

# **Government Inquiry into Operation Burnham and related Matters**

## **Public Hearing No. 1**

### **Background Paper from Crown Agencies on the Government's decisions to deploy New Zealand forces into Afghanistan**

#### **SUMMARY**

The New Zealand Government decided to deploy New Zealand forces to Afghanistan in 2001. This was as part of international counter-terrorism operations directed against Osama bin Laden, Al-Qaeda, and the Taliban following the 9/11 attacks in the United States of America. The New Zealand Special Air Service (**NZSAS**) was deployed to Afghanistan in 2001-2 for 12 months.

After the Taliban-led Government fell in 2001, the international mission evolved into a state-building effort to assist Afghanistan to meet its significant security, political and development challenges. The New Zealand deployments contributed to security, education, governance, justice and rule of law, health, humanitarian assistance and reconstruction.

From 2001, New Zealand forces were deployed to support the US-led Operation Enduring Freedom (**OEF**), and International Security Assistance Force (**ISAF**), to work closely with the Afghan National Security Forces (**ANSF**).

In addition to deployments of the NZSAS, New Zealand lead the Bamyán Provincial Reconstruction Team (**PRT**) from 2003-13. The PRT worked with others to establish a stable and secure environment in which the local people could rebuild their province, and to affirm the authority of local and central government. The PRT was the largest element of the NZDF's deployment in Afghanistan.

In 2009, Cabinet requested a review of New Zealand's ongoing commitment to Afghanistan. Based on that review, Cabinet endorsed a revised strategy, in line with international coalition objectives, that transitioned away from military engagement in Afghanistan and towards development and governance assistance.

The NZSAS was deployed again in 2004 for six months, and in 2005 for six months. After international requests, Cabinet decided in 2009 to deploy the NZSAS in Operation Wātea, to replace the Norwegian Special Forces Task Group in Kabul. The NZSAS worked on disrupting and defeating insurgent threats, while mentoring and training the Afghanistan Crisis Response Unit (**CRU**), including during operations.

In early 2012, the security situation in Bamyán deteriorated. Following attacks on New Zealand PRT personnel in late 2012 and several fatalities, Cabinet decided to deploy additional support, including the NZSAS, to reduce the security risk to the PRT and ANSF. In September 2012, consistent with a broader ISAF withdrawal of PRTs, Cabinet decided to extend the mandate of the PRT and other elements, and to withdraw the PRT and other forces in April 2013.



## INTRODUCTION

In its Minutes No 8 dated 11 February 2019 and No 10 dated 22 March 2019, the Government Inquiry into Operation Burnham and Related Matters (**Inquiry**) requested a background paper providing an overview of the Government's decisions to deploy New Zealand forces to Afghanistan, with a focus on Operation Wātea and the PRT in Bamyān.

Since those Government decisions to deploy NZDF forces were made, the Cabinet members and officials have changed. Accordingly, this background paper draws on Cabinet's decisions, the written views of Ministers to Cabinet, the advice of officials to Ministers, and public statements of Ministers and senior officials. Where possible, this paper provides cross references to source documents that are available to the public.<sup>1</sup>

This background paper aim to provide an overview of the decisions with a deeper focus on operations within the Inquiry's Terms of Reference,<sup>2</sup> in particular, of the NZSAS Operation Wātea. It does not attempt to address the numerous Cabinet decisions relating to New Zealand deployments in Afghanistan over the period from 2001 to today. That level of detail is contained in **Annex One**, which provides a timeline of decisions and events over this period. **Annex Two** provides an overview of how the Cabinet decision-making process works. **Annex Three** provides a list of acronyms used in this paper and their meanings.

The deployment decisions from 2001 to 18 November 2008 were made by the Fifth Labour Government, and from 19 November 2008 to October 2017 by the Fifth National Government.

The Government decisions on deployments took place within an evolving landscape in Afghanistan. This background paper seeks to detail the Cabinet decisions in the context of that decision-making. The facts are set out in a summary, referenced and chronological manner, with a focus on three main areas:

- a. First, an introduction and overview of the Government's deployment of forces to Afghanistan after the September 11 terrorist attacks in the United States of America (**US**), with a focus on events leading up to Cabinet's decision-making in late 2009.
- b. Secondly, the Government's decision in August 2009 to deploy the NZSAS in Operation Wātea initially for a period of 18 months, including an analysis of the Cabinet and Ministerial decision-making process.
- c. Thirdly, a key change in objective and mandate for New Zealand forces by the Government due to the deteriorating security situation in Afghanistan.

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<sup>1</sup> See the Government Inquiry's website, at <https://operationburnham.inquiry.govt.nz>.

<sup>2</sup> As above.

## **1. The Government decided in 2001 to deploy New Zealand forces to Afghanistan to participate in an international coalition, and to support partner and international efforts to combat a significant terrorist threat.**

*New Zealand had direct interests in participating in the international efforts*

On September 11, 2001, terrorist attacks planned by Al-Qaeda were conducted in New York and Washington D.C., resulting in the loss of 2,996 lives. The planning of these terrorist attacks, and the training of those who carried them out, was conducted in part in Afghanistan. Earlier and subsequent terrorist incidents, including the Bali and London bombings, had similar Afghanistan connections.<sup>3</sup>

On 21 September 2001, the Prime Minister, the Rt Hon Helen Clark, announced New Zealand's willingness to make a military contribution in response to calls by the US and the United Nations (**UN**) Security Council for effective action to combat terrorism.<sup>4</sup> New Zealand's military contribution was to support the coalition military operations against Osama bin Laden, Al-Qaeda, and the Taliban which supported and harboured them.<sup>5</sup> The Prime Minister's announcement was supported by Parliament on 3 October 2001.<sup>6</sup>

New Zealand nationals had lost their lives in terrorist incidents linked to Afghanistan. New Zealand had a direct interest in supporting the international efforts to eradicate the terrorist threat, and in assisting the Government of the Islamic Republic of Afghanistan (**Afghan Government**) in maintaining sovereign control of its territory.<sup>7</sup> New Zealand was also a consistent supporter of collective security action through the UN.

*The initial New Zealand deployment was in a combat context*

The deployment of New Zealand forces was initially a military operation in a purely military context. It supported the US-led counter-terrorism intervention in Afghanistan against Al-Qaeda and the Taliban, under a binding UN Security Council mandate.<sup>8</sup> New Zealand was part of the exercise of an inherent right to individual and collective self-defence in accordance with Article 51 of the UN Charter.<sup>9</sup>

While New Zealand's engagement in Afghanistan began as a gesture of solidarity with the US, it was transformed into a broader commitment involving international

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<sup>3</sup> CAB (09) 439, 'Review of New Zealand's Commitment to Afghanistan', 7 August 2009, p 10.

<sup>4</sup> See Cabinet External Relations and Defence Committee, ERD (09) 3, 10 February 2009, Annex 1, p 22; 'Prime Minister, NZ shares US determination to root out terrorism', 21 September 2001, at: <http://www.beehive.govt.nz/release/nz-shares-us-determination-root-out-terrorism>.

<sup>5</sup> Cabinet External Relations and Defence Committee, ERD (09) 3, 10 February 2009, Annex 1, p 22.

<sup>6</sup> Cabinet External Relations and Defence Committee, ERD (09) 3, 10 February 2009, Annex 1, p 22; for Parliamentary references, NZPD, 3 October 2001, v 595, p 11996.

<sup>7</sup> CAB (09) 439, 'Review of New Zealand's Commitment to Afghanistan', 7 August 2009, p 10.

<sup>8</sup> Cabinet External Relations and Defence Committee, ERD (09) 3, 10 February 2009, p 1; CAB (09) 439, 'Review of New Zealand's Commitment to Afghanistan', 7 August 2009, p 10.

