

**Совет Безопасности**

Distr.: General
8 May 2020
Russian
Original: English

**Комитет Совета Безопасности,
учрежденный резолюцией 1540 (2004)**

**Вербальная нота Постоянного представительства Новой
Зеландии при Организации Объединенных Наций от 8 мая
2020 года на имя Председателя Комитета**

Постоянное представительство Новой Зеландии при Организации Объединенных Наций свидетельствует свое уважение Председателю Комитета Совета Безопасности, учрежденного резолюцией 1540 (2004), и имеет честь настоящим препроводить доклад и таблицу результатов осуществления мер¹, принятых Новой Зеландией в соответствии с резолюцией 1540 (2004) Совета Безопасности (см. приложение).

Постоянное представительство Новой Зеландии при Организации Объединенных Наций также имеет честь сообщить, что оно добровольно включило в таблицу ссылку на Договор о запрещении ядерного оружия, который Новая Зеландия подписала и ратифицировала.

Постоянное представительство Новой Зеландии при Организации Объединенных Наций хотело бы предложить Комитету рассмотреть вопрос о том, чтобы включить в таблицу для представления докладов в будущем строку, посвященную Договору о запрещении ядерного оружия.

¹ В соответствии с решением Комитета таблица, представленная Новой Зеландией, будет распространена только на языке оригинала.



Приложение к вербальной ноте Постоянного представительства Новой Зеландии при Организации Объединенных Наций от 8 мая 2020 года на имя Председателя Комитета

Доклад Новой Зеландии об осуществлении резолюции 1540 (2004) Совета Безопасности

Со времени представления своего первоначального доклада Комитету Совета Безопасности, учрежденному резолюцией 1540 (2004) от 28 октября 2004 года (S/AC.44/2004/(02)/54), и дополнительных докладов от 11 января 2006 года и 11 февраля 2008 года правительство Новой Зеландии еще более активизировало осуществление резолюции 1540 (2004) Совета Безопасности, о чем подробно говорится ниже.

Новые и обновленные рекомендации

В 2014 году Новая Зеландия заключила с Международным агентством по атомной энергии (МАГАТЭ) измененный протокол о малых количествах, которым вносятся поправки в соглашение о гарантиях, заключенное с Агентством в 1972 году.

Новая Зеландия приняла новое законодательство, а именно Закон о радиационной безопасности 2016 года, который заменяет собой ранее действовавшее законодательство, регулировавшее вопросы, касающиеся ядерных и радиоактивных материалов. Закон предусматривает, что ни одно лицо не может производить, иметь во владении, контролировать, использовать, импортировать, экспортировать источник излучения, оказывать услуги в отношении него или иметь дело с ним без разрешения.

Закон о радиационной безопасности завершил процесс инкорпорирования во внутреннее законодательство страны Поправки к Конвенции о физической защите ядерного материала и Международной конвенции о борьбе с актами ядерного терроризма. Новая Зеландия ратифицировала обе конвенции в 2016 году.

В 2017 году Новая Зеландия внесла поправки в Закон 1999 года о преступлениях, совершаемых на море, включив в него положения, предусматривающие уголовную ответственность за умышленную перевозку материалов, связанных с оружием массового уничтожения, в том числе в открытом море, а также за сброс оружия массового уничтожения и связанных с ним материалов со стационарных платформ. Это позволило Новой Зеландии ратифицировать Протокол 2005 года к Конвенции о борьбе с незаконными актами, направленными против безопасности морского судоходства, и Протокол 2005 года к Протоколу о борьбе с незаконными актами, направленными против безопасности стационарных платформ, расположенных на континентальном шельфе.

В 2018 году Новая Зеландия приняла Закон о контроле за брокерской деятельностью (оружие и связанные с ним предметы), который предусматривает режим регулирования оффшорной брокерской деятельности, связанной, в частности, с предметами двойного назначения, которые могут быть использованы при производстве оружия массового уничтожения.

В 2018 году Новая Зеландия ратифицировала Договор о запрещении ядерного оружия, в соответствии с которым она обязуется, в частности, никогда и ни при каких обстоятельствах не помогать, не поощрять и не побуждать никоим образом кого бы то ни было к осуществлению любой деятельности,

запрещенной для государства-участника по этому договору. К таким запрещенным видам деятельности относятся разработка, испытание, производство, изготовление, приобретение ядерного оружия или других ядерных взрывных устройств, владение ими или накопление их; передача кому бы то ни было ядерного оружия или других ядерных взрывных устройств, а также контроля над таким оружием или взрывными устройствами прямо или косвенно и применение ядерного оружия или других ядерных взрывных устройств и угроза их применения. В соответствии с Договором Новая Зеландия обязуется также сохранять свои обязательства в отношении гарантий МАГАТЭ, действовавшие на момент вступления Договора в силу, без ущерба для любых соответствующих дополнительных документов, которые она может принять в будущем.

