

HEADQUARTERS NEW ZEALAND DEFENCE FORCE

Office of the Chief of Defence Force

MINUTE

LCC/ADF - FYI

Jc9

Copy of 2

NZDF 03000/DLS/2

Note CDF's direction + draft an amendment to "designated persons" in WATEA. the direction. ite also need to advise WATEA. 6 Dec Nov 10

COMJFNZ B/12

ROE REQUEST (ROEREQ): OP WATEA

References:

- A. JFNZ 01455/ROE dated 15 Oct 10
- B. CDF Operational Directive 21/2009, Annex A

1. Ref A is your ROEREQ seeking amendment of the ROE for Operation WATEA (Ref B). The purpose of the ROEREQ is to specifically empower TF 81 to protect Afghan civilians, including TF 81 and other ISAF locally-employed civilian interpreters, or other non-ISAF persons in theatre that TF 81 may work alongside. Such persons include well-disposed Afghan civilians who provide information to the CRU and other security agencies, and who on occasions accompany those agencies on operations to assist in the identification of suspect persons.

2. While the intention of this ROEREQ poses no legal difficulties and is consistent with the concept of the ROE, the intention can be better achieved through another route.

3. ROE A already states:

Use of **minimum force**, up to and including **deadly force**, is permitted for individual or unit **self defence** or in defence of **designated persons** against a **hostile act** or demonstration of **hostile intent**.

4. **Designated persons** is defined as including:

Any persons designated by either the Commander ISAF (COM ISAF), or the Commander ISAF Special Operations Forces (COM ISAF SOF), and approved by the Commander Joint Forces NZ (COMJFNZ)...

5. At Ref A you note that, **PSR(S)1, PSR(IC)4**

PSR(S)1, PSR(IC)4

6. It follows from this that PSR(S)1, PSR(IC)4

If you approve this designation, such persons would fall within the definition of **designated persons** for the purposes of Ref B. It follows that there is no requirement for an additional ROE – it is within your authority to broaden the scope of **designated persons** in the manner required to achieve the aim. The broadening of the scope of that category of persons by operational commanders was explicitly envisaged when the ROE for Operation WATEA were drafted; it was appreciated that there would be persons whom TF 81 would need to protect who were not foreseen by this headquarters.

7. PSR(S)1

8. The expression “non-ISAF individuals” is, however, very broad and could include any person present in Afghanistan. It could, for example, include an insurgent who is being targeted by the ANSF. For this reason the proposed language is too permissive.

9. You are therefore to limit the category of Afghan civilians who are **designated persons** to:

Any persons who are working or providing assistance in support of TF 81, ISAF, the CRU or ANSF.


J. MATEPARAE
Lt Gen
CDF

DTelN: PSR(IC)3