<sup>9</sup> Letter dated 17 December 2001 from the Permanent Representative of New Zealand to the United Nations, S/2001/1193, 18 December 2001; See also Cabinet External Relations and Defence Committee, ERD (09) 3, 10 February 2009, Annex 1, p 22.

organisations, including the UN and the North Atlantic Treaty Organization (**NATO**), and a substantial number of countries with which New Zealand was allied or enjoyed close relations.<sup>10</sup>

New Zealand's early military deployments were made specifically under OEF, the US-led effort in Afghanistan. The deployments then transitioned to the NATO-led ISAF, which was tasked to assist the new Afghan Government to restore security and counter the ongoing insurgency.<sup>11</sup> New Zealand has deployed personnel as part of OEF, ISAF, the current NATO Resolute Support Mission (**RSM**),<sup>12</sup> and the European Union Policing Mission (**EUPOL**).

The New Zealand Government initially contributed a deployment of NZSAS in 2001-2 (Operation Concord) to the US-led intervention. This was followed by further NZSAS deployments in 2004 (Operation Concord II) and 2005 (Operation Concord III).

#### *The mission evolved after the fall of the Taliban-led Government in Afghanistan*

After the Taliban-led Government fell in 2001, the international mission evolved into an international state-building effort to assist Afghanistan to meet its massive security, political and development challenges.<sup>13</sup> It was within this context that New Zealand agreed to take over the Bamyan PRT in 2003. New Zealand's assistance would enable the US, which established the Bamyan PRT, to replicate the model in another region.<sup>14</sup>

The NZDF PRT effort in Bamyan was focused on establishing a stable and secure environment in which the local people could rebuild their province with the support of the Afghan Government, New Zealand, and other donors. An additional goal was to affirm the authority of local and central government in the province. From 2004, the Ministry of Foreign Affairs and Trade (**MFAT**) provided funding to the NZDF to undertake targeted development activities.

In total, between 2004 and 2011, the NZDF was involved in more than 200 projects that assisted the people of Bamyan.<sup>15</sup> The New Zealand PRT was withdrawn in 2013, after a decade in Bamyan. It was the largest element of NZDF's deployment in Afghanistan, with around 140 NZDF personnel deployed every six months under its mandate.

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<sup>10</sup> CAB Min (09) 5/3A, 'Afghanistan: New Zealand's Contributions Beyond September 2009', 16 February 2009.

<sup>11</sup> For UN Security Council resolutions on ISAF and set-up of ISAF, see the MFAT Background Paper for Public Hearing No 1, pp 6.

<sup>12</sup> For more information on RSM, see 'Public Module 1: MFAT presentation', p 5.

<sup>13</sup> Cabinet External Relations and Defence Committee, ERD (09) 3, 10 February 2009, Annex 1, p 22.

<sup>14</sup> CAB (09) 439, 'Review of New Zealand's Commitment to Afghanistan', 7 August 2009, p 10.

<sup>15</sup> 'New Zealand's Achievements from 10 Years of Development Assistance in Bamyan, Afghanistan', 21 March 2013, p 4 (available at: <https://interactives.stuff.co.nz/the-valley/archive/primary/MFAT-Communications-Package-Development-achievements-through-NZPRT-September-2013.pdf>).

### *The NZDF operated within the broader ISAF mission*

The New Zealand forces deployed to Afghanistan operated under the Commander of ISAF, a senior US military officer. The ISAF mission was led by NATO from August 2003 and approved by the UN Security Council. It was structured around a Headquarters in Kabul, including a Special Operations Forces (**SOF**) command, and a number of Regional Commands. The NZSAS operated under the NATO SOF command. The NZDF was required to follow ISAF procedures and protocols on a wide range of matters, including operational planning and approvals, targeting, Rules of Engagement (**ROE**), and detention. This was at all times subject to the NZDF's mandate from Cabinet, and the New Zealand national command and caveats.

### *The NZDF worked closely with the Afghan National Security Forces (ANSF)*

Partnering and working with the ANSF was also a key element of the international effort. The ANSF had two main components; the Afghan National Army (**ANA**), and the Afghan National Police (**ANP**). While the ANP were present in Bamyán during the deployment of New Zealand's PRT, the ANA were not.

At the time, the ANA was generally trusted and well-regarded as a professional force by the Afghan population. In contrast, the ANP was a developing force, with serious capability problems caused by poor training, lack of infrastructure, and other challenges.<sup>16</sup> These problems were exacerbated by the ANP's role in fighting the insurgency, in which a significant number of ANP personnel were killed and ANP posts destroyed.

### *New Zealand's deployments in Afghanistan covered a wide range of roles*

New Zealand's deployments to Afghanistan began in 2001, and changed incrementally to include different components, including the military, police, development assistance, and foreign affairs. The multi-faceted contribution to Afghanistan was aimed at addressing: security, education, governance, justice and rule of law, health, humanitarian assistance and reconstruction.

The range of New Zealand deployments relating to Afghanistan, from 2002 to today, have included:

- The PRT in Bamyán (2003-2013);
- NZSAS deployments (2001-2 for 12 months, 2004 for six months, 2005 for six months, 2009-2012, and 2012-2013 in support of the PRT);
- Military staff and liaison officers to ISAF Headquarters;
- Military staff and liaison officers to UN Assistance Mission to Afghanistan (**UNAMA**) (2012-14);
- Police officers to EUPOL, in Bamyán (2005-13);

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<sup>16</sup> See CAB (09) 439, 'Review of New Zealand's Commitment to Afghanistan', 7 August 2009, p 3.

- National support and logistical elements based as Bagram Air Force Base (2003-13);
- NZDF trainers to the Afghanistan National Army Officer Academy (2013-current);
- NZDF medical specialists to a multinational medical unit, in Kandahar (2008-10);
- NZDF specialist personnel to a combined team in Uruzgan providing staff officer and medical support (2010-11);
- NZDF P3 Orion and C130 Hercules aircraft in support roles (2001-18);
- RNZN frigates to the Gulf under OEF (2002-4, 2008); and
- MFAT Ambassador in Kabul to coordinate New Zealand engagement.

The NZSAS had additional roles to those above, including leading the establishment of the PRT in 2003, advising and training the CRU, and also being deployed temporarily to Afghanistan as Close Personal Protection for visiting officials, for liaison purposes, and to undertake security reviews.<sup>17</sup>

*An Afghanistan Reference Group was set up*

In order to give effect to Cabinet's direction for a greater whole-of-government approach, an Afghanistan Reference Group (**ARG**) of interested Government agencies was established in 2008. The ARG was chaired by MFAT and met regularly in Wellington to exchange information, coordinate operational matters, align strategies and discuss policy proposals.<sup>18</sup> It included the NZDF, the Ministry of Defence, DPMC, NZSIS, GCSB, New Zealand Police and others.

*Cabinet requested a review in 2009*

In February 2009, Cabinet decided to extend New Zealand's security effort in Afghanistan for a further year from 1 October 2009 to 30 September 2010.<sup>19</sup> It noted that despite some improvements in Afghanistan, the overall situation remained one of major concern, and required an ongoing and substantial international programme of security and development assistance to the Afghan Government.<sup>20</sup>

Cabinet also directed a review of New Zealand's commitment to Afghanistan beyond September 2010 to examine more deeply the needs and opportunities for change, taking account of options for a smaller, more focussed military commitment.<sup>21</sup> The review was

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<sup>17</sup> 'Afghanistan 2009: Deployment of the New Zealand Special Air Service (Operation Wātea)', 3 July 2009, p 3.

<sup>18</sup> CAB (09) 439, 'Review of New Zealand's Commitment to Afghanistan', 7 August 2009, p 31.

<sup>19</sup> CAB Min (09) 5/3A, 'Afghanistan: New Zealand's Contributions Beyond September 2009', 16 February 2009, p 2.

<sup>20</sup> Cabinet External Relations and Defence Committee, ERD (09) 3, 10 February 2009, p 3.

<sup>21</sup> CAB Min (09) 5/3A, 'Afghanistan: New Zealand's Contributions Beyond September 2009', 16 February 2009, p 4.

undertaken by a group of New Zealand agencies represented, or with a direct interest, in Afghanistan.<sup>22</sup> The review was conducted partly through the ARG.<sup>23</sup>

*The review considered the revised US strategy on Afghanistan and Pakistan*

In April 2009, and shortly after Cabinet directed the review, the Obama Administration released a new strategy on Afghanistan and Pakistan.<sup>24</sup> This was endorsed by NATO and ISAF coalition partners. That strategy called for greater numbers of military personnel for ISAF in order to conduct two priority missions:<sup>25</sup>

- To secure Afghanistan's south and east against Al-Qaeda and its allies, so as to provide space for the Afghan Government to establish effective control; and
- To provide the ANSF with the mentoring required for it to take the lead in effective counterinsurgency operations, so that international forces could wind down combat operations.

