# HON ANDREW LITTLE, MINISTER OF DEFENCE

#### New Zealand's Maritime Security Commitments in the Middle East

August 2023

This publication provides documents on Cabinet's December 2021 decision extend the mandate for New Zealand's support to maritime security in the Middle East to 30 June 2024.

The pack comprises:

- the Cabinet minute of decision *New Zealand's Maritime Security Commitments in the Middle East* [ERS-21-MIN-0052] and
- the Cabinet paper New Zealand's Maritime Security Commitments in the Middle East [ERS-21-SUB-0052].

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.

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)].

In addition, information has also been withheld in order to:

- maintain the provision of free and frank advice by and between Ministers and Officials [section 9(2)(g)(i)]
- maintain legal professional privilege [section 9(2)(h)].

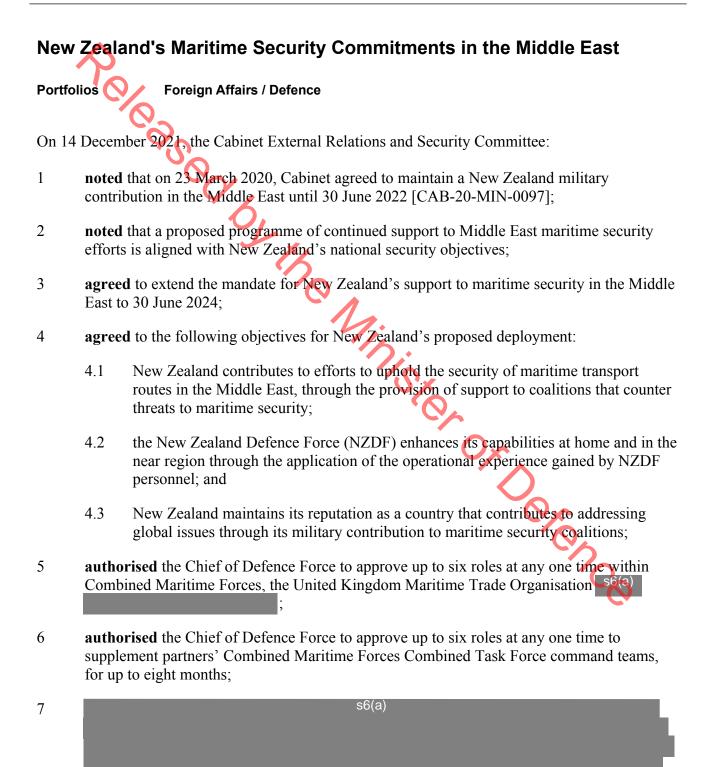
Where information is withheld pursuant to section 9 of the Act, it is not considered that the public interest in this information outweighs the need to protect it.



# 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.



- 8 **noted** that the unmitigated overall threat to NZDF personnel deployed to s6(a)
- 9 **noted** that the total estimated cost of this deployment from 1 July 2022 to 30 June 2024 is assessed as NZ\$2.519 million;
- 10 **noted** that the deployment can be funded within the existing unallocated baseline for Vote Defence Force: Operations Contributing to New Zealand's Security, Stability and Interests MCA, and that the remaining unallocated appropriation is NZ\$23.222 million (2022/23) and NZ\$28.798 million (2023/24).

5 6/63 64 Janine Harvey by the Minister or Derence Committee Secretary Present: Rt Hon Jacinda Ardern (Chair) Hon Grant Robertson Hon Kelvin Davis Hon Andrew Little Hon Nanaia Mahuta Hon Poto Williams Hon Kris Faafoi Hon Peeni Henare Hon Kiri Allan Hon Dr David Clark

Office of the Minister of Foreign Affairs Office of the Minister of Defence

Chair, External Relations and Security Committee

# NEW ZEALAND'S MARITIME SECURITY COMMITMENTS IN THE MIDDLE EAST

# Proposal

1. To seek Cabinet agreement to continue New Zealand's military maritime security commitments in the Middle East from 1 July 2022 to 30 June 2024. This paper is being considered alongside 'New Zealand's Military Contribution to the Global Coalition to Defeat the Islamic State of Iraq and Syria (ISIS)'.