Новая Зеландия ввела в действие положения о применении санкций Совета Безопасности в отношении оружия массового уничтожения и средств его доставки, в частности в отношении Корейской Народно-Демократической Республики.

Прочие изменения в законах и нормативных актах

Со времени представления Новой Зеландией Комитету своего последнего доклада ряд законов и положений, упомянутых в этом докладе, был пересмотрен или изменен. В их числе Закон о таможене и акцизах 2018 года, в соответствии с которым предыдущее законодательство (Закон о таможене и акцизах 1996 года) было модернизировано, а также Постановление Таможенной службы 2017 года о запрещении экспорта, которое обновляется каждые три года.

В 2017 году Новая Зеландия обновила свой правовой режим в отношении опасных веществ и новых организмов и ввела новое распределение полномочий между регулирующими органами, отвечающими за охрану окружающей среды и безопасность труда. Был обновлен ряд нормативных актов, принятых в соответствии с Законом об опасных веществах и новых организмах.

В прилагаемой таблице (см. добавление) Новая Зеландия информирует Комитет, на основании каких критериев она оценивает соответствие ее законов и нормативных актов требованиям резолюции [1540 \(2004\)](#).

Сотрудничество и помощь

В последние годы Новая Зеландия продолжала оказывать другим государствам помощь в различных формах в целях осуществления положений резолюции [1540 \(2004\)](#). Эта помощь включает в себя:

- регулярные финансовые взносы в Фонд физической ядерной безопасности МАГАТЭ и добровольную финансовую поддержку Организации по запрещению химического оружия, например, финансирование конференции по химической безопасности в 2017 году;
- оказание финансовой помощи национальным и региональным программам подготовки кадров в области ядерной безопасности, ядерной криминалистики и обнаружения незаконных ядерных материалов;
- оказание поддержки Глобальному партнерству против распространения оружия и материалов массового уничтожения посредством внесения финансовых взносов на проекты, упомянутые выше;
- участие в региональных учебных программах, проводимых под эгидой Глобальной инициативы по борьбе с актами ядерного терроризма, и оказание им финансовой поддержки;

- проведение в 2015 году Азиатско-тихоокеанских региональных учений в рамках Инициативы по безопасности в борьбе с распространением и участие в ежегодных учениях, организуемых другими региональными партнерами по осуществлению Инициативы;
- оказание широкого спектра помощи тихоокеанским островным странам в целях повышения эффективности их пограничного контроля и правовых систем;
- проведение в сентябре 2019 года для парламентариев из тихоокеанских островных стран семинара, посвященного резолюции [1540 \(2004\)](#).

Новая Зеландия является активным участником большого числа международных форумов по вопросам разоружения и нераспространения. Что касается недавних инициатив, связанных с вопросами, охватываемыми резолюцией [1540 \(2004\)](#), то Новая Зеландия:

- приняла участие в четырех саммитах по ядерной безопасности, созданных в 2010–2016 годах, и содействовала реализации добровольных инициатив, которые были выдвинуты и стали осуществляться по итогам их проведения;
- выполняла функции сопредседателя межсессионного совещания Регионального форума Ассоциации государств Юго-Восточной Азии по нераспространению и разоружению в 2015–2017 годах и выступила организатором совещания группы в 2017 году;
- в 2018 году присоединилась к Международному партнерству против безнаказанности за применение химического оружия;
- приступила к выполнению функций председателя Режимы контроля за ракетной технологией на 2019/20 год и приняла у себя пленарное заседание группы в октябре 2019 года.

Enclosure

Implementation matrix

The information in the matrices originates primarily from national reports and is complemented by official government information, including that made available to intergovernmental organizations. The matrices are prepared under the direction of the Security Council Committee established pursuant to resolution 1540 (2004).

The Committee intends to use the matrices as a reference tool for facilitating technical assistance and to enable the Committee to continue to enhance its dialogue with States on their implementation of Security Council resolution 1540 (2004).

