers]. This places the 16 person contingency only within the coalition headquarters and regional support roles rather than across the deployment as a whole.

10. The implications of the Cabinet decision were not realised at the time but it has, in effect, led to a situation whereby contingency personnel can only be sent to supporting roles, and not to Taji where the majority of the deployment is based.

11. In light of this difference, we are seeking confirmation from Ministers on the preferred interpretation and process for implementing the minutes of the Cabinet decision.

12. To ensure that the CDF can maintain operational effectiveness, it is recommended that the operational contingency apply to both Taji and other mission roles.

13. However, Ministers may prefer that until such time as Cabinet considers the Iraq mandate later this year, approval for any additional personnel in Taji (above the 106) be sought from the Minister of Defence and Minister of Foreign Affairs with concurrence from the Prime Minister. While we think it is unlikely at this stage that additional personnel will need to be deployed to Taji, we seek to clarify the process for authorising minor changes to ensure Ministerial intent is fulfilled.

14. The difference between the Cabinet paper and the minutes of the Cabinet decision has led to an incorrect interpretation of the Cabinet decision in respect of the

¹ The 109 personnel currently deployed to Taji comprises: the originally mandated 106 personnel; the recently approved short-term deployment of a nursing officer (refer Joint Submission to Ministers: ‘Urgent request for the deployment of one New Zealand Defence Force Nursing Officer to Taji, Iraq’, May 2018); and the two additional [REDACTED] s6(a).

two NZDF personnel deployed to Taji in June 2017 [redacted] s6(a) [redacted]. These roles remain in place and have put the number of personnel deployed to Taji above the 106 personnel threshold.

Recommendations

15. It is recommended that you:

- a. **Note** that officials advised in the 2015 Iraq deployment Cabinet paper that a [redacted] s6(a) [redacted] operational contingency, contained within the mandated total of 143 personnel, should apply across the Iraq mission to both the deployment at Taji and headquarters and regional support roles;
- b. **Note** that the minutes of that Cabinet decision provided for the establishment of a deployed force comprising: 106 personnel in Taji with an additional [redacted] s6(a) [redacted] personnel approved for headquarters and location support roles. This total [redacted] s6(a) [redacted] combined the [redacted] s6(a) [redacted] positions separately recommended for headquarters and regional support roles with the [redacted] s6(a) [redacted] operational contingency;
- c. **Note** that officials did not identify the difference between the advice in the Cabinet paper and the minutes of the Cabinet decision until recently. As a consequence, two [redacted] s6(a) [redacted] personnel subsequently deployed to Taji. This has put the deployment numbers above the 106 personnel specifically approved for that location although still under the 143 overall mandate threshold;
- d. **Note** that we recommend that the [redacted] s6(a) [redacted] operational contingency apply to the whole mission, including Taji;
- e. **Agree:**
 - i. that the [redacted] s6(a) [redacted] operational contingency contained in the 2015 Cabinet paper also applies to Taji;

OR

- ii. **Agree** that the operational contingency does not apply to Taji and that any future requests to deploy personnel to Taji, over and above the 106 set out in CAB Min (15) 5/8, need to be approved by the Minister of Defence and the Minister of Foreign Affairs, with concurrence from the Prime Minister, as set out in paragraph 14 of the minutes of the Cabinet decision [CAB Min (15) 5/8];
and
- iii. **Approve** the ongoing deployment, until November 2018, of the two additional [redacted] s6(a) [redacted] personnel currently in Taji [redacted] s6(a) [redacted];
- f. **Note** that Ministers approved the short term deployment of a Nursing officer to Taji in May 2018, in excess of the 106 mandated personnel, to fill a critical gap in the Task Group Taji medical capability;
- g. **Refer** a copy of this note to the acting-Prime Minister for agreement; and

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h.

s6(a)

T.J. KEATING

Lieutenant General
Chief of Defence Force
Date:

HELENE QUILTER

Secretary of Defence
Date:

BEDE CORRY

for Secretary of Foreign
Affairs and Trade
Date:

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