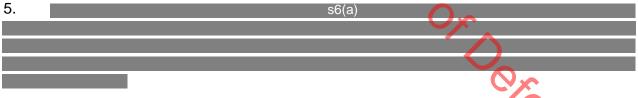
# Relation to Government Priorities

2. Supporting international efforts to safeguard maritime transport routes contributes to the Government's priority of *'creating an economy that is growing and working for all of us'*. The proposed commitment also contributes to international security and upholds the international rules-based system, which in turn supports the Government's priority to *'lay the foundations for a better future'* 

3. The proposal also directly supports the *People* focus in the 'Priorities for the Defence Portfolio' proposal, considered by Cabinet on 1 November. Defence's focus on its people ensures that New Zealand Defence Force (NZDF) personnel are well-trained and effective for work at home, and ready for international peace and security commitments in order to effectively serve our communities and those they are mandated to protect offshore.

# **Executive Summary**

4. In March 2020, Cabinet agreed to contribute NZDF personnel to maritime security coalitions in the Middle East until 30 June 2022. This paper reviews these commitments and proposes options for NZDF deployments to a range of coalition operations in the region.



6. However, even a modest personnel deployment over the period 1 July 2022 to 30 June 2024 could benefit New Zealand, our partners, and the NZDF.

7. Two options are presented for Cabinet's consideration:

Option 1: Continue support to maritime security in the Middle East (recommended)

• This option involves extending the mandate to 30 June 2024 and continuing support to maritime security headquarters roles and command teams through a programme of commitments, with the additional ability to consider options that provide benefit to NZDF capability development as they arise.

#### **Option 2: Withdraw**

 Should Cabinet elect to conclude New Zealand's contribution, NZDF personnel would withdraw by 30 June 2022.

# Context

# New Zealand has an interest in maintaining a presence

8. The Middle East contains some of the world's busiest maritime trade routes and chokepoints, which are subject to a number of threats. These include piracy, smuggling, state and non-state actor aggressions and the disruption of merchant shipping.

9. Given our isolation and reliance on maritime commerce, New Zealand has a clear interest in contributing to the strengthening of maritime security and the rules-based system. The security of these sea lanes is important to New Zealand's economic and security interests, particularly as COVID-19 has severely diminished alternative airfreight options. A large proportion of our trade transits this area, including around 75 percent of oil imports.

10. The recent grounding of the merchant vessel *Ever Given* in the Suez Canal demonstrated the global economic cost and disruption that can occur when a single lane is undermined. Beyond this, it is important that we are seen to invest efforts in the international rules-based system and the security of maritime trade routes globally, especially as similar issues become an increasing concern in the Indo-Pacific region.

11. The Middle East maritime domain has, for many years, been destabilised by periodic provocative actions that perpetuate instability across the region. A recent example of this is the drone attack on merchant vessel *Mercer Street* while it transited the Gulf of Oman in August 2021. In response, partners have sustained a military presence in the Persian Gulf to monitor chokepoints and ensure the safe passage of merchant vessels.

12. The area is also an epicentre of transnational crime. While piracy in the region has been almost eradicated, extensive trafficking of people, narcotics, and weaponry continues. There are direct connections between drug smuggling from the s6(a) coast to Africa, and then onward to the Pacific and New Zealand.

13. New Zealand has committed personnel and platforms to the following multinational coalitions, which have safeguarded Middle East maritime trading lanes, reduced piracy and disrupted transnational crime for decades (see Annex A: Map of Maritime Security Coalition Areas of Operations and Annex B: New Zealand Contributions to Maritime Security Coalitions):

- United States Naval Forces Central Command (USNAVCENT): Based in Bahrain, USNAVCENT includes nine discrete Task Forces, which oversee and coordinate the range of maritime security operations undertaken by the United States (US).
- **Combined Maritime Forces (CMF)**: Co-located with USNAVCENT, CMF is comprised of 34 contributing countries and has three subsidiary task forces (including Combined Task Force 150), which coordinate activities to counter smuggling, piracy and terrorism across a maritime area of 3.2 million square miles.
- United Kingdom Maritime Component Command (UKMCC): Based in Bahrain, the UKMCC is the command centre for the United Kingdom's (UK) longstanding maritime presence in the Middle East, including the UK Mine Countermeasures unit (UKMCM).
- UK Maritime Trade Organisation (UKMTO): Operating from the United Arab Emirates (UAE), the UKMTO acts as a conduit between commercial shipping vessels and military maritime forces and provide counter-piracy advice to vessels transiting the Middle East.