In order to achieve these objectives, the US requested all NATO and ISAF contributing nations to increase their commitments to the mission. New Zealand officials had noted to Cabinet in February 2009 that, with the exception of a NZSAS redeployment, New Zealand had limited capacity to consider additional assistance beyond the current mix of commitments approved by Cabinet.<sup>26</sup>

The New Zealand review took account of the revised international coalition strategy, reports by UN agencies, NATO and government and non-government bodies, including think-tanks, as well as reports provided by the New Zealand International Aid and Development Agency (**NZAID**), NZ Police, and the NZDF on their activities in Afghanistan. Some information was provided to New Zealand in response to specific requests to other governments.<sup>27</sup>

*The review outlined a phased transition from military engagement to a greater emphasis on development assistance*

The *Review of New Zealand's Commitment to Afghanistan* (the **report**) was finalised by officials with the feedback of Ministers. The Ministers of Foreign Affairs and Defence reported back and made recommendations to Cabinet in August 2009.<sup>28</sup>

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<sup>22</sup> CAB (09) 439, 'Review of New Zealand's Commitment to Afghanistan', 7 August 2009, p 1.

<sup>23</sup> CAB (09) 439, 'Review of New Zealand's Commitment to Afghanistan', 7 August 2009, p 31.

<sup>24</sup> For more details on US strategy, see MFAT Background Paper for Public Hearing No 1, p 8.

<sup>25</sup> 'Afghanistan 2009: Deployment of the New Zealand Special Air Service (Operation Watea)', 3 July 2009, p 2.

<sup>26</sup> Cabinet External Relations and Defence Committee, ERD (09) 3, 10 February 2009, p 20; CAB Min (09) 5/3A, 'Afghanistan: New Zealand's Contributions Beyond September 2009', 16 February 2009.

<sup>27</sup> CAB (09) 439, 'Review of New Zealand's Commitment to Afghanistan', 7 August 2009, p 2.

<sup>28</sup> See CAB (09) 439, 'Review of New Zealand's Commitment to Afghanistan', 7 August 2009.



Cabinet was advised that overall the ANSF were weak and reliant on the assistance of international forces.<sup>29</sup> Neither the ANA nor the ANP was capable of defeating the Taliban insurgency or providing security for Afghanistan's population. Significant efforts were being made by the international community to build the capabilities of both forces, with a view to handing over incrementally the responsibility for maintenance of security, so that, in due course, international forces could withdraw in a phased manner.<sup>30</sup>

The report outlined an exit strategy for New Zealand from Afghanistan, and particularly from military activities, which involved a phased transition from military engagement to a greater emphasis on development assistance.<sup>31</sup> The report recommended a whole-of-government framework for implementation and oversight of the changes.<sup>32</sup> Officials' advice to Ministers also noted that the NZDF needed to re-focus domestically on important training, refreshment and re-equipment tasks. These had been displaced by a number of ongoing off-shore operations in Afghanistan, Solomon Islands and Timor Leste.<sup>33</sup>

As part of an exit strategy, it was contemplated that New Zealand would make military contributions in other ways to achieve its security objectives, and counter the impression that the PRT withdrawal signalled an end to New Zealand's commitment.<sup>34</sup> The nature and timing of such other deployments would be determined with a view to maximising the benefits for key bilateral relationships, especially the US and Australia.<sup>35</sup>

#### *Cabinet considered the review and revised the NZ strategy in Afghanistan*

After considering the report, Cabinet reached a decision on 10 August 2009 that included the following:<sup>36</sup>

- The threat to international peace and security that justified New Zealand's original commitment to Afghanistan had not been neutralised.
- Cabinet endorsed a strategy that continued New Zealand participation in the international mission in Afghanistan in the medium term (up to five years).
- Consistent with the revised international strategy, New Zealand efforts in Afghanistan during the medium term would shift away from military engagement, and toward development and governance assistance.
- The whole-of-government effort in Afghanistan would be overseen by a group of Ministers with relevant portfolios, who would receive regular and formal reporting on progress towards the achievement of New Zealand's objectives.

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<sup>29</sup> Cabinet External Relations and Defence Committee, ERD (09) 3, 10 February 2009, Annex 2, p 23.

<sup>30</sup> Cabinet External Relations and Defence Committee, ERD (09) 3, 10 February 2009, Annex 2, p 24.

<sup>31</sup> CAB (09) 439, 'Review of New Zealand's Commitment to Afghanistan', 7 August 2009, pp 3, 7.

<sup>32</sup> CAB (09) 439, 'Review of New Zealand's Commitment to Afghanistan', 7 August 2009.

<sup>33</sup> CAB (09) 439, 'Review of New Zealand's Commitment to Afghanistan', 7 August 2009, p 4.

<sup>34</sup> CAB (09) 439, 'Review of New Zealand's Commitment to Afghanistan', 7 August 2009, p 5.

<sup>35</sup> CAB (09) 439, 'Review of New Zealand's Commitment to Afghanistan', 7 August 2009, p 4.

<sup>36</sup> CAB Min (09) 28/13, 'Review of New Zealand's Commitment to Afghanistan', 10 August 2009; CAB (09) 439, 'Review of New Zealand's Commitment to Afghanistan', 7 August 2009.

- Extending the mandate of NZDF forces in Afghanistan until 2011, on the understanding that a military drawdown from the PRT would commence before the current mandate ended in September 2010, with a view to withdrawing the PRT no later than September 2011.
- Lead responsibility for security in Bamyan province would be transferred to the ANP, and that efforts to find a partner country to take over the lead responsibility for the PRT would commence.
- A senior MFAT diplomat would be posted in Kabul to oversee and coordinate reorientation of New Zealand's engagement in Afghanistan.

After this Cabinet decision, officials and the ARG sought to implement the revised New Zealand strategy.

## **2. Cabinet decided to deploy the NZSAS in Operation Wātea, based on a rigorous decision-making process, and consistent with New Zealand's overall strategy in relation to Afghanistan**

### *International partners requested New Zealand's assistance*

In 2009, the threat to international peace and security that led to New Zealand's original commitment in Afghanistan had not been neutralised.<sup>37</sup> New Zealand received several requests from ISAF and our international partners to redeploy the NZSAS to Afghanistan.<sup>38</sup>

In the context of the Obama Administration's new strategy for Afghanistan, New Zealand received an official request in March 2009 to redeploy the NZSAS under the command of ISAF SOF. The Commander of ISAF asked New Zealand to replace the Norwegian Special Forces Task Group in Kabul, for up to 18 months from September 2009, while the Norwegians reconstituted.<sup>39</sup> The Norwegian Task Group was partnered with the Afghan Crisis Response Unit (**CRU**), a special policing or paramilitary unit operating as part of the Ministry of Interior's Counter-Terrorism Department.

The NZSAS deployment would be focussed primarily on Kabul and the immediate surrounding areas, but would have a pan-Afghanistan remit to conduct operations in other Regional Commands.

### *Cabinet authorised Ministers to have Power to Act on a further NZDF contribution*

The NZDF briefed the Minister of Defence on various options to respond to the requests, and the option of replacing the Norwegians was favoured. This option was briefed to the Prime Minister and Ministers of Foreign Affairs and Defence on 8 June 2009. Ministers

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<sup>37</sup> CAB (09) 439, 'Review of New Zealand's Commitment to Afghanistan', 7 August 2009, p 3.

<sup>38</sup> 'Afghanistan 2009: Deployment of the New Zealand Special Air Service (Operation Watea)', 3 July 2009, p 1.