The matrices are not a tool for measuring compliance of States with their non-proliferation obligations but for facilitating the implementation of resolutions 1540 (2004), 1673 (2006), 1810 (2008) and 1977 (2011). They do not reflect or prejudice any ongoing discussions outside the Committee, in the Security Council or any of its organs of a State's compliance with its non-proliferation or any other obligations. Information on voluntary commitments is for reporting purposes only and does not constitute in any way a legal obligation arising from resolution 1540 (2004) or its successive resolutions.

Matrix entries are only indicators of fact and not indicators of the degree of compliance under resolution 1540 (2004) and its successor resolutions.

An "X" in any data field signifies only that the Committee considers that a State has taken the steps required and/or has provided specific references to the applicable legal basis or executive behaviour as evidence of such steps. An "X" against any data field does not necessarily signify that a State has met in full its obligations under the resolution for that data field.

A "?" in any data field signifies that the references to legislative or other measures may not be directly relevant or are incomplete.

"N/A" (not applicable) in any data field signifies that the data field is not applicable to a State that, through legally binding instruments, specified that it did not possess related materials or facilities.

A blank in any data field signifies that there is insufficient information available to enter an "X" or a "?" against a particular data field.

Notes

All references are to legislation as amended and in force as at 31 October 2019.

References to particular sections of legislation indicate the primary relevant provision, but this should be read in the context of the instrument as a whole.

Paragraph 1 and related matters from paragraphs 5, 8 (a), (b) and (c) and 10

<i>Adherence to legally binding instruments, membership of organizations, participation in arrangements and statements made</i>		<i>Relevant information (i.e. signing, deposit of instrument of accession, ratification, etc.)</i>	<i>Remarks (information refers to the page of the English version of the national report or an official web site)</i>
1	Treaty on the Non-Proliferation of Nuclear Weapons	Ratified 17 July 1969	
2	Nuclear-Weapon-Free Zone/Protocol(s)	<ol style="list-style-type: none"> 1. South Pacific Nuclear Free Zone Treaty (Treaty of Rarotonga), ratified 11 December 1986 2. The New Zealand Nuclear Free Zone, Disarmament and Arms Control Act establishes a nuclear-free zone in New Zealand 	
3	Treaty on the Prohibition of Nuclear Weapons	Ratified 31 July 2018	
4	International Convention for the Suppression of Acts of Nuclear Terrorism	Entry into force for New Zealand 17 April 2016	
5	Convention on the Physical Protection of Nuclear Material	Entry into force 18 January 2004	
6	2005 Amendment to the Convention	Entry into force for New Zealand 8 May 2016	
7	Comprehensive Nuclear-Test-Ban Treaty (not in force)	Ratified 19 March 1999	
8	Chemical Weapons Convention	Entry into force 29 April 1997	
9	Biological Weapons Convention	Ratified 13 December 1972	
10	Geneva Protocol of 1925	Deposited 24 May 1930	
11	1997 International Convention for the Suppression of Terrorist Bombings	Entry into force for New Zealand 4 December 2002	
12	1999 International Convention for the Suppression of the Financing of Terrorism	Entry into force for New Zealand 4 December 2002	
13	2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation	Entry into force for New Zealand 6 June 2018	
14	2005 Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf	Entry into force for New Zealand 6 June 2018	

<i>Adherence to legally binding instruments, membership of organizations, participation in arrangements and statements made</i>	<i>Relevant information (i.e. signing, deposit of instrument of accession, ratification, etc.)</i>	<i>Remarks (information refers to the page of the English version of the national report or an official web site)</i>
15 2010 Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation		
16 Other relevant regional legally binding instruments	Waigani Convention, 1995 – ratified by New Zealand on 30 November 2000	
17 International Atomic Energy Agency	Member since 13 September 1957 Safeguards agreement (small quantities protocol) (INFCIRC/185) 29 February 1972 Additional Protocol (INFCIRC/185/Add.1) 24 September 1998 Modified small quantities protocol (INFCIRC/185/Mod.1) 24 February 2014	
18 Directly relevant arrangements	New Zealand participates in the following arrangements: 1. Missile Technology Control Regime 2. Nuclear Suppliers Group 3. Wassenaar Arrangement 4. Australia Group 5. Proliferation Security Initiative 6. Global Initiative to Combat Nuclear Terrorism 7. World Customs Organization Framework of Standards to Secure and Facilitate Global Trade	
19 Statement on non-provision of weapons of mass destruction and related materials to non-State actors	New Zealand does not provide any support whatsoever to any entity – whether a State or non-State actor – attempting to develop, acquire, manufacture, possess, transport or use weapons of mass destruction, their means of delivery and related materials	