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

#### New Zealand's 2020–2022 commitments have proven effective

14. The current 2020–2022 programme of New Zealand's maritime security commitments in the Middle East (see table below) has delivered concrete outcomes.

Current Commitment (2020–2022)	Personnel
Headquarters Roles (CMF, UKMTO, s6(a)	2 permanent positions in CMF with additional rotations in CMF and UKMTO
Combined Task Force 150 (CTF150) Command Team (7 months)	Up to 22 personnel
CMF Command Team Supplements	As required

15. New Zealand has the high-profile responsibility of commanding CMF's CTF150 until January 2022. So far the Command Team, in conjunction with the French frigate *FS Languedoc*, has been able to intercept and seize over US\$7 million of hashish and methamphetamine in the Indian Ocean.

16.	s s s s s s s s s s s s s s s s s s s	6(b)(i)

17. The NZDF's commitments to maritime security headquarters (CMF and UKMTO) are a visible contribution to the international rules-based system. They also provide opportunities to maintain interoperability with a wide range of countries (including non-traditional partners) and offer operational experience in a congested and contested maritime area; experience which cannot be replicated in our near region.

18. The UKMTO facilitates safe passage for commercial vessels transiting through the Straits of Hormuz. The NZDF has contributed an International Liaison Officer on rotation, which has enhanced the operational experience of our people and strengthened the Royal New Zealand Navy's relationship with the UK's Royal Navy.

<sup>&</sup>lt;sup>1</sup> CTF150 is one of three CMF Combined Task Forces and is charged with disrupting criminal and terrorist activities through detecting and intercepting maritime trafficking of personnel, weapons, narcotics, and charcoal. Note that a further command term for CTF150 has not been proposed in this paper as they are highly sought after and the next available command term is 2025. New Zealand has also historically participated in CTF151 which is the counter-piracy Task Force.

# Option 1: Continue support to maritime security in the Middle East (recommended)

#### Outline of proposed programme of commitments

19. The proposed programme of commitments involves contributions to Middle East maritime security efforts within established coalitions:

Proposed Commitments	Personnel
Headquarters Roles (CMF, UKMTO, s6(a))	Up to six roles at any one time
CMF Command Team Supplements	Up to six personnel at any one time (up to eight months duration)
s6(a)	s6(a)

#### Headquarters roles

20. The NZDF has two standing positions in CMF headquarters under the current mandate: the Battle Watch Captain and Chief Plans. It also fills rotational roles such as the CMF's Chief Air Coordination Element and the International Liaison Officer position in the UKMTO (see Annex B). Going forward, there are likely to be additional opportunities within the legal and communications infrastructure domains, <u>s6(a)</u>.<sup>2</sup>

21. New Zealand has a long history of contributing to these trusted and established coalitions, and a high degree of comfort with the scope and objectives of the missions.

22. We recommend that Cabinet authorise the Chief of Defence Force to approve up to **six roles at any one time** within CMF, UKMTO,  $s_{6(a)}$ . Defence would notify the Minister of Defence when roles are filled. This would allow the NZDF to respond to short-notice requests, rotational roles and other opportunities, demonstrating value as an agile and reliable contributor.

#### CMF command team supplements

23. There is a longstanding practice amongst CMF partner nations to improve interoperability by providing small personnel contributions in support of other nation's CTF commands.<sup>3</sup> The ability to swiftly and flexibly respond to these requests reinforces New Zealand's reputation as a trusted and reliable partner.

24. We request that Cabinet authorise the Chief of Defence Force to approve up to **six personnel at any one time** to supplement partners' CMF Combined Task Force command teams, for up to eight months.<sup>4</sup> Defence officials would notify the Minister of Defence when roles are filled.

s6(a)

<sup>&</sup>lt;sup>3</sup> For example, New Zealand's current command of CTF150 is being supported with personnel contributions from Australia, the US Coastguard, and Singapore.

<sup>&</sup>lt;sup>4</sup> While command teams are typically in place for a six-month tenure, additional time is factored in for mandatory induction training, command team handovers, COVID quarantine restrictions and contingencies.