<sup>39</sup> 'Afghanistan 2009: Deployment of the New Zealand Special Air Service (Operation Watea)', 3 July 2009, pp 1, 12.

decided that a separate paper be submitted prior to the Afghanistan review requested by Cabinet.<sup>40</sup>

The specific proposal of the NZSAS replacing the Norwegian Task Group in Kabul was discussed on 12 June 2009 in Brussels, on the margins of a NATO ISAF Defence Ministers' meeting. As directed by the Prime Minister, the NZSAS conducted a reconnaissance visit to Afghanistan in late June 2009, and confirmed that the proposed deployment was manageable, and that advice to follow would canvas all the issues.

On 6 July 2009, Cabinet delegated the "power to act", until the next Cabinet meeting, to a group of Ministers comprising the Prime Minister, Minister of Finance, Minister of Foreign Affairs, and Minister of Defence (the **Ministers with the Power to Act**). These Ministers could take a decision on the steps for a further New Zealand contribution to support ISAF.<sup>41</sup> This decision was subject to endorsement by Cabinet.

*Cabinet decided to deploy the NZSAS in Operation Wātea*

Officials advised the Ministers with the Power to Act that, if deployed, the NZSAS would conduct the following tasks:

- A. Special reconnaissance in Kabul and adjacent provinces to locate insurgent forces and improvised explosive device (**IED**) networks;
- B. 'Support and influence' tasks, including training support and mentoring to the Afghan CRU;
- C. 'Directed Action' tasks against insurgent networks in support of ISAF and the Afghan Government; and
- D. National tasks including support to NZDF elements in Afghanistan and VIP protection and hostage rescue.

It was considered that this NZSAS deployment would assist Afghan and international efforts to maintain security in a potentially fragile post-election period.<sup>42</sup> The strategic military threat level for this NZSAS deployment was assessed as HIGH.<sup>43</sup> Both the Government Communications and Security Bureau (**GCSB**) and the New Zealand Security Intelligence Service (**NZSIS**) would make contributions to support the NZSAS deployment.<sup>44</sup>

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<sup>40</sup> 'Afghanistan 2009: Deployment of the New Zealand Special Air Service (Operation Watea)', 3 July 2009, p 2.

<sup>41</sup> CAB Min (09) 24/22, 'Additional Item: Afghanistan: Power to Act for Group of Ministers', 6 July 2009, p 1.

<sup>42</sup> 'Afghanistan 2009: Deployment of the New Zealand Special Air Service (Operation Watea)', 3 July 2009, p 4

<sup>43</sup> 'Afghanistan 2009: Deployment of the New Zealand Special Air Service (Operation Watea)', 3 July 2009, p 8.

<sup>44</sup> 'Afghanistan 2009: Deployment of the New Zealand Special Air Service (Operation Watea)', 3 July 2009, p 5.

The Ministers with Power to Act received written advice from officials and agreed on the deployment of the NZSAS (Operation Wātea). The decision was based on the NZSAS deployment offering New Zealand a very high profile within ISAF and with coalition partners, that there was a high level of coalition support, and that the ability to exit was time-based rather than conditions-based.<sup>45</sup> The NZSAS deployment would also amount to a positive gesture ahead of the Government's decision on a PRT drawdown, quite apart from the purely military justifications for it.<sup>46</sup>

On 10 August 2009, the Cabinet endorsed the decision by the Ministers with Power to Act to deploy the NZSAS in September 2009 for 18 months.<sup>47</sup>

The proposed ROE for Operation Wātea were annexed to the advice to the Ministers with Power to Act. The ROE were authorised by the Chief of Defence Force (**CDF**), endorsed by the Minister of Defence, and approved by the Prime Minister.<sup>48</sup> These ROE were similar to those used for the previous NZSAS deployment in 2005. They were amended to reflect that the deployment would fall under ISAF authority rather than that of OEF.<sup>49</sup>

The Ministers with Power to Act also noted New Zealand's standing policy on the handling and treatment of detainees.<sup>50</sup> The CRU and other Afghan authorities would usually be responsible for detaining and processing individuals arising from joint operations with the NZSAS, in accordance with Afghan law. If NZSAS personnel were to detain any person, they would comply with the procedures established during previous NZSAS deployments to Afghanistan, which were consistent with NATO operational procedures and international law.<sup>51</sup>

*The Government's decision was debated in Parliament and notified to the UN*

The Government's decision to deploy the NZSAS was debated in Parliament on 18 August 2009.<sup>52</sup> The Ministers of Foreign Affairs and Defence set out the reasons for the Government's decision to deploy the NZSAS. The Minister of Foreign Affairs noted that it responded to a formal request from ISAF, and that the decision was welcomed by the coalition partners and the Afghan Government. The Government decision to deploy the NZSAS was made in the context of the wider review of New Zealand strategy in relation to Afghanistan, and was considered to be in the national interests of New Zealand and New Zealanders.

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<sup>45</sup> 'Afghanistan 2009: Deployment of the New Zealand Special Air Service (Operation Watea)', 3 July 2009, p 1.

<sup>46</sup> CAB (09) 439, 'Review of New Zealand's Commitment to Afghanistan', 7 August 2009, p 5.

<sup>47</sup> CAB Min (09) 28/22, 'Afghanistan 2009: Deployment of the New Zealand Special Air Service', 10 August 2009.

<sup>48</sup> 'Afghanistan 2009: Deployment of the New Zealand Special Air Service (Operation Watea)', 3 July 2009, pp 17-21.

<sup>49</sup> 'Afghanistan 2009: Deployment of the New Zealand Special Air Service (Operation Watea)', 3 July 2009, p 6.

<sup>50</sup> 'Afghanistan 2009: Deployment of the New Zealand Special Air Service (Operation Watea)', 3 July 2009, pp 1-2.

<sup>51</sup> 'Afghanistan 2009: Deployment of the New Zealand Special Air Service (Operation Watea)', 3 July 2009, pp 6-7, 22-23.

<sup>52</sup> NZPD, 18 August 2009, v 656, p 5583.

As required by UN Security Council resolution 1386 (2001), New Zealand formally notified the UN Secretary-General of the decision to deploy the NZSAS to Afghanistan and the ISAF.

### **3. The Afghan political and operational environment for the NZSAS deployment was challenging and subject to change, which led to appropriate and politically-approved action by the New Zealand deployment**

*The operational environment for the NZSAS was highly complex and challenging*

The NZSAS members deployed during Operation Wātea were focused on mentoring and partnering with the Afghan CRU, as well as disrupting and defeating insurgent threats. Those threats were constantly present given the breakdown in the rule of law in Afghanistan, corruption, and insider threats resulting from insurgent ties to Afghan officials and security force members.

The training of CRU partners took place during live counter-insurgency operations, in which partners were encouraged and supported to take the lead. Standards and capabilities varied greatly among different CRU sub-units.

In order to fulfil their core functions, the NZSAS members also underwent continuous training themselves, including on the law of armed conflict and the practical application of the ROE in an operational context, as well as their physical, special operations, and counter-insurgency training. This training enabled members to react to attacks while simultaneously and continuously planning operations against insurgent networks.

*The changing environment in Afghanistan influenced the deployment*

The deployment of the NZSAS to Operation Wātea was influenced by events on the ground and a change in the strategy of the Obama Administration and international coalition. Once the NZSAS deployed in 2009, there were various key changes in the political and operational environment in Afghanistan that influenced the deployment's objectives.

*The Operation Wātea Rules of Engagement were updated*

In December 2009, the ROE for NZDF personnel deployed under Operation Wātea were amended. This was done to better align NZDF's ROE on targeting with the relevant ISAF ROE. This amendment was endorsed by the Minister of Defence, and approved by the Prime Minister.

Later, in May 2010, there were further changes to NZDF ROE related to the search and seizure of property and persons. This amendment was also endorsed by the Minister of Defence, and approved by the Prime Minister.