<i>Adherence to legally binding instruments, membership of organizations, participation in arrangements and statements made</i>	<i>Relevant information (i.e. signing, deposit of instrument of accession, ratification, etc.)</i>	<i>Remarks (information refers to the page of the English version of the national report or an official web site)</i>
20 Membership of relevant international, regional or subregional organizations	<ol style="list-style-type: none">1. World Customs Organization2. World Health Organization3. International Maritime Organization4. World Organization for Animal Health5. International Criminal Police Organization6. Global Partnership Against the Spread of Weapons and Materials of Mass Destruction	

Paragraph 2: nuclear weapons, chemical weapons and biological weapons

National legislation that prohibits persons or entities from engaging in one of the following activities and its enforcement	National legal framework				Enforcement and civil/criminal penalties				
	X/?			Source document of national implementation law	X/?				Remarks
	NW	CW	BW		NW	CW	BW	Source document	
1 Manufacture				NW: NZNFZA, sect. 5; TSA, sects. 13 C–E CW: CWPA, sect. 6 BW: NZNFZA, sect. 8; HSNOA, sect. 25				NW: NZNFZA, sect. 14; TSA, sects. 13 C–E CW: CWPA, sects. 6, 7, 9 and 15 BW: NZNFZA, sect. 14; HSNOA, part 7	
2 Acquire				As above				As above	
3 Possess				As above				As above	CWPA refers to “retain”
4 Develop				NW: TSA, sects. 13 C–E CW: CWPA, sect. 6 BW: HSNOA, sect. 25				NW: NZNFZA, sect. 14; TSA, sects. 13 C–E CW: CWPA, sects. 6, 7, 9 and 15 BW: HSNOA, part 7	
5 Transport				All: Maritime Crimes Act, sects. 4 B and 5 A NW: NZNFZA, sect. 6 CW: CWPA, sect. 6 (1) (b) BW: NZNFZA, sect. 8				All: Maritime Crimes Act, sects. 4 B and 8 NW: NZNFZA, sect. 14 CW: CWPA, sects. 6, 7, 9 and 15 BW: NZNFZA, sect. 14; HSNOA, part 7	CWPA prohibits transfer; hence transport is also prohibited NZNFZA prohibits control; hence transport of NW and BW is also prohibited

National legislation that prohibits persons or entities from engaging in one of the following activities and its enforcement	National legal framework				Enforcement and civil/criminal penalties				
	X/?			Source document of national implementation law	X/?			Source document	Remarks
	NW	CW	BW		NW	CW	BW		
6 Transfer				NW: NZNFZA, sect. 5; TSA, sects. 13 C–E CW: CWPA, sect. 6 (1) (b) BW: NZNFZA, sect. 8				NW: NZNFZA, sect. 14; TSA, sects. 13 C–E CW: CWPA, sects. 6, 7, 9 and 15; TSA, sects. 6 and 7 BW: NZNFZA, sect. 14; HSNOA, part 7	NZNFZA does not mention transfer of NW and BW but does refer to possession and control
7 Use				NW: TSA, sects. 13 C–E; NZNFZA, sect. 7 CW: CWPA, sect. 6; TSA, sects. 4–7 and 13 C–E BW: TSA, sects. 4–7; HSNOA, sect. 25				NW: NZNFZA, sect. 14; TSA, sects. 6, 7 and 13 C–E CW: CWPA, sects. 6, 7, 9 and 15; TSA, sects. 6, 7 and 13 C–E, BW: TSA, sects. 6 and 7; HSNOA, part 7	TSA with regard to terrorist acts; HSNOA with regard to new organisms
8 Attempt to engage in above-mentioned activities				All: Crimes Act, sect. 72				All: Crimes Act, sect. 72	
9 Participate as an accomplice in above-mentioned activities				All: Crimes Act, sect. 66 NW: NZNFZA, sect. 5 CW: CWPA, sect. 6				All: Crimes Act, sect. 66 NW: NZNFZA, sect. 14 CW: CWPA, sect. 6	
10 Assist in above-mentioned activities				As above				As above	

