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**New Zealand
and
North Atlantic Treaty Organization**

Exchange of letters between the Government of New Zealand and the North Atlantic Treaty Organization on the Resolute Support Mission Financial and Participation Agreement. Brussels, 28 October 2016

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**Nouvelle-Zélande
et
Organisation du Traité de l'Atlantique Nord**

Échange de lettres entre le Gouvernement de la Nouvelle-Zélande et l'Organisation du Traité de l'Atlantique Nord concernant l'Accord de financement et de participation de la Mission "Soutien résolu". Bruxelles, 28 octobre 2016

Entrée en vigueur : *28 octobre 2016 par l'échange desdites lettres, conformément à leurs dispositions*

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I

SG(2016)0331

28 October 2016

Dear Ambassador,

I have the honour to refer to the Joint Declaration on Afghanistan adopted at the 2012 Chicago Summit in which the North Atlantic Treaty Organization (NATO) and the Islamic Republic of Afghanistan (Afghanistan) agreed to work together to establish a new NATO-led non-combat training, advising, and assistance mission in Afghanistan post-2014. I draw your attention to UNSCR (2145) 2014, welcoming that Declaration, and noting the decision of the Government of Afghanistan and NATO for NATO to work towards continuing to train, advise and assist the Afghan National Security Forces after 2014.

Within the context of the NATO-Afghanistan Status of Forces Agreement, NATO and Afghanistan agree to the presence of NATO Forces in Afghanistan for the purpose of the post-2014 NATO-led non-combat training, advising and assistance mission, and approved the participation of New Zealand as an operational partner. This mission will be known as Resolute Support.

It is envisioned that the focus of the training, advising and assistance delivered by this mission would be at the security ministry and national institutional level. Afghan National Defence and Security Force advising would be extended only to the Corps and Corps-equivalent Police headquarters. The non-combat training, advising, and assistance by NATO forces could be extended to the tactical level in the case of Afghan Special Operations Forces by the request and invitation of the Afghan Government.

I refer also to the decision by the North Atlantic Council to initially accept New Zealand's offer of forces for the Resolute Support Mission pending completion of these Participation/Financial Arrangements. On the basis of that decision, I refer also to Council's subsequent recognition of New Zealand as a potential operational partner in the Resolute Support Mission.

Therefore, based upon previous discussions and communications, and on signature of this Agreement, I accept with appreciation the offer of the Government of New Zealand to provide to Resolute Support Mission 10 New Zealand Defence Force mentors and support personnel within the Afghan National Army Officer Academy at Quargha. It is my understanding that it is the intention of the Government of New Zealand to maintain its participation in the Resolute Support Mission for the period to 30 June 2018, which may be extended.

The principles concerning the establishment, functions, responsibilities, and status of the Resolute Support Mission are set out in the Agreement between the North Atlantic Treaty Organization and the Islamic Republic of Afghanistan on the Status of NATO Forces and NATO Personnel Conducting Mutually Agreed NATO-Led Activities in Afghanistan (hereinafter the NATO-Afghanistan SOFA) and in NATO's operational planning documents. It is understood that your ultimate decision with respect to participation will be contingent upon your acceptance of the provisions of these documents. I seek your agreement that the New Zealand contingent shall conduct itself in accordance with the terms of these documents and any changes to them throughout the course of New Zealand's participation in the Resolute Support Mission.

Your attention is drawn to the fact that New Zealand contribution to the Resolute Support Mission is governed by the provisions of the aforementioned NATO-Afghanistan SOFA for operations under NATO Command and Control arrangements only.

In accordance with the provisions of the OPLAN referred to hereafter, the Supreme Allied Commander Europe (SACEUR) has been authorised by the North Atlantic Council to conduct the Resolute Support Mission. SACEUR has overall strategic command of Resolute Support and exercises operational command and operational control following transfer of authority by Nations. SACEUR delegates operational control of forces to Commander, Joint Force Command Brunssum (COM JFCBS), who further delegates this authority to the Commander, Resolute Support Mission (COM RSM). COM RSM, as the in-theatre operational commander, will command the Resolute Support Mission and synchronise its activities with the Afghan authorities.

With reference to SACEUR's Operation Plan 10312, and any subsequent revision, amendment or replacement of this plan, I seek your agreement that national contingents provided to Resolute Support Mission, present in the area of operations and having been assessed as capable of performing their assigned mission, are transferred at a minimum of operational control to SACEUR and subject to NATO authorised Rules of Engagement. COM RSM will issue orders to the national contingents, through the chain of command established by him, and will utilise national contingents in accordance with their capabilities taking into account the advice of the contingent Commander. Non-NATO Nations will retain national command of their own contingents. In this regard, I would like to emphasise the importance of continuity of service of units in the Resolute Support Mission and to seek your agreement that the New Zealand contingent will not be withdrawn without a prior notification of at least three (3) months to the COM RSM, unless otherwise agreed.

Furthermore, I ask you to confirm that the appropriate authorities of your national contingent shall take the necessary measures to assure the maintenance of proper discipline of New Zealand personnel, and to exercise jurisdiction, where and when appropriate, with respect to any crime or offence which might be committed by New Zealand personnel.

The exchange of NATO classified information between NATO and operational partners will be carried out in accordance with existing security arrangements as agreed by NATO and all participating Nations.