*The deteriorating security situation in Bamyān province required more robust measures to provide security and protect ANSF and PRT forces from Taliban attacks*

The initial successes of the international intervention against Al-Qaeda and the Taliban were not able to be consolidated, including during the period that Operation Wātea was deployed. Armed resistance to the Afghan Government and its international backers not only persisted, but increased in intensity and expanded geographically. The insurgents could not match the international coalition forces in set-piece engagements, but increasingly employed asymmetric methods, including the use of IEDs. Their successes undermined perceptions of security, leading many Afghan citizens to hedge their support for the central government and the international coalition.<sup>53</sup>

In Bamyan, the security incidents occurred mostly in the border areas of the north-east corner of the province, which stemmed from a combination of insurgent and criminal elements.<sup>54</sup> The ANP's capacity in Bamyan was progressing but it was still thin on the ground.<sup>55</sup> The ANA was not deployed in Bamyan at the time, but their deployment would be considered for the north-east, if the resources were to become available.<sup>56</sup> A key challenge in Bamyan was that the Taliban threat emanated from outside of the PRT's Area of Operations, and from a space in the neighbouring province that was not patrolled by other ISAF forces responsible for that area.

Over the course of the NZSAS Operation Wātea deployment (and six internal rotations) from September 2009 to April 2012, 169 operations were conducted, nine operations of which resulted in shots being fired to protect civilians and neutralise threats.

#### *Cessation of Operation Wātea negatively affected operational security in Bamyan*

The cessation in March 2012 of the NZSAS Operation Wātea had, as the Minister of Defence had foreshadowed earlier,<sup>57</sup> a negative impact on the operational security in Bamyan and for the PRT. The NZSAS operation had benefits for intelligence awareness, threat identification, target prioritisation, and the cooperation with other ISAF forces, including through Headquarters in Kabul.

As a result of the NZSAS withdrawal, key insurgent leaders that operated in the PRT's area of interest, for example, were no longer on the ISAF Joint Prioritized Effects List (**JPEL**). This List was an important tool to help focus and prioritise the ISAF efforts against the Taliban, to maximize the disruption of their terrorist and insurgent operations.

#### *Cabinet deployed additional elements following fatal attacks on New Zealand personnel*

On 5 August 2012, Lance Corporal Rory Malone and Lance Corporal Pralli Durrer were killed when providing *in-extremis* support to a Taliban ambush against the ANSF, and six

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<sup>53</sup> CAB (09) 439, 'Review of New Zealand's Commitment to Afghanistan', 7 August 2009, p 12.

<sup>54</sup> CAB (09) 439, 'Review of New Zealand's Commitment to Afghanistan', 7 August 2009, p 13.

<sup>55</sup> CAB (10) 480, 'Report on Overseas Travel: Hon Dr Wayne Mapp', 10 September 2010, p 2.

<sup>56</sup> CAB (10) 480, 'Report on Overseas Travel: Hon Dr Wayne Mapp', 10 September 2010, p 2.

<sup>57</sup> CAB (10) 480, 'Report on Overseas Travel: Hon Dr Wayne Mapp', 10 September 2010, p 2.

other NZDF personnel were wounded.<sup>58</sup> As a result, on 6 August 2012, Cabinet decided to boost the counter-IED capability to assist the PRT. On 19 August 2012, Corporal Luke Tamatea, Lance Corporal Jacinta Baker, and Private Richard Harris were killed in a Taliban IED attack on a PRT patrol.<sup>59</sup>

Following this attack, on 27 August 2012, Cabinet decided to deploy additional elements including the NZSAS to assist and reduce the security risk to the PRT. On 21 November 2012, an ISAF air strike with NZDF support killed Abdullah Kalta and four other insurgents. Kalta was a senior Taliban leader in the PRT's area of interest who the Prime Minister indicated was considered to be responsible for planning the recent attacks against the NZDF and ANSF.<sup>60</sup>

On 3 September 2012, Cabinet decided to extend the mandate of the PRT and other elements, but to withdraw the PRT from Bamyán in April 2013.<sup>61</sup>

Cabinet also directed that the NZDF and MOD, together with Officials Domestic External Security Committee (**ODESC**), report to the Prime Minister, Deputy Prime Minister, Minister of Foreign Affairs and Minister of Defence, on the parameters under which the PRT would provide *in-extremis* support to the ANSF. It authorised that group of Ministers to take decisions on those parameters, which they later did.

### **Further information**

For further information about the decisions discussed in this paper, refer to the Cabinet papers and other material that have been published on the Inquiry's website.<sup>62</sup>

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<sup>58</sup> NZDF Commission of Inquiry, available at: [http://www.nzdf.mil.nz/downloads/pdf/public-docs/2013/final-summary-restricted\\_dse\\_coi\\_baghak\\_narrative\\_reopen\\_redact\\_eaw-comms-version-2.pdf](http://www.nzdf.mil.nz/downloads/pdf/public-docs/2013/final-summary-restricted_dse_coi_baghak_narrative_reopen_redact_eaw-comms-version-2.pdf).

<sup>59</sup> See above.

<sup>60</sup> See media reporting at <http://www.nzherald.co.nz/?objectid=10542218>, and <http://www.stuff.co.nz/world/asia/7997285/Terrorist-responsible-for-NZ-deaths-killed>.

<sup>61</sup> CAB Min (12) 31/11, 'New Zealand Commitments in Afghanistan: Withdrawal Strategy and Mandate Renewal', 3 September 2012, available at: <https://interactives.stuff.co.nz/the-valley/archive/primary/NZ-Commitments-in-Afghanistan-Withdrawal-Strategy-and-Mandate-Renewal-September-3-2012.pdf>.

<sup>62</sup> See <https://operationburnham.inquiry.govt.nz>.

**ANNEX ONE**

**TIMELINE OF NEW ZEALAND INVOLVEMENT WITH AFGHANISTAN 2001-2019**

<b>DATE</b>	<b>EVENT</b>	<b>REFERENCE</b>
Jan 2001	Government of New Zealand (GONZ) had been providing humanitarian relief to Afghanistan through MFAT initiatives since 1995.	Ministry of Foreign Affairs and Trade (MFAT), <i>New Zealand's Achievements from 10 Years of Development Assistance in Bamyan, Afghanistan</i> (Wellington: Ministry of Foreign Affairs and Trade, March 2013), 6.
11 Sept 2001	9/11 attack against US Twin Towers by Al Qaeda.	
12 Sept 2001	UN Security Council Resolution 1368 unanimously adopted, condemning the 9/11 attacks as acts of terrorism and determining the situation in Afghanistan as a threat to international peace and security.	
21 Sept 2001	Prime Minister Helen Clark announces that NZ was prepared to make a military contribution to the US and UN call for effective action to combat terrorism.	' <i>Prime Minister NZ shares US determination to root out terrorism</i> ', 21 September 2001, <a href="http://www.beehive.govt.nz/release/nz-shares-us-determination-root-out-terrorism">http://www.beehive.govt.nz/release/nz-shares-us-determination-root-out-terrorism</a>
27 Sep 2001	NZ Foreign Minister Goff expressed GONZ's willingness to provide military support to the international effort.	
03 Oct 2001	NZ Parliament debates and endorses the GONZ's offer to provide a NZSAS force to the international effort.	NZPD, 3 October 2001, v 595, p 11996. CAB MIN (01) 33/12, International Efforts to combat terrorism: Contributions by New Zealand, 2001 CAB MIN (01) 30/28, 01 October 2001. CAB MIN (01) 29/26, October 2001.
07 Oct 2001	Under Article 51 of the United Nations Charter, the United States commenced military action in Afghanistan.	
02 Nov 2001	GONZ conveyed decision to NZDF for military involvement. NZDF issued a 'Warning Order' – OP KIWI STAND.	
21 Nov 2001	The Chief of Defence Force (CDF) issues a Directive (36/2001),	



DATE	EVENT	REFERENCE
	ordering Operation CONCORD to be carried out by the NZDF.	
05 Dec 2001	The Agreement on Provisional Arrangements in Afghanistan Pending the Re-Establishment of Permanent Government Institutions ( <b>the Bonn Agreement</b> ) was passed. This authorised the early deployment to Afghanistan of an international security force.	UN Security Council Resolution S/2001/1154, 5 December 2001.
11 Dec 2001	OP CONCORD I commences with deployment of NZSAS to Afghanistan.	
14 Dec 2001	Special Representative of the United Nations Secretary General briefs Afghan authorities in which they welcome the deployment to Afghanistan of a UN-authorized international security force.	Letter from UN Secretary-General to President of the Security Council, S/2001/1223, 19 December 2001.
21 Dec 2001	CDF issues Directive 44/2001, authorising Operation KIWI STAND. NZDF personnel are attached to a UK-led ISAF mission and the UN Security Mission in Afghanistan (UNSM), to contribute to the international effort to assist in maintaining Kabul and surrounding area security.	
20 Dec 2001	UN Security Council Resolution 1386, 'The Situation in Afghanistan' unanimously adopted. This reaffirmed previous UN Security Council Resolutions on Afghanistan, in particular 1378 of 14 November 2001 and 1383 of 6 December 2001.	S/RES/1386, 20 December 2001.
Jan 2002	The first contingent of NATO-led International Security Assistance Force (ISAF) military personnel arrived in Afghanistan. The beginning of a 19 year commitment by NATO member and partner forces to Afghanistan.	
12 Jan 2001	Cabinet Paper 'Afghanistan: NZ Contribution to the International Security Assistance Force (ISAF) Mission.' Cabinet approved a three month deployment of up to 25 NZDF	CAB MIN (02) 1/3, 22 January 2002.

