

HON ANDREW LITTLE, MINISTER OF DEFENCE

Confirmation of Defence Authorisations for Deployments

April 2023

This publication provides the paper, Confirmation of Defence Authorisations for Deployments, that collates the approval and notification settings for deployments, and updates authorisations for supplementary activities:

The pack comprises the following documents:

- the redacted Cabinet minute: *Confirmation of Defence Authorisations for Deployments* [ERS-20-MIN-0034]
- the redacted Cabinet paper: *Confirmation of Defence Authorisations for Deployments* [ERS-20-SUB-0034]

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

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

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

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



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.

Confirmation of Defence Authorisations for Deployments

Portfolio **Defence**

On 26 October 2021, the Cabinet External Relations and Security Committee:

Existing authorisations

- 1 **noted** that Defence (the New Zealand Defence Force (NZDF) and the Ministry of Defence) has reviewed how deployments are authorised, and when Ministers can expect to receive requests to approve or note a deployment;
- 2 **noted** that Defence has clarified existing authorisation settings for Engagement Activities, Military Assistance, and Military Operations, as outlined in the paper under ERS-21-SUB-0034;

Supplementary authorisations

- 3 **noted** that existing Cabinet permissions have been updated for activities within the Supplementary Authorisations category (relating to third-country deployments and exceeding mandates);

Third-country deployments

- 4 **noted** that the NZDF undertakes third-country deployments;
- 5 **authorised** the third-country deployment approvals matrix, as outlined in paragraph 24 of the paper under ERS-21-SUB-0034, and subject to amendment to provide that the concurrence of the Prime Minister and Minister of Foreign Affairs is required for any deployment with an operational threat level of HIGH;

Surge deployments

- 6 **noted** that from time to time, NZDF may need to exceed mandated numbers in theatre for the purposes of a surge deployment (short-term deployments of specialist capabilities in support of the overall mission objectives);
- 7 **authorised** the Prime Minister, Minister of Foreign Affairs and Minister of Defence (Ministers with Powers to Act) to approve surge deployments for up to 90 days;

Sustainment activities

- 8 **noted** that the NZDF contingents in theatre periodically require assistance from additional NZDF personnel or platforms to enable mandated functions (sustainment activities);

- 9 **agreed** that sustainment activities for up to 30 days may be approved by the Chief of Defence Force and advised to the Minister of Defence, and that activities beyond 30 days are to be approved by the Minister of Defence;

Other activities

- 10 **authorised** the Chief of Defence Force to approve mandate exceedances for the purpose of reconnaissance, rotations or extraction, and to advise the Minister of Defence in advance via the Defence Weekly Report;
- 11 **authorised** the Chief of Defence Force to approve NZDF staff to support VIP visits to deployed forces, and that personnel will not be considered as part of Cabinet-mandated maximum personnel numbers for any given deployment;

Financial implications

- 12 **noted** that the proposed reaffirmations will not impact existing financial authorisations or processes, and that Cabinet approval will be required before any activity is undertaken that cannot be met from within existing baselines.

Janine Harvey
Committee Secretary

Present:

Rt Hon Jacinda Ardern (Chair)
Hon Grant Robertson
Hon Kelvin Davis
Hon Andrew Little
Hon David Parker
Hon Nanaia Mahuta
Hon Poto Williams
Hon Kris Faafoi
Hon Peeni Henare

Officials present from:

Office of the Prime Minister
Department of the Prime Minister and Cabinet
Officials Committee for ERS

Released by the Minister of Defence

Office of the Minister of Defence

Chair, External Relations and Security Committee

CONFIRMATION OF DEFENCE AUTHORISATIONS FOR DEPLOYMENTS

Proposal

1. To seek Cabinet's confirmation of existing deployment authorisations and approval of proposed new settings.

Relation to government priorities

2. Defence supports Government priorities and national security objectives by deploying personnel and platforms across domestic, regional and global operations to safeguard New Zealand's borders, contribute to efforts which keep New Zealanders safe, and lay the foundations for the future by upholding the rules-based international system.