- 31. The proposed programme of commitments are intended to fulfil the following objectives:
  - New Zealand contributes to efforts to uphold the security of maritime transport • routes in the Middle East, through the provision of support to coalitions which counter threats to maritime security;
  - s6(a)

s6(a) 5 • New Zealand maintains its reputation as a country that contributes to addressing global issues through its military contribution to maritime security coalitions.

#### Rationale in support of option 1

- 32. Should Cabinet agree to this proposal, the deployment would:
  - **Support the international rules-based system:** providing small and targeted contributions re-emphasises New Zealand's support for the international rules-based system within the Middle East maritime domain, which—given New Zealand's reliance on open and secure sea lanes—is important for New Zealand's security and prosperity.
  - Maintain a consistent contribution level: in the context of broader regional drawdowns, including from Afghanistan, New Zealand's support to maritime coalitions maintains our reputation as a reliable contributor. Such contributions support our security relationships with key partners, <u>s6(a)</u>
  - Ensure situational awareness: headquarters roles provide situational awareness of emerging issues in the Middle East maritime domain.
  - s6(a), s9(2)(g)(i)
  - **Facilitate working with partners**: flexible settings maximise the NZDF's ability to respond swiftly to partners' requests (when aligned with New Zealand's policy settings).

#### Risks associated with option 1

33. There is a low risk that any increase in regional tensions or security developments might affect this mission.

any significant regional development impacting this mission.

#### **Option 2: Withdraw**

34. Should Cabinet elect not to proceed with the proposed contributions to maritime security efforts in the Middle East for the period 1 July 2022 – 30 June 2024, Defence would withdraw its personnel from the CMF headquarters and withdraw from consideration for rotational roles. This option is not recommended.

#### Risks associated with option 2

35. Withdrawal would significantly reduce New Zealand's awareness of the Middle East maritime domain and diminish opportunities for engagement s6(a)

36. It would also involve relinquishing the opportunity for New Zealand to build on the concrete benefits and reputational gains accrued through the NZDF's current command of the CTF150.

37. Operationally, a withdrawal would impact on capability development and diminish the operational experience of NZDF personnel. This experience cannot be easily replicated elsewhere, including in our near region.

#### Next Steps, Communications, and Proactive Release

38. Should Cabinet elect to continue with the proposed programme of contributions to maritime security in the Middle East, close partners would be advised. This would facilitate operational planning and include New Zealand in consideration for rotational positions.

39. Should Cabinet elect to conclude New Zealand's involvement, officials would notify partners and NZDF personnel would be withdrawn before the end of the mandate, 30 June 2022. Relevant Ministers would be updated on the withdrawal process.

40. For either option, a press release and communications plan would be provided following Cabinet's decision. This paper will be proactively released in due course.

41. This deployment proposal is one of the first following Cabinet's consideration of the Confirmation of Defence Authorisations Cabinet paper in November, and the proposed programme, authorisations, and notification settings are consistent with that paper. Cabinet is scheduled to consider a number of other deployment mandate renewals in coming months (refer Annex C: New Zealand Defence Deployments).

# Threat Assessment

42. New Zealand Defence Intelligence assesses the unmitigated overall threat to NZDF personnel deployed s6(a)

#### COVID-19

43. COVID-19 has had an impact on the sustainment of approved NZDF deployments. Additional time in theatre may be required by personnel in order to fulfil state-mandated isolation requirements. Officials continue to monitor the effects of COVID-19 on missions in which NZDF personnel are deployed and will advise the Minister of Defence of any significant developments relating to COVID-19.

#### Legal Considerations

#### 44. Legal Framework for activities. Maritime security operations undertaken s6(a)

are consistent with the United Nations Convention on the Law of the Sea (UNCLOS) and carried out in accordance with international legal frameworks, including the UN Drugs Trafficking Convention, the UN Migrant Smuggling Protocol and relevant UN Security Council Resolutions (UNSCR).<sup>7</sup>

45.	s9(2)(h)	
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<sup>&</sup>lt;sup>7</sup> UNCLOS obliges states to cooperate in the repression of piracy and drug trafficking and can be relied upon for authority to conduct mine countermeasure operations in international straits. UNSCR 2482 (2019) identifies the link between international terrorism and organised crime and calls upon states to strengthen efforts to counter the threat posed by illicit cultivation, production, trafficking and consumption of narcotics. UNSCR 2216 (2015) addresses the conflict in Yemen and calls on states to take necessary measures to prevent the illicit transfer of arms, ammunition and military equipment to Yemen, including the inspection of sea bound cargo. Anti-piracy activities off the coast of Somalia, such as those undertaken <u>s6(a)</u>, are explicitly authorised by UNSCR 2500 (2019).