DATE	EVENT	REFERENCE
	<p>personnel as a contribution to the British contingent of a UK-lead ISAF mission. This is subject to a UN Security Council Resolution authorising the establishment of the Mission, UK agreement to provide logistic support, and the ROE being approved by the Prime Minister.</p>	
Feb 2002	<p>Cabinet Paper issued: 'Afghanistan: Further New Zealand Military Contribution'. OP KIWI STAND 2 commences following GONZ decision to extend NZDF personnel involvement.</p>	CAB MIN (02) 1/3, 020218 ERD (02) 2 Afghanistan – Further New Zealand Contribution [223]
01 Mar 2002	<p>Cabinet Minute (02) 6/2A issued, authorising an extension of deployment of NZDF elements to six months. CDF approves an amendment to Directive 44/2001 to extend NZDF forces in Afghanistan.</p>	Fragmentary Order (FRAGO 1) to CDF Directive 44/2001.
Mar 2002	<p>United Nations Assistance Mission Afghanistan (UNAMA) established.</p>	UN Security Council Resolution 1401.
24 May 2002	<p>CDF Directive 15/2002 – Operation KIWI CRACKER authorised. This was to provide Staff Officer commitment to Headquarters Combined Joint Task Force, Afghanistan (HQ CJTF – AFG) for up to 12 months, in order to assist the US-led coalition military operations in Afghanistan.</p>	
Sep 2002	<p>A Joint Reconnaissance Team deployed to Afghanistan, to investigate and assess Afghanistan National Army (ANA) training options. The proposed deployment is to be called Operation RUA (OP RUA I).</p>	
Nov 2002	<p>Afghanistan authorities and NATO-led forces establish the Provincial Reconstruction Teams (PRTs). These were established in Bamyán, Kunduz, Mazar-e-Sharif, Kandahar and Herat and initially funded and directed by the US.</p>	
11 Nov 2002	<p>Cabinet decision provided for NZDF participation to Operation Enduring Freedom post-December 2002.</p>	021111, CAB MIN (02) 30/20, 11 November 2002. Additional Item Operation Enduring Freedom Military

<b>DATE</b>	<b>EVENT</b>	<b>REFERENCE</b>
		Options for NZDF Participation from Dec 02 [177]
Dec 2002	Hon. Phil Goff (Minister for Defence) visits Afghanistan. Operation CONCORD I (NZSAS deployment) ends. The Nomination of a New Zealander as the Senior Military Advisor to the UNAMA is made.	CAB MIN (02) 32/23, Proposed Overseas Travel the Hon. Phil Goff. 02 December 2002.  CAB MIN (02) 32/8, Afghanistan nomination of a New Zealander as a senior military advisor to the UNAMA, 02 December 2002.
Jul 2003	Operation RUA I commences to provide small training teams attached to British Forces across Afghanistan to train elements of the Afghan National Army.	Decision delivered in Cabinet External Relations and Defence Committee Minute, ERD (03) 7/3: NZDF Contributions to Op Enduring Freedom: Training Assistance to the Afghan National Army, 23 July 2003.
Sept 2003	GONZ established the NZ Provincial Reconstruction Team (NZ PRT) at Bamyan, Afghanistan. First Task Group rotation commences.	NZ PRT designated Task Group CRIB (TG CRIB) under Operation ARIKI.
Oct 2003	UN Security Council Resolution 1510 passes, Reaffirming Resolutions 1368, 1373, 1386, 1413, 1444. This affirms commitment to peace, security, sovereignty, independence of Afghanistan.	
Nov 2003	CDF Request through Minister of Defence to increase contingent size of the NZ PRT in Bamyan.	Note To Minister, NTM 03450/AFGH, 'Afghanistan: Bamian PRT: Request for Increase to NZDF Contingent Size,' 25 November 2003.
Feb 2004	TG CRIB rotation I ends, TG CRIB rotation II commences.	
2004	MFAT provided funding to the NZDF to undertake targeted development activities. <sup>63</sup> Liaison officers were attached to patrols and worked with local communities, elders and Afghan district officials to identify projects. NZDF engineers were involved in larger projects, with local civilians in smaller projects.	
Mar 2004	OP CONCORD II Commences.	CAB MIN (04) 7/18 Additional Items: NZDF Deployments. 01 March 2004.

<sup>63</sup> MFAT, *NZ Achievements*, 18.

<b>DATE</b>	<b>EVENT</b>	<b>REFERENCE</b>
		It is during this operation that NZSAS Corporal Willie Apiata earned his Victoria Cross for courageous actions under fire.
Apr 2004	TG CRIB rotation II ends, TG CRIB rotation III commences.	
Sept 2004	OP CONCORD II (NZSAS deployment) ends. NZSAS elements return to NZ.	
Sept 2004	TG CRIB rotation III ends, TG CRIB rotation IV commences.	
2005	MFAT established a dedicated Afghanistan Programme within the NZ Agency for International Development. <sup>64</sup> In addition to a funding increase to the NZDF for development projects, NGOs were funded to deliver health, education, governance, tourism and agriculture activities.	
Feb 2005	TG CRIB Rotation IV ends, TG CRIB Rotation V commences.	
May 2005	TG CRIB Rotation V ends, TG CRIB Rotation VI commences. This rotation had a shorter deployment time to align with Summer / Winter rotations.	
Jun 2005	OP CONCORD III (NZSAS deployment) commences.	
Nov 2005	OP CONCORD III (NZSAS deployment) ends.	
Dec 2005	TG CRIB Rotation VI ends, TG CRIB Rotation VII commences.	
Mar 2006	TG CRIB Rotation VII ends, TG CRIB Rotation VIII commences.	
05 Oct 2006	ISAF assumes command of the international military forces in eastern Afghanistan from the US-led coalition.	

<sup>64</sup> MFAT, *NZ Achievements*, 6.

<b>DATE</b>	<b>EVENT</b>	<b>REFERENCE</b>
	This is the final stage of ISAF expansion across the whole of Afghanistan. <sup>65</sup>	
Oct 2006	TG CRIB Rotation VIII ends, TG CRIB Rotation IX commences.	
Oct 2006	Operation RUA I incorporated into TG KEA.	
Nov 2006	19 <sup>th</sup> NATO Summit, Riga 2006. The war in Afghanistan and the future role and borders of the alliance was main topic. Secretary General of NATO sets a target of 2008 year for the Afghan National Army to begin to take control of security in Afghanistan, and for broader international engagement. <sup>66</sup>	
Apr 2007	TG CRIB Rotation IX ends, TG CRIB Rotation X commences.	
2007	A small US military development contingent joins the NZDF at Bamyan PRT for development projects. <sup>67</sup> Between 2008 and 2012, US funding completed 120 small and large projects in Bamyan with NZDF facilitation in management and monitoring.	
Oct 2007	TG CRIB rotation X ends, TG CRIB rotation XI commences.	
Apr 2008	TG CRIB rotation XI ends, TG CRIB rotation XII commences.	
Oct 2008	TG CRIB rotation XII ends, TG CRIB rotation XIII commences.	
Mar 2009	US President Obama announces a new strategy for Afghanistan and Pakistan. <sup>68</sup> This strategy was aimed at enabling the Afghan Security Forces to gain and maintain security in	

<sup>65</sup> [https://www.nato.int/cps/en/natohq/topics\\_69366.htm](https://www.nato.int/cps/en/natohq/topics_69366.htm)

<sup>66</sup> <https://www.nato.int/docu/comm/2006/0611-riga/index.htm>

<sup>67</sup> MFAT, *NZ Achievements*, 19.