Executive summary

3. Defence deployments involve different capabilities, benefits and risks, and therefore require different levels of authorisation. Authorisations are drawn from different sources, including legislation (the Defence Act 1990), standing Cabinet authorisations and established precedent. Some of these are now outdated or unclear.
4. Defence (Ministry of Defence [MoD] and New Zealand Defence Force [NZDF]) has reviewed and updated existing authorisations (summarised in [Annex A](#)) to improve transparency and certainty for Ministers on how deployments are authorised. The updated settings provide for civilian control of the military and Ministerial responsibility to Parliament, as well as allowing for flexibility and the effective use of military and civilian advice and expertise.
5. This paper groups Defence's commitment of personnel and platforms ('Defence Deployments') into three broad categories: Engagement Activities; Military Assistance; and Military Operations. Cabinet is invited to note existing authorisations for these categories.
6. An additional Supplementary Authorisations category addresses third-country deployments and instances where a mission's Cabinet-mandated personnel cap may be exceeded. Within this category, Cabinet approval is sought for:
 - 6.1 an updated process for Cabinet approval of NZDF personnel to deploy when embedded within partner militaries ('third-country deployment'); and
 - 6.2 delegated authorities to exceed mandated personnel numbers for:

- 6.2.1 surge deployments;
- 6.2.2 sustainment activities;
- 6.2.3 reconnaissance, rotations, or extraction; and
- 6.2.4 NZDF staff to support VIP visits.

Defence Deployments Authorisations

7. The three categories outlined in this paper—Engagement Activities, Military Assistance and Military Operations—are intended to capture the majority of deployment activities. Some activities might combine components from more than one category, in which case the highest relevant approval will be sought.
8. Should an activity be an exception to these three categories then Defence would seek approval from the Minister of Defence and/or refer to other Ministers or Cabinet, as appropriate.

Engagement Activities: *exercises, training, and engagements in support of defence outputs*

Standard approval level	Chief of Defence Force.
Notification	Minister of Defence advised by <i>Defence Weekly Report</i> (NZDF). By exception, submission to relevant Minister(s) (MoD/NZDF).

9. The NZDF maintains comprehensive engagement at all levels with priority partners and may deploy personnel or platforms to activities, including:
 - 9.1. exercises that support interoperability and readiness;
 - 9.2. training of NZDF personnel or peacetime training to regional security forces — for example, through the Mutual Assistance Programme; and
 - 9.3. engagement, including through maritime deployments and ship visits. exercises that support interoperability and readiness;
10. Defence engagement activities—particularly those involving large platforms—combine a range of components to deliver the required defence effects. These activities are considered routine in nature and are approved by the Chief of Defence Force (CDF), with notification to the Minister of Defence.
11. NZDF and MoD work with the Office of the Minister of Defence to assess whether an activity should be escalated for Ministerial consideration; for example, if an

activity involves a political sensitivity, such as

s6(a)

***Military Assistance:** Support to other government agencies and in support of mandated government activities*

Standard Approval level	Chief of Defence Force.
Notification	Minister of Defence advised by <i>Defence Weekly Report</i> (NZDF). By exception, submission to relevant Minister(s) (MoD/NZDF).

12. The NZDF is a key contributor to All-of-Government (AOG) efforts that safeguard New Zealand's borders and offshore maritime interests, respond to emergency situations or threats to public safety¹ (including New Zealand's response to COVID-19), protect infrastructure, support the business of Government and provide critical humanitarian assistance and disaster relief.
13. The NZDF is required to maintain contingent capabilities in support of obligations stipulated in Government priorities and Memoranda of Understanding with agencies. These obligations are reflected in the NZDF Outputs Plan and include activities in support of other government agencies such as:
 - 13.1. maritime surveillance (maritime domain awareness);
 - 13.2. search and rescue activities;
 - 13.3. medical evacuations;
 - 13.4. intelligence collection; and
 - 13.5. humanitarian assistance and disaster relief.
14. Typically, to request NZDF personnel and platform support, an agency would consult with the NZDF in the planning stages of an AOG activity, such as support to the New Zealand-hosted 2021 Asia-Pacific Economic Cooperation forum. The NZDF would then determine whether the request is supportable and advise what assistance can be provided based on priorities and resourcing. Once the requesting agency has received the relevant approval for the AOG activity, CDF would then approve the deployment of personnel and platforms.
15. The NZDF coordinates the deployment of personnel and allocation of platforms to fulfil these key objectives. MoD is informed of routine activities and takes a larger

¹ Authorisations for domestic counter-terrorism activities are enshrined in the Defence Act 1990.

role in novel or unplanned activities with policy implications. Planned tasks are typically notified to the Minister of Defence via the *Defence Weekly Report*.

16. In some instances, CDF may opt to seek endorsement from the Minister of Defence for Military Assistance, for example, when there are competing requirements for a capability, or demands exceed availability.