National legislation that prohibits persons or entities from engaging in one of the following activities and its enforcement	National legal framework				Enforcement and civil/criminal penalties				
	X/?			Source document of national implementation law	X/?			Source document	Remarks
	NW	CW	BW		NW	CW	BW		
11 Finance above-mentioned activities				All: TSA, sects. 8–10; AML/CFT, sects. 37–39, 91–99, 101–104 and 106–111; Crimes Act, part 4 NW: NZNFZA, sect. 5 CW: CWPA, sect. 6 (1) (e)				All: TSA, sects. 8–10; AML/CTF, sects. 72–90, 100, 105 and 112; Crimes Act, part 4 NW: NZNFZA, sect. 14 CW: CWPA, sects. 6, 7, 9 and 15	Finance is covered by the provisions of NZNFZA on aiding and abetting
12 Above-mentioned activities related to means of delivery ^a				All: Customs and Excise Act, sect. 97; Customs Export Prohibition Order, sect. 6 NW: NZNFZA, sect. 5; TSA, sects. 13 C–E CW: CWPA, sect. 6 BW: NZNFZA, sect. 8				All: Crimes Act, part 4; Customs and Excise Act, sects. 388 and 389 NW: NZNFZA, sect. 14; TSA, sects. 13 C–E CW: CWPA, sect. 6 BW: NZNFZA, sect. 14	Customs legislation covers the export of means of delivery; NZNFZA and TSA cover delivery insofar as they cover control and use; CWPA refers to military preparations

Abbreviations: AML/CTF, Anti-Money Laundering and Countering Financing of Terrorism Act, 2009; BW, biological weapons; CW, chemical weapons; CWPA, Chemical Weapons Prohibition Act, 1996; HSNOA, Hazardous Substances and New Organisms Act, 1996; NW, nuclear weapons; NZNFZA, New Zealand Nuclear Free Zone, Disarmament and Arms Control Act, 1987; TSA, Terrorism Suppression Act, 2002.

^a Means of delivery: missiles, rockets and other unmanned systems capable of delivering nuclear, chemical or biological weapons that are specially designed for such use.

Paragraph 3 (a) and (b): account for/secure/physically protect nuclear weapons, chemical weapons and biological weapons, including related materials^a

Measures to establish domestic controls to prevent the proliferation of NW, CW, BW, and their means of delivery; controls over related materials	National legal and/or regulatory framework				Enforcement and civil/criminal penalties				
	X/?			Source document	X/?			Source document	Remarks
	NW	CW	BW ^b		NW	CW	BW		
1	Measures to account for production			NW: IAEA safeguards agreement (INFCIRC/185); RSA, sect. 35 CW: CWPA, sects. 12–14, HSNOA, sect. 28 BW: HSNOA, sect. 34	NW: RSA, sect. 67 CW: CWPA, sects. 13–15; HSNOA, parts 7 and 7 A BW: HSNOA, parts 7 and 7 A				
2	Measures to account for use			NW: IAEA safeguards agreement (INFCIRC/185); RSA, sects. 21–23 and 35 CW: CWPA, sects. 12–14; HSNOA, sects. 28–33; Health and Safety at Work (Hazardous Substances) Regulations, 2017, part 13 BW: HSNOA, sects. 26–29, 34–38 and 50, schedule 2	NW: RSA, subpart 3 CW: CWPA, sects. 13–15; HSNOA, parts 7 and 7 A; Health and Safety at Work (Infringement Offences and Fees) Regulations, 2016 BW: HSNOA, parts 7 and 7 A				
3	Measures to account for storage			NW: IAEA safeguards agreement (INFCIRC/185); RSA, sect. 35 CW: CWPA, sects. 12–14; HSNOA, sects. 28–33 and 109; Health and Safety at Work (Hazardous Substances) Regulations, 2017, part 13 BW: HSNOA, sects. 26–29, 34–38 and 50, schedule 2	As above				