<sup>68</sup> <https://obamawhitehouse.archives.gov/blog/2009/03/27/a-new-strategy-afghanistan-and-pakistan>

<b>DATE</b>	<b>EVENT</b>	<b>REFERENCE</b>
	Afghanistan, partnering them to train competent and capable forces.	
Apr 2009	TG CRIB rotation XIII ends, TG CRIB rotation XIV commences.	
Jul 2009	Cabinet Paper to Prime Minister, proposing a NZSAS deployment in response to international calls; to be called Operation Watea.	File Ref No. 090703, 03450/1 AFG. Prime Minister approved OP WATEA 3 July 2009.
10 Aug 2009	Cabinet Paper reviewing NZ commitment to Afghanistan recommended an extension of PRT mandate from September 2009 to September 2011.	CAB MIN (09) 28/13, 10 August 2009.
Sep 2009	Operation WATEA (NZSAS deployment) commences.	
Oct 2009	TG CRIB rotation XIV ends, TG CRIB rotation XV commences.	
Feb 2010	Options to collapse and withdraw the NZPRT tabled to Cabinet.	Cabinet External Relations and Defence Committee Minute, ERD (10) 7, 'Afghanistan: Roadmap for Exiting the PRT', 23 February 2010.
Mar 2010	TG CRIB Rotation XV ends, TG CRIB rotation XVI commences.	
May 2010	An MFAT official is appointed to lead the NZ PRT. Development assistance in the province is increased.	MFAT, <i>New Zealand's Achievements from 10 Years of Development Assistance in Bamyān, Afghanistan</i> , 6.
03 Aug 2010	NZ Army Lieutenant Tim O'Donnell DSD, is killed in action (KIA) in the border area of Bamyān and Baghlan provinces. This is the first NZDF KIA sustained in Afghanistan, and the first NZDF fatality since Private Leonard Manning in East Timor, 2000.	
17-24 Aug 2010	Minister of Defence, The Hon. Dr Wayne Mapp visits Afghanistan. Minister of Defence is accompanied by CDF, Lieutenant General Gerry Mateparae.	

<b>DATE</b>	<b>EVENT</b>	<b>REFERENCE</b>
21-22 Aug 2010	The ISAF operation led by NZSAS to Tirgiran Valley in search of 'Objective Burnham' is conducted.	This operation was later to be known as 'Operation Burnham' and part of the Government Inquiry formed in 2018.
2-3 Oct 2010	The ISAF operation led by NZSAS to Tirgiran Valley in search of 'Objective Nova' is conducted.	This operation was later to be known as 'Operation Burnham' and part of the Government Inquiry formed in 2018.
03 Oct 2010	TG CRIB rotation XVI ends, TG CRIB rotation XVII commences.	
Nov 2010	NATO summit in Lisbon. This issues a Declaration agreeing to hand over full responsibility for security to Afghan Forces by end of 2014. <sup>69</sup>	
16 Jan 2011	Qari Miraj is detained by Afghan authorities. NZSAS was involved in the transport of the detained person.	
Feb 2011	Cabinet decision extending NZSAS deployment by a further 12 months.	Cab MIN (11) 2/7, 1 February 2011.
Feb 2011	NZ Army Private Kirifi Mila died following his vehicle rolling while on patrol in Bamyan province. Three other personnel were injured.	
Apr 2011	TG CRIB rotation XVII ends, TG CRIB rotation XVIII commences.	
Apr 2011	NZ PRT commitment is extended to September 2014.	Cab MIN (11) 15/13 'New Zealand Commitments in Afghanistan: Transition Strategy and Resourcing', 11 April 2011.
May 2011	Objective Alawuddin, involved in attacks in Baghlan province was killed in an ISAF Special Operations Force operation. No NZDF Special Forces were involved.	
Aug 2011	NZ Development Support for Bamyan Province, Afghanistan extended.	Agreed in Cabinet External Relations and Defence Committee Minute, ERD (11) 6/2, 10 August 2011.
19 Aug 2011	NZSAS Corporal Doug Grant is killed in action, in Kabul, Afghanistan. This occurred during NZSAS support to a	

<sup>69</sup> [https://www.nato.int/cps/en/natohq/official\\_texts\\_68828.htm](https://www.nato.int/cps/en/natohq/official_texts_68828.htm)

<b>DATE</b>	<b>EVENT</b>	<b>REFERENCE</b>
	Taliban attack against the British Council Diplomatic Offices in Kabul.	
28 Sep 2011	NZSAS Lance Corporal Leon Smith NZGD, killed in action, Afghanistan, during an operation in Maidan Wardak province, near Kabul.	
Sep 2011	TG CRIB rotation XVIII ends, TG CRIB rotation XIX commences.	
2012	Operation RUA I concludes.	
Mar 2012	Operation WATEA (NZSAS deployment) ends.	CAB MIN (12) 7/15, 'Additional Item: Withdrawal of Operation WATEA', 05 March 2012.
Apr 2012	NZ Army Corporal Douglas Hughes dies in a non-combat situation in Bamyan province.	
Apr 2012	TG CRIB Rotation XIX ends, TG CRIB Rotation XX commences.	
May 2012	Deployment of KAHU, NZDF Unmanned Aerial Vehicle System to Bamyan, Afghanistan.	Cabinet External Relations and Defence Committee Minute, 120530 ERD (12) 3/2, 30 May 2012 [308].
May 2012	NATO 2012 Summit Chicago. Endorsed plan to withdraw foreign combat troops by 2014. <sup>70</sup> The Summit endorses that Foreign Forces to be withdrawn from village outposts to military bases. PRTs to be handed back to Afghan security forces.	
04 Aug 2012	NZ Army Lance Corporal Rory Malone and Lance Corporal Pralli Durrer were killed in action. Patrol was hit by a Taliban ambush near Dahane Baghak, Bamyan province. Six other personnel were wounded.	
19 Aug 2012	NZ Army Corporal Luke Tamatea, Lance Corporal Jacinda Baker and Private Richard Harris killed in action in Afghanistan. Patrol vehicle hit an Improvised Explosive Device (IED) in Bamyan province.	

<sup>70</sup> [https://www.nato.int/cps/en/natolive/events\\_84074.htm](https://www.nato.int/cps/en/natolive/events_84074.htm)



<b>DATE</b>	<b>EVENT</b>	<b>REFERENCE</b>
Oct 2012	TG CRIB Rotation XX ends, TG CRIB Rotation XXI commences.	Cab MIN (12) 37/11, 23 October 2012.
Oct 2012	Request received by GONZ from NZ PRT Interpreters for Resettlement in New Zealand.	
21 Nov 2012	ISAF Operation against Abdullah KALTA (Objective Burnham) carried out. NZSAS officer assisted on operation, no other ground forces involved.	
2013	Operation RUA II commences. This was the NZDF's contribution to the UK-led Afghan National Army Officer Academy (ANAOA) in Kabul and consists of eleven personnel.	
Apr 2013	TG CRIB Rotation XXI concludes and the GONZ NZ PRT commitment ends. This was in line with NATO 2012 Summit to hand over responsibility to Afghan security forces by June 2013.	
Oct 2014	USA and UK end their combat operations in Afghanistan.	
Dec 2014	NATO-ISAF formally end a 13 year combat mission in Afghanistan.	
Jan 2015	NATO's follow on mission, Resolute Support, commences. NZ, as a partner to NATO, provides military personnel to Afghan National Army Officer Academy (OP RUA). <sup>71</sup>	
Mar 2017	"Hit & Run" book authored by Jon Stephenson and Nicky Hager is released, alleging wrongdoing by NZSAS in Tirgiran valley operation of 21/22 August 2010.	
Aug 2017	Proposal to increase NZ's contribution to Afghanistan. Two additional personnel to the Resolute Support Mission headquarters in Kabul through to 2019. One person	CAB MIN, ERD-17-MIN-0024 found at <a href="https://defence.govt.nz/publications/publication/proposal-to-increase-new-zealands-contribution-in-afghanistan-cabinet-paper">https://defence.govt.nz/publications/publication/proposal-to-increase-new-zealands-contribution-in-afghanistan-cabinet-paper</a> , 24 Aug 17.