Military Operations:² *International military operations in support of security, stability and the rules-based system*

Standard Approval level	Cabinet (or delegated authorities).
Notification	Cabinet paper (MoD/NZDF/MFAT); updates to the Minister of Defence via <i>Defence Weekly Report</i> or ministerial submission (if required) (MoD/NZDF).

17. New Zealand deploys personnel and platforms to security and stability operations in support of New Zealand’s national interests. Such deployments might include:
 - 17.1. participating in multilateral peacekeeping missions;
 - 17.2. coalition efforts to counter violent extremism; and
 - 17.3. maritime security activities in support of international collective security efforts.
18. These deployments uphold the rules-based international system, demonstrate New Zealand’s values and provide opportunities to work alongside our partners. Security and stability operations are typically located in complex and dynamic environments, which offer operational experience critical to the maintenance of NZDF credibility and capability.
19. New Zealand’s participation in these operations must be calibrated to ensure that they do not impact on the NZDF’s ability to support standing obligations or contingencies in New Zealand and the Pacific.
20. Military operations require Cabinet approval, which reflects the likelihood of increased operational risk, the potential requirement for new funding and foreign policy implications.
21. Cabinet may delegate approval for changes to deployments to the Minister of Defence or Ministers with Powers to Act.

² While ‘Military Operations’ doctrinally has a very large remit, and could encompass all commitments of Defence Force personnel, for the purposes of this paper the scope has been defined as deployments of personnel and/or platforms—either independently or alongside a partner—which do not fit the engagement or military assistance categories, and may include security and stability activities in support of the rules-based international system.

Supplementary Authorisations - *Third-Country Deployments*

22. The three Service Chiefs have a responsibility to raise, train and sustain forces. The NZDF will not always have the resourcing or capability to train personnel in niche skillsets and relies instead on exchange programmes with partners to fill these capability gaps.
23. Occasionally the overseas unit in which NZDF personnel are on exchange will be deployed to an operational area (a third-country deployment).
24. A structured, tiered approach has been developed for the approval of third-country deployments, which recognises that different levels of operational and political risk would necessitate different approval settings. The assessment process also considers whether a deployment would imply a New Zealand position.³ Cabinet is asked to approve the authorisations matrix below.

		Third-Country deployment within existing NZ settings	Third-Country deployment outside of existing NZ settings
		<ul style="list-style-type: none"> • <i>Previously approved deployment to an operational area; OR</i> • <i>Operational area not approved but role does not imply a New Zealand position</i> 	<ul style="list-style-type: none"> • <i>Operational area not previously approved; AND</i> • <i>Role implies a New Zealand position</i>
Operational Threat Level	High	Approval by Minister of Defence Notification to Prime Minister and Minister of Foreign Affairs	Approval by Minister of Defence Concurrence by Prime Minister and Minister of Foreign Affairs
	Medium-Low	Approval by Chief of Defence Force Notification to Prime Minister, Minister of Foreign Affairs and Minister of Defence	Approval by Minister of Defence Concurrence by Prime Minister and Minister of Foreign Affairs

Rules of Engagement

25. Rules of Engagement (ROE) are orders that authorise NZDF personnel to conduct specific activities and actions, including the use of force against persons or property in certain circumstances. NZDF personnel on third-country deployments may require ROE, depending on the role they are performing and the location of the deployment.
26. CDF may authorise the application of New Zealand Standard Self Defence ROE. Alternatively, when personnel are required to operate under the host nation's

³ This may include considerations of the decision-making requirements of the role, whether the position is deemed to constitute a contribution to the overall activity, whether New Zealand's participation is likely to be publicised or whether this would require messaging to partners.

mission-specific ROE or a bespoke ROE profile is required for an activity, the NZDF will seek endorsement from the Minister of Defence and approval from the Prime Minister.

Supplementary Authorisations - *Mandate Exceedances*

- 27. Most mission mandates have a capped number of personnel authorised to be serving in theatre at any one time. However, in conducting the operations, NZDF will exceed mandate numbers in order to support surge deployments; sustainment activities; rotations, reconnaissance, and extractions; and VIP visits. Approval settings for these mandate exceedances are set out below, and are aligned with current delegated Cabinet authorisations (see Annex A).

Surge Deployments up to 90 days

Standard Approval level sought	Ministers with Powers to Act (Prime Minister, Minister of Foreign Affairs, Minister of Defence).
Notification	Approval sought via submission (MoD/NZDF); further updates to the Minister of Defence by <i>Defence Weekly Report</i> .

