



Cabinet

CAB Min (09) 28/22

John

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Minute of Decision

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Afghanistan 2009: Deployment of the New Zealand Special Air Service

Portfolio: Defence

On 10 August 2009, following reference from the group of Ministers authorised by Cabinet to have Power to Act on Afghanistan, subject to the endorsement of the decisions by Cabinet, [CAB Min (09) 24/22], Cabinet:

1 noted that on 6 July 2009 the group of Ministers:

Background

1.1 noted that on 6 July 2009, Cabinet:

- 1.1.1 noted the briefing by the Prime Minister on the issues concerning a possible further New Zealand contribution to the International Security Assistance Force (ISAF) in Afghanistan;
- 1.1.2 authorised a group of Ministers comprising the Prime Minister, the Minister of Finance, the Minister of Foreign Affairs, and the Minister of Defence to have Power to Act during the period from 6 July 2009 until the next meeting of Cabinet to take decisions on the next steps on a further New Zealand contribution to support ISAF, subject to endorsement of the decisions by Cabinet;
- 1.1.3 invited the Prime Minister to report back to Cabinet on any decisions made by the group of Ministers;

[CAB Min (09) 24/22]

- 1.2 noted that New Zealand has received several requests from international partners over the past few years to recommit the New Zealand Special Air Service (NZSAS) to Afghanistan, including most recently in March 2009 from the Commander, International Security Assistance Force in Afghanistan (ISAF) to replace the Norwegian Special Forces Task Group (TG) in Kabul, Afghanistan for up to 18 months from late September 2009;
- 1.3 noted that in February 2009, Cabinet directed a whole-of-government review of New Zealand's commitments to Afghanistan, including looking at options for more focused military commitments [CAB Min (09) 5/3];

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MINISTRY OF DEFENCE INWARDS MAIL	
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Referred to	

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- 1.4 noted that in June 2009, the New Zealand Defence Force (NZDF) briefed the Prime Minister, the Minister of Foreign Affairs and the Minister of Defence on several potential SAS deployment options, including the preferred option of replacing the Norwegian TG in line with the request from the ISAF in paragraph 1.2 above;
- 1.5 noted that the NZSAS has previously deployed to Afghanistan on three separate occasions in 2001/02, 2004, and 2005;

Strategic considerations

- 1.6 noted that redeploying the NZSAS to Afghanistan would provide New Zealand with a very high profile in ISAF and with international partners, and would be a positive gesture ahead of any decisions on the future of the Provincial Reconstruction Team in Bamyan;
- 1.7 noted that the proposed deployment would be for a fixed-term only, with clear exit criteria, allowing time for the NZSAS to return to New Zealand and reconstitute ahead of potential Rugby World Cup 2011 security commitments;

Air transport

- 1.8 noted that commercial charter aircraft and associated costs have been included in planning for this deployment, but that there may be an option to use ^{PSR(S)1, PSR(S)3} air transport, in which case the cost of the commercial air charter would be returned to the Crown;

Legal implications

- 1.9 noted that the NZSAS Task Force (TF) would have legal authority to carry out its assigned tasks under United Nations Security Council Resolutions 1386 (2001), 1510 (2003), and 1833 (2008), and the Military Technical Agreement (MTA) between ISAF and the Government of Afghanistan;

National caveats

- 1.10 noted the national caveats for this deployment, set out in the paper considered by Ministers with Power to Act (the paper), including that ^{PSR(S)(2) &(3)}

Handling detainees

- 1.11 noted the procedures for NZSAS personnel detaining non-ISAF persons, attached to the paper, and that any persons detained during NZSAS operations with the Crisis Response Unit (CRU) will be handled and processed by the CRU in accordance with Afghan law;
- 1.12 noted that, while the CRU will usually be responsible for detaining individuals, should the NZSAS TF be required to, it will endeavour to provide the identity of the persons detained, or the fact of their detention and the general facts surrounding it, to the International Committee of the Red Cross;

1.13 noted that the Ministry of Foreign Affairs and Trade continues to seek a formal written assurance from the Government of Afghanistan that any detainees handed over to Afghan authorities would not be subjected to torture or capital punishment;

Implications for NZDF

1.14 noted that the proposed deployment is manageable according to the indicative dates and figures outlined in the paper, and would not affect the ability of the NZSAS to provide forces to regional contingencies at short notice, or to carry out domestic counter-terrorism tasks;

Threat assessment

1.15 noted that the NZDF’s strategic military threat level for Afghanistan is assessed as **HIGH**;

Approval of deployment

1.16 approved the deployment of up to 71 personnel (including up to 70 NZSAS personnel and associated NZDF support staff **PSR(R)2, PSR(R)3**) and associated equipment to Kabul, Afghanistan, for up to 18 months from late September 2009;

Rules of Engagement

1.17 noted that the Prime Minister had approved the Rules of Engagement, attached to the paper;

Financial implications

1.18 agreed to increased funding for the deployment, as outlined in the table below:

	\$m – increase / (decrease)				
	2009/10	2010/11	2011/12	2012/13	2013/14 & outyears
Operating Balance Impact	PSR(R)2, PSR(R)3				
Debt Impact					
No Impact					
Total					

1.19 approved the following changes to appropriations to give effect to the decisions in paragraph 1.18 above:

	Sm – increase / (decrease)				
	2009/10	2010/11	2011/12	2012/13	2013/14 & outyears
Vote Defence Force Minister of Defence Departmental Output Expense: Operationally Deployed Forces Annual (funded by Revenue Crown)	13.394	11.848	0.428	0.428	0.428
Net Asset Schedule of New Zealand Defence Force: Capital Injection	5.700	-	-	-	-
Vote Communications Security and Intelligence Minister Responsible for the Government Communications Security Bureau Intelligence and Security Department Expenses and Capital Expenditure: Communications Security and Intelligence Net Asset Schedule of the Government Communications Security Bureau: Capital Injection	PSR(R)2, PSR(R)3				
Vote Security Intelligence Minister in Charge of the New Zealand Security Intelligence Service Intelligence and Security Departmental Expenses and Capital Expenditure: Security Intelligence					
Total Operating					
Total Capital					

1.20 agreed that the proposed changes to appropriations and projected balances of net assets for 2009/10 above be included in the 2009/10 Supplementary Estimates and that, in the interim, the increases be met from Imprest Supply;

1.21 noted that beyond 2009/10, there are challenges around operational tempo and funding for the Operationally Deployed Forces' activity, which are intended to be considered in the Defence Review and White Paper;

1.22 noted that NZDF deployment savings that become available as a result of any review of existing operational commitments should be returned to the Crown through a subsequent baseline update;

2 noted that the Chief of Defence Force would retain full command of all NZDF personnel posted or attached as part of the deployment, and that the NZSAS would only accept tasks that they are willing to undertake and would be able to decline other tasks;

3 endorsed the decisions by the group of Ministers set out in paragraphs 1.1 to 1.22 above.

Rebecca Kittenidge
Secretary of the Cabinet

Reference: Decisions by group of Ministers,
tabled at Cabinet by the Prime Minister

Distribution:

Prime Minister

Chief Executive, DPMC

Director PAG, DPMC

Director GCSB, DPMC

Director NZSIS, DPMC

Minister of Finance

Secretary to the Treasury

Minister of Foreign Affairs

Secretary of Foreign Affairs and Trade

Minister of Defence

Secretary of Defence

Chief of Defence Force

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