46. **Civilian casualties**. The likelihood of involvement in any action leading to civilian harm is unlikely. NZDF personnel will be directed to report any observed incidents of civilian harm. Reporting requirements will follow those in Defence Force Order 35.<sup>8</sup>

47. **Detainee handling.** NZDF personnel will not be required to detain people on this mission.



49. **Human rights risk assessment** (HRRA). The NZDF conducts HRRA on missions when mandate extensions are considered or the mission changes. New Zealand is obligated under international law to not aid or assist (or be complicit in) an internationally wrongful act by another State, such as acts of torture.

The NZDF has conducted an HRRA on the four extant positions recommended to continue. After considering mitigations, the NZDF found there was a negligible likelihood of causing or contributing to a human lights breach.<sup>10</sup> As other positions are identified through the bidding process, additional assessments would be completed. Ministers with Powers to Act would be notified should there be more than a negligible likelihood of causing or contributing to a human rights breach.

# Impact on the Pacific

50. Neither of the proposed options would affect New Zealand's ability to respond to a security incident in the Pacific.

# **Financial Implications**

51. No additional funding is required for either option and no Crown funding is being sought. The estimated cost of option 1 is NZ\$2.519 million. This can be funded from Crown Revenue within the existing unallocated baseline for Vote Defence Force: Operations Contributing to New Zealand's Security, Stability and Interests MCA. The remaining unallocated appropriation is NZ\$23.222 million (2022/23) and NZ\$28.798 million (2023/24).

52. Continuing support to maritime security in the Middle East is estimated to increase the veterans' support entitlement obligation by a maximum of NZ\$1.435 million over the term of the deployment. These expenses are able to be funded within the existing Vote Defence Force appropriation Service Cost – Veterans' Entitlements and no additional funding is required.

	NZ \$million			
Estimated Direct Costs	2022/23	2023/24	Total	
Option 1: Continue support to maritime security in the Middle East	1.555	0.964	2.519	
Remaining Unallocated Appropriation <sup>11</sup>	23.222	28.798	-	
Option 2: Withdraw	0	0	0	

<sup>8</sup> The report of the Government Inquiry into Operation Burnham recommended that the NZDF promulgate a Defence Force Order (DFO) for responding to reports of civilian harm. Accordingly, DFO 35 was promulgated by Chief of Defence Force following confirmation from Cabinet that it met the intent of the Inquiry's recommendation.

<sup>&</sup>lt;sup>11</sup> This total reflects the unallocated appropriation remaining if option 1 is agreed; this total does not incorporate the proposed costs captured within the Defeat ISIS deployment options paper – considered separately by Cabinet.

# Consultation

53. This paper was jointly prepared by the Ministry of Defence, the NZDF 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

54. We recommend that the Committee:

- 1) **Note** that the proposed programme of continued support to Middle East maritime security efforts is aligned with New Zealand's national security objectives.
- 2) Agree to one of the following options:

# Option 1: Continue support to maritime security in the Middle East (recommended):

- 2.1 **Agree** to extend the mandate for New Zealand's support to maritime security in the Middle East to 30 June 2024;
  - 2.1.1 Agree to the objectives for New Zealand's proposed deployment:
  - New Zealand contributes to efforts to uphold the security of maritime transport routes in the Middle East, through the provision of support to coalitions which counter threats to maritime security;
  - NZDF enhances its capabilities at home and in our near region through the application of the operational experience gained by NZDF personnel; and
  - New Zealand maintains its reputation as a country that contributes to addressing global issues through its military contribution to maritime security coalitions;

2.1.2 **Authorise** the Chief of Defence Force to approve up to six roles at any one time within Combined Maritime Forces, United Kingdom Maritime Trade Organisation s6(a);

2.1.3 **Authorise** the Chief of Defence Force to approve up to six roles at any one time to supplement partners' Combined Maritime Forces Combined Task Force command teams, for up to eight months;



<sup>&</sup>lt;sup>11</sup> This total reflects the unallocated appropriation remaining if option 1 is agreed; this total does not incorporate the proposed costs captured within the Defeat ISIS deployment options paper – considered separately by Cabinet.