- 28. Throughout the course of a deployment, the NZDF may be asked to provide short-term specialist capabilities to contribute to mandated mission objectives—a surge deployment. This may include:
 - 28.1. supporting specific tasks for the mission, for example, s6(a)
 - or
 - 28.2. responding to a change in the operating environment, for example, a team of engineers to construct perimeter fencing in the Multinational Force and Observers in 2017 as a response to the increased threat from violent extremist elements.
- 29. Cabinet is asked to delegate authority to approve surge deployments for up to 90 days to the Prime Minister, Minister of Foreign Affairs and Minister of Defence (Ministers with Powers to Act).
- 30. Should CDF assess that a surge should be extended, officials would seek Ministerial approval before the end of the agreed surge period and with sufficient time for consideration. Alternatively, Ministers may determine that an updated Cabinet mandate is more appropriate.

Sustainment Activities

Standard Approval level sought	Chief of Defence Force (up to 30 days)
Notification	Update to the Minister of Defence via the <i>Defence Weekly Report</i> (NZDF).

31. NZDF contingents in theatre periodically require assistance from additional NZDF personnel or platforms to *enable* mandated functions. This paper proposes that this assistance be defined as a ‘sustainment activity’ and is distinct from surge deployments, (which directly contribute to mission objectives). Sustainment activities could include such tasks as:
- 31.1. replacing or upgrading NZDF communications infrastructure in theatre;
 - 31.2. auditing in-theatre armouries;
 - 31.3. information management and assurance; or
 - 31.4. deployment of military airlift for resupply or facilitating personnel rotations.
32. Cabinet is asked to delegate authority to CDF to approve sustainment activities for existing mandates. Should the deployment be planned to extend beyond 30 days or provide sustainment activities to other partners,⁴ officials would seek approval from the Minister of Defence.

Rotations, Reconnaissance and Extraction

Standard sought	Approval level	Chief of Defence Force.
Notification		Update to the Minister of Defence via the <i>Defence Weekly Report</i> (NZDF).

33. The installation, rotation and extraction of personnel from theatre often requires that Cabinet-mandated numbers be exceeded. Given the frequency and routine nature of these activities (personnel are rotated in all but short-term, one-off deployments), Cabinet is asked to delegate authority to CDF to approve mandate exceedances for the purpose of:
- 33.1. a command reconnaissance team that precedes the arrival of the main force being rotated into theatre;
 - 33.2. the full or part rotations of the deployed force, which usually involves a handover period of less than one week; or

⁴ For example, extending support to a partner outside of our mandated areas, [redacted] s6(a)
[redacted]
[redacted]

33.3. a force extraction team, which is a team of NZDF personnel that coordinate the withdrawal of deployed personnel from theatre.

34. The Minister of Defence would be advised in advance via the *Defence Weekly Report*, as per 2012 settings. Currently Ministers with Powers to Act are advised via a Note.

VIP Visits

Current Approval level	Chief of Defence Force.
Notification	Update to the Minister of Defence via the <i>Defence Weekly Report</i> (NZDF).

35. From time to time, additional NZDF personnel may be required in theatre to support and facilitate VIP visits to deployed forces; including visits by leaders, Ministers, senior government or defence officials. Cabinet is asked to agree that these personnel will not be considered as part of Cabinet-mandated maximum personnel numbers for any given deployment.

Financial Implications

36. The proposed confirmation of defence authorisations for deployments will not impact existing financial approvals or processes.
37. The costs associated with sustainment activities will be funded from within the existing unallocated Vote Defence Force: Operations Contributing to New Zealand's Security, Stability and Interests Multi-Category Appropriation.
38. The Minister for Veterans may declare specific military operations to be 'qualifying operational service' under the Veterans' Support Act 2014. This means that NZDF personnel who serve on these deployments, who do not already have qualifying operational service, will attain 'veteran' status making them eligible for veterans' support entitlements. The NZDF will meet these expenses from the existing unallocated Vote Defence Force appropriation Service Cost – Veterans' Entitlements.
39. Defence will revert to Cabinet should additional funding beyond the current Vote Defence Force appropriation be required.

Consultation

40. This paper has been prepared by the Ministry of Defence and the New Zealand Defence Force. The Ministry of Foreign Affairs and Trade, The Treasury, and the Department of the Prime Minister and Cabinet (Policy Advisory Group and National Security Group) have been consulted.