<sup>71</sup> [www.nzdf.mil.nz/operations/afghanistan.htm](http://www.nzdf.mil.nz/operations/afghanistan.htm)

<b>DATE</b>	<b>EVENT</b>	<b>REFERENCE</b>
	to OP RUA II at the Afghan National Army Officers Academy.	
Sep 2018	Operation RUA II mandate extended by 12 months.	CAB-18-MIN-0450, Proposal to Continue New Zealand's Contribution to Afghanistan Army Training, 17 September 2018.
Sep 2019	Operation RUA II Mandate finishes.	

## **Cabinet decision-making: Briefing from the Department of the Prime Minister and Cabinet**

This briefing provides an overview of the Cabinet decision-making process, as set out in the *Cabinet Manual*. It is not a comprehensive summary of all of the principles and procedures set out in the *Cabinet Manual*.

The *Cabinet Manual* focuses on principles; it provides guidance, rather than prescribing rules. It is endorsed at the first meeting of a new government as the basis on which the government will operate.

The *Cabinet Manual* was last reviewed and updated in 2017, but the articulation of the principles in relation to Cabinet decision-making has not changed significantly from that set out in the 2001 and 2008 versions. Where appropriate, references to paragraph numbers in all three editions are included.

### **Cabinet and Cabinet committees**

Cabinet is the central decision-making body of executive government. It is a collective forum for Ministers to decide significant government issues and to keep colleagues informed of matters of public interest and controversy.

Cabinet is established by convention, not law. The legal powers of the Executive are exercised by those with statutory authority to act (for example, the Governor-General, the Governor-General in [Executive] Council, or individual Ministers). In practice, significant decisions or actions taken by the Executive are first discussed and collectively agreed by Cabinet.

There is flexibility in the Cabinet decision-making process. Cabinet determines and regulates its own procedures. Final decisions on Cabinet procedures rest with the Prime Minister, as the chair of Cabinet. [Cabinet Manual 2001, para 3.5; 2008, para 5.4; 2017, para 5.4]

Cabinet is supported in its work by Cabinet Committees.

### **Matters that are considered by Cabinet**

The Cabinet Manual contains a list of matters that must be submitted to Cabinet. As a general rule, Ministers should put before their colleagues the sorts of issues on which they themselves would wish to be consulted. Ministers should keep their colleagues informed about matters of public interest, importance, or controversy. [Cabinet Manual 2001, para 3.13; 2008, para 5.11; 2017, para 5.11]

The Prime Minister, as the chair of Cabinet, makes final decisions regarding whether an issue requires Cabinet consideration.

## **Process for Cabinet decision-making**

Ministers submit papers to Cabinet on issues concerning their own portfolios. All papers submitted must be authorised for lodgement by the relevant portfolio Minister. The Cabinet Office compiles the agendas for Cabinet and Cabinet committee meetings, on behalf of the Prime Minister and the chairs of committees.

Most matters are considered first by one or more Cabinet committees. Cabinet committees provide the forum for detailed consideration and discussion of issues before their reference to Cabinet, with officials available to assist Ministers if the committee wishes. All Cabinet committee decisions are reported to Cabinet for confirmation, and Cabinet retains the ultimate power of decision. Cabinet committee decisions may not be acted on until they have been confirmed by Cabinet.

Occasionally, Cabinet or the Prime Minister will authorise a Cabinet committee or specified Ministers to have "power to act" (that is, power to take a final decision) on a clearly defined item. Where a committee or specified Ministers take a decision under power to act, the decision can be acted on immediately. [Cabinet Manual 2001, para 3.10; 2008, para 5.9; 2017, para 5.9] Decisions taken by a Cabinet committee under power to act are reported to Cabinet in the usual way. When authorising the taking of decisions by a specified group of Ministers under power to act, Cabinet may request that the Ministers report back to Cabinet.

In cases of particular urgency or confidentiality, or to update Cabinet on a current issue, or to test preliminary support for a proposal, a Minister may wish to raise an oral item at a Cabinet or Cabinet committee meeting. Oral items for Cabinet will be accepted only with the approval of the Prime Minister.

## **Decisions of Cabinet**

Cabinet usually meets on Mondays for most weeks of the year. Special Cabinet meetings may be held at other times and other places, if necessary. Cabinet committees meet on a weekly or fortnightly basis or as necessary.

A quorum for Cabinet meetings is half the full membership of Cabinet, plus one. The chair of a Cabinet meeting may vary the quorum requirements if necessary. There is no formal quorum for Cabinet committee meetings, although it is usually regarded as being three members. The quorum is decided by the chair of the meeting, taking into account the importance of the items under consideration, the presence of appropriate Ministers, and the advisability of taking decisions if few Ministers are present.

A key convention of Cabinet decision-making is that discussion at Cabinet and Cabinet committee meetings is informal and confidential. [Cabinet Manual 2001, para 3.19; 2008, para 5.21; 2017, para 5.23] The Secretary of the Cabinet and the Deputy Secretary of the Cabinet, who provide secretariat services to Cabinet, are the only officials to attend Cabinet meetings regularly. Cabinet committees are assisted by relevant officials, with the permission of the chair.

There should be no public disclosure or record of the nature or content of the discussions or the views of individual Ministers or officials expressed at the meeting itself. [Cabinet Manual 2001, para 3.19; 2008, para 5.21; 2017, para 5.23] The detail of discussion at Cabinet and Cabinet committee meetings is not formally recorded, or included in the minutes.

The Cabinet Office publishes minutes of Cabinet and Cabinet committee decisions as soon as possible after each meeting, recording the decisions in a form that allows the necessary action to be taken. Minutes are made available to those Ministers and agencies who are required to action the matters addressed.

### **Confidentiality of Cabinet material**

Access to Cabinet material is authorised on a “need to know” basis. The security classification printed on all Cabinet material determines the detailed handling requirements for transmitting, handling, storing, copying, and disposing of downloaded or hard-copy material.

It is the responsibility of the originating department, or the Minister’s office, to determine the level of security classification applicable to Cabinet and Cabinet committee papers to ensure that the documents receive the appropriate level of protection. The minimum classification for Cabinet material is “In Confidence”.

## ACRONYMS USED IN THE TEXT

<b>Acronym</b>	<b>Meaning</b>
ANA	Afghan National Army
ANP	Afghan National Police
ANSF	Afghan National Security Forces
AO	Area of Operations
ARG	Afghanistan Reference Group
CAB	Cabinet
CDF	Chief of Defence Force
COI	Commission of Inquiry
CPL	Corporal
CRU	Crisis Response Unit
ERD	External Relations and Defence (Committee)
EUPOL	European Union Policing Mission
GCSB	Government Communications Security Bureau
IED	Improvised Explosive Device
ISAF	International Security Assistance Force
JPEL	Joint Prioritized Effects List
LCPL	Lance Corporal
MFAT	Ministry of Foreign Affairs and Trade
MOD	Ministry of Defence
NATO	North Atlantic Treaty Organization
NZAID	New Zealand International Aid and Development Agency
NZSAS	New Zealand Special Air Service
NZSIS	New Zealand Security Intelligence Service
ODESC	Officials Domestic External Security Committee
OEF	Operation Enduring Freedom
PRT	Provincial Reconstruction Team
PTE	Private
ROE	Rules of Engagement
RSM	Resolute Support Mission
SOF	Special Operations Forces
UN	United Nations
UNAMA	United Nations Assistance Mission in Afghanistan
UNSC	United Nations Security Council
UNSCR	United Nations Security Council Resolution
US	United States