2.1.5 Note that the unmitigated overall threat to New Zealand Defence Force personnel deployed to s6(a)

2.1.6 Note that the total estimated cost of this deployment from 1 July 2022 to 30 June 2024 is assessed as NZ\$2.519 million; and

2.1.7 Note 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, and that the remaining unallocated appropriation is NZ\$23.222 million (2022/23) and NZ\$28.798 million (2023/24).

**Option 2: Withdraw** 

- 2.2 Agree to withdraw New Zealand Defence Force personnel by 30 June 2022, with no new financial implications; and
- 2.3 **Note** that a withdrawal would considerably reduce New Zealand's awareness of the Middle East maritime domain, opportunities for engagement s6(a) and the operational experience of New Zealand Defence Force personnel.

Authorised for lodgement

Hon Nanaia Mahuta Minister of Foreign Affairs Hon Peeni Henare ) erence Minister of Defence



# Annex A: Map of Maritime Security coalition Areas of Operations

#### Annex B: New Zealand Contributions to Maritime Security Coalitions (2010 onward)



# Annex C: New Zealand Defence Deployments<sup>12</sup> [December 2021]

Operation Name	Description	Theme	Location	Since	Current NZ personnel	Mandate Expiry	Next Cabinet decision
Op PUKEKO Op TIKI	NZ contribution to the <b>Maritime Security efforts in</b> <b>the Middle East</b> : Combined Maritime Forces (CMF) and UK Maritime Trade Operations (UK MTO).	Supporting maritime Security in the Middle East.	Bahrain (CMF) s6(a) (UK MTO)	2013	s6(a)	30 June 2022	ERS Dec 2021
Op MOHUA Op KERERU	NZ contribution to the <b>Defeat-ISIS Coalition</b> in Operation Inherent Resolve Headquarters (OIR), CENTCOM Partner Integration Enterprise (CPIE) and Combined Air Operation Centre (CAOC).	Countering violent extremism (ISIS) in the Middle East.	Iraq and Kuwait (OIR) Qatar (CPIE and CAOC)	2015		30 June 2022	ERS Dec 2021
Op FARAD	NZ contribution to the <b>Multinational Force and</b> <b>Observers (MFO)</b> mission.	Contributing to a peace support operation in the Middle East.	Sinai Peninsular, Egypt	1982		31 Mar 2023 (Force Commander contingent) 30 Sept 2022 (core contingent)	ERS Mar 2022
Op SCORIA	NZ contribution to the UN Truce Supervision Organisation (UNTSO).	Contributing to a peace support operation in the Middle East.	Israel Lebanon Syria	1954		30 Sept 2022	ERS Mar 2022
Op SUDDEN	NZ contribution to the <b>UN Mission in South Sudan</b> (UNMISS).	Contributing to a peace support operation in North Africa.	South Sudan	2011		30 June 2022	ERS Mar 2022
Op TROY			s6(a)	1.			
Ор WHIO	NZDF contribution to monitoring UN Security Council sanctions against the Democratic Peoples' Republic of Korea: personnel in the Enforcement Coordination Cell (ECC) and P-3K2 flights.	Supporting Indo- Pacific security.	s6(a)	2018		ECC liaison officer mandate expires 30 Sept 2022	ERS Jun 2022
Op SOLAR	NZ multi-agency deployment to <b>Operation Gallant</b> <b>Phoenix</b> intelligence fusion centre.	Countering violent extremism.	s6(a)	2014	Or D	30 June 2023	ERS Nov 2022
Op MONITOR	NZ contribution to the UN Command (UNC) and the UN Command Military Armistice Commission (UNCMAC).	Supporting peace and stability on the Korean Peninsula.	South Korea	1998	0	31 Aug 2023	ERS Feb 2023

# Notes

10 personnel currently deployed in command of Combined Task Force 150 (July 2021 – January 2022).

Ministers updated ERS on strategic environment in September 2021. Final P-3K2 deployment Nov 2021.

s6(a)

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<sup>&</sup>lt;sup>12</sup> Defence activities in the Pacific region not included