Proactive Release

41. A redacted version of this Cabinet paper would be proactively released should it be approved by Cabinet.

Recommendations

42. The Minister of Defence recommends that the Committee:
 1. **note** that Defence has reviewed how deployments are authorised, and when Ministers can expect to receive requests to approve or note a deployment;
 2. **note** that Defence has clarified existing authorisation settings for Engagement Activities, Military Assistance, and Military Operations;
 3. **note** that existing Cabinet permissions for activities within the Supplementary Authorisations category have been updated;
 4. **note** that the NZDF undertakes third-country deployments;
 5. **authorise** the third-country deployment approvals matrix;
 6. **note** that from time to time NZDF may need to exceed mandated numbers in theatre for the purposes of a surge deployment—short-term deployments of specialist capabilities in support of the overall mission objectives;
 7. **authorise** the Prime Minister, Minister of Foreign Affairs and Minister of Defence (Ministers with Powers to Act) to approve surge deployments for up to 90 days;
 8. **note** that the NZDF contingents in theatre periodically require assistance from additional NZDF personnel or platforms to enable mandated functions ('sustainment activities');
 9. **authorise** that sustainment activities for up to 30 days be approved by the Chief of Defence Force and advised to the Minister of Defence, and activities beyond 30 days be approved by the Minister of Defence;
 10. **authorise** the Chief of Defence Force to approve mandate exceedances for the purpose of reconnaissance, rotations or extraction, advising the Minister of Defence in advance via the *Defence Weekly Report*;
 11. **authorise** the Chief of Defence Force to approve New Zealand Defence Force staff to support VIP visits to deployed forces and that personnel will not be considered as part of Cabinet-mandated maximum personnel numbers for any given deployment; and

12. **note** that the proposed reaffirmations will not impact existing financial authorisations or processes, and where the costs of an activity cannot be met from within existing baselines, Defence will revert to Cabinet.

Authorised for lodgement:

Hon Peeni Henare
Minister of Defence

Annexes:

- A. Summary of Authorisations

Released by the Minister of Defence

ANNEX A: SUMMARY OF CURRENT AUTHORISATIONS

Defence Deployments					
Category ** Blue denotes MOD visibility/involvement	Description			Standard Authorisation	Notification
Engagement Activities	Engagements, exercises and training in support of defence priorities			CDF	Routine: Minister of Defence via the <i>Defence Weekly Report</i> (NZDF) Or by exception, submission to relevant Minister(s) (MOD/NZDF)
Military Assistance	Support to other government agencies and in support of mandated government activities			CDF	Routine: Minister of Defence via the <i>Defence Weekly Report</i> Or by exception, submission to relevant Minister(s) (MOD/NZDF)
Military Operations	International military operations in support of security, stability and the rules-based system			Cabinet (or delegated authorities)	Cabinet paper (MOD/NZDF/MFAT); updates via the <i>Defence Weekly Report</i> or ministerial submission (if required) (MOD/NZDF)
Supplementary Authorisations					
	Current			New	
Activity	Authorisation	Notification	CAB Authority	Authorisation	Notification
Third-Country deployments	As per matrix on pg 5	As per matrix on pg 5	CAB-15-MIN-0036	As per matrix on pg 5	As per matrix on pg 5 Submission to relevant Minister(s) (MOD/NZDF)
Rules of Engagement	CDF authorises Self Defence ROE Others endorsed by Minister of Defence, approved by Prime Minister	N/A	N/A	No change	No change
Surge deployments (up to 90 days)	Ministers with Powers to Act (Prime Minister, Deputy Prime Minister, Minister of Foreign Affairs, Minister of Defence)	Submission, then to the Minister of Defence via the <i>Defence Weekly Report</i>	CAB MIN (12) 10	Ministers with Powers to Act (Prime Minister, Minister of Foreign Affairs, Minister of Defence)	No change Submission to relevant Ministers (MOD/NZDF)
Sustainment activities (up to 30 days)	Not differentiated from surge deployments		CAB MIN (12) 10	CDF	Minister of Defence via the <i>Defence Weekly Report</i> (NZDF)
Rotations, reconnaissance and extraction	CDF	Prime Minister, Minister of Foreign Affairs, Minister of Defence via Note to Minister	CAB MIN (12) 10	CDF	Minister of Defence via the <i>Defence Weekly Report</i> (NZDF)
VIP visits	CDF	Minister of Defence via <i>Defence Weekly Report</i>	CAB MIN (12) 10	No change	No change

Released by the Minister of Defence