



8 June 2021

Ref: OIA-2020/21-0527

Dear [REDACTED]

Official Information Act request relating to withdrawal of NZDF forces from Afghanistan

Thank you for your Official Information Act 1982 (the Act) request received on 16 April 2021. You requested:

- 1) *“Please provide any Cabinet minutes from the period since 2017 relating to the potential or actual decision to withdraw NZDF forces from Afghanistan;*
- 2) *Please provide any ministerial briefings developed or delivered since 2017 relating to the potential or actual decision to withdraw NZDF forces from Afghanistan;*
- 3) *Please provide any impact assessments developed since 2017 by DPMC, the New Zealand Defence Force, Ministry of Defence and/or NZ Intelligence Community relating to the potential or actual decision to withdraw NZDF forces from Afghanistan;*
- 4) *Please provide any correspondence since 2017 between the Prime Minister, Minister of Defence and/or Minister of Foreign Affairs relating to the potential or actual decision to withdraw NZDF forces from Afghanistan;*
- 5) *Please provide any correspondence since 2017 between any or all of the aforementioned ministers and DPMC, the Ministry of Defence, New Zealand Defence Force and/or the NZ Intelligence Community relating to the potential or actual decision to withdraw NZDF forces from Afghanistan; and*
- 6) *Please provide any correspondence since 2017 between New Zealand officeholders and/or public servants and foreign officeholders and/or public servants relating to the potential or actual decision to withdraw NZDF forces from Afghanistan...”*

On 13 May 2021, DPMC wrote to you extending the time limit for response by 20 working days, to 15 June 2021. The additional time was needed to complete consultations before a final decision was made on your request. I am now in a position to respond.

As set out in the letter to you of 13 May 2021, as you have made separate similar requests to other relevant Ministers and government agencies, your request to the Department of the Prime Minister and Cabinet (DPMC) has been interpreted to be for any relevant information that would not be included in your requests to those agencies.

For instance, DPMC would usually transfer Part (1) of your request above for Cabinet Minutes to the portfolio Minister. As you have made similar requests directly to both the Minister of Defence and the New Zealand Defence Force (NZDF), your request for Cabinet information will be covered by their responses to you.

Similarly, DPMC would have transferred Part (4) of your request to the Prime Minister. However, I understand that you have made a separate, similar request directly to the Prime Minister.

Identified as relevant to your request to DPMC is some email correspondence among officials and ministerial offices.

Please find **attached** a copy of an email from the Ministry of Foreign Affairs and Trade (MFAT) regarding the timing of a Cabinet paper. Some information has been withheld under the following sections of the Act:

- contact details have been withheld under section 9(2)(a) as withholding the information is necessary “*to protect the privacy of natural persons, including that of deceased natural persons*”; and
- section 9(2)(g)(i), as withholding the information is necessary to “*maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any department or organisation in the course of their duty.*”

The remainder of the email correspondence has been withheld in full under the following sections of the Act:

- section 6(a), as the making available of that information would be likely “*to prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand*”;
- section 6(b), as the making available of that information would be likely “*to prejudice the entrusting of information to the Government of New Zealand on a basis of confidence by*
 - (i) *the Government of any other country or any agency of such a Government.*
 - (ii) *any international organisation*”;
- section 9(2)(g)(i), [as set out above]; and
- section 9(2)(h), as withholding the information is necessary to “*maintain legal professional privilege.*”

The only other DPMC information identified as in scope is some briefings provided by DPMC’s Policy Advisory Group to the Prime Minister. These briefings are provided to the Prime Minister in confidence in order to support her in her role as leader of the Government and chair of Cabinet. I am withholding these briefings in full under the following sections of the Act:

- section 6(a), [as set out above];
- section 9(2)(f)(ii), as withholding the information is necessary to “*maintain the constitutional conventions for the time being which protect collective and individual ministerial responsibility*”;
- section 9(2)(f)(iv), as withholding the information is necessary to “*maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials*”; and
- section 9(2)(g)(i), [as set out above].

Where information has been withheld under section 9, no public interest in releasing the withheld information has been identified that would be sufficient to override the reasons for withholding it.

You are entitled to ask the Ombudsman to review this response under section 28(3) of the Act. You can contact the Ombudsman online via the Ombudsman website, by email (info@ombudsman.parliament.nz) or by post to The Ombudsman, PO Box 10152, Wellington 6143. Further details can be found on the Ombudsman website at: www.ombudsman.parliament.nz.

This response will be published on the Department of the Prime Minister and Cabinet's website during our regular publication cycle. Typically, information is released monthly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

Yours sincerely



Anneliese Parkin
Deputy Chief Executive, Policy

Enc: Email (31/08/2020) from MFAT

From: [DOBSON, Tredene \(ISED\)](#)
To: [Guergana Guermanoff \[DPMC\]](#)
Subject: Afghanistan - heads up
Date: Monday, 31 August 2020 9:26:52 am
Attachments: [image002.png](#)

~~[SEEMAIL] [RESTRICTED]~~

Hi Guergana,

I may need a few minutes of your time early this week to discuss the Afghanistan Cabinet decision and specifically timing for that advice.

As you know, we were planning to put this up fairly soon after the election. However, CDF s9(2)(g)(i) has proposed putting advice to Cabinet on the Afghanistan deployment prior to the election (mandate is due to expire 31 Dec). We (MFAT) are of the view that this will not meet the threshold of priority required for that last Cabinet meeting

s9(2)(g)(i)

s9(2)(g)(i)

Best,
Tredene

Tredene Dobson

Unit Manager – International Security Policy

International Security Police and Disarmament Division

New Zealand Ministry of Foreign Affairs & Trade | Manatū Aorere

M (NZ) s9(2)(a)

What's App s9(2)(a)

E s9(2)(a)

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