<i>Measures to establish domestic controls to prevent the proliferation of NW, CW, BW, and their means of delivery; controls over related materials</i>	<i>National legal and/or regulatory framework</i>				<i>Enforcement and civil/criminal penalties</i>				<i>Remarks</i>	
	<i>X/?</i>			<i>Source document</i>	<i>X/?</i>			<i>Source document</i>		
	<i>NW</i>	<i>CW</i>	<i>BW^b</i>		<i>NW</i>	<i>CW</i>	<i>BW</i>			
4	Measures to account for transport				NW: RSA, sect. 35 CW: CWPA, sects. 12–14, HSNOA, sects. 28–33 and 51, schedule 3, part 3 BW: HSNOA, sects. 34–49, 51 and 124; Hazardous Substances and New Organisms (Genetically Modified Organisms – Information Requirements for Segregation and Tracing) Regulations, 2008				NW: RSA, subpart 3 CW: CWPA, sects. 13–15; HSNOA, parts 7 and 7 A BW: HSNOA, parts 7 and 7 A	CWPA refers to “transfer”
5	Measures to secure production				NW: RSA, sect. 11 CW: HSNOA, sects. 77–79, schedule 1 A BW: HSNOA, sects. 39–45 and 50, schedule 2 [•]				As above	
6	Measures to secure use				NW: RSA, sects. 11 and 30–32 CW: HSNOA, sects. 77–79; Health and Safety at Work (Hazardous Substances) Regulations, 2017 BW: HSNOA, sects. 39–45 A and 50, schedule 2				NW: RSA, subpart 3 CW: HSNOA, parts 7 and 7 A; Health and Safety at Work (Hazardous Substances) Regulations, 2017; Health and Safety at Work (Infringement Offences and Fees) Regulations, 2016 BW: HSNOA, parts 7 and 7 A	

<i>Measures to establish domestic controls to prevent the proliferation of NW, CW, BW, and their means of delivery; controls over related materials</i>	<i>National legal and/or regulatory framework</i>				<i>Enforcement and civil/criminal penalties</i>					<i>Remarks</i>
	<i>X/?</i>				<i>X/?</i>					
	<i>NW</i>	<i>CW</i>	<i>BW^b</i>	<i>Source document</i>	<i>NW</i>	<i>CW</i>	<i>BW</i>	<i>Source document</i>		
7	Measures to secure storage				NW: RSA, sects. 12 and 20 CW: HSNOA, sects. 77–79, schedule 3, part 3; Health and Safety at Work (Hazardous Substances) Regulations, 2017; Hazardous Substances (Hazardous Property Controls) Notice, 2017; Hazardous Substances (Storage and Disposal) of Persistent Organic Pollutants) Notice, 2004 BW: HSNOA, sects. 39–45 A; Hazardous Substances and New Organisms (Genetically Modified Organisms – Information Requirements for Segregation and Tracing) Regulations, 2008; Biosecurity Act, sect. 39				As above	
8	Measures to secure transport				All: Land Transport Rule: Dangerous Goods, 2005; Maritime Transport Act (Rule 24); Civil Aviation Act (Part 92) NW: RSA, sects. 12 and 24 (import/export) CW: HSNOA, sects. 28–33 (import) and 51, schedule 3, part 3				NW: RSA, subpart 3 CW: HSNOA, parts 7 and 7 A BW: HSNOA, parts 7 and 7 A	

<i>Measures to establish domestic controls to prevent the proliferation of NW, CW, BW, and their means of delivery; controls over related materials</i>	<i>National legal and/or regulatory framework</i>				<i>Enforcement and civil/criminal penalties</i>				<i>Remarks</i>
	<i>X/?</i>				<i>X/?</i>				
	<i>NW</i>	<i>CW</i>	<i>BW^b</i>	<i>Source document</i>	<i>NW</i>	<i>CW</i>	<i>BW</i>	<i>Source document</i>	
				BW: HSNOA, sects. 34–49, 51 and 124, schedule 3, parts 1 and 2; Hazardous Substances and New Organisms (Genetically Modified Organisms – Information Requirements for Segregation and Tracing) Regulations, 2008					
9 Physical protection measures				NW: RSA, sects. 11 and 20 CW: Health and Safety at Work (Hazardous Substances) Regulations, 2017 BW: HSNOA, sect. 38 K				NW: RSA, subpart 3 CW: HSNOA, parts 7 and 7 A BW: HSNOA, parts 7 and 7 A	
10 Personnel reliability				NW: RSA, sects. 19 (1) (a) (i) and 22 (1) (c) and (d) CW: Health and Safety at Work (Hazardous Substances) Regulations, 2017, regulations. 4.1–4.6 BW: Hazardous Substances and New Organisms (Personnel Qualifications) Regulations, 2001, regulations. 9 and 10				NW: RSA, subpart 3, and licensing procedures CW: HSNOA, parts 7 and 7 A; Health and Safety at Work (Hazardous Substances) Regulations, 2017; Health and Safety at Work (Infringement Offences and Fees) Regulations, 2016 BW: HSNOA, parts 7 and 7 A	

Abbreviations: BW, biological weapons; CW, chemical weapons; CWPA, Chemical Weapons Prohibition Act, 1996; HSNOA, Hazardous Substances and New Organisms Act, 1996; IAEA, International Atomic Energy Agency; NW, nuclear weapons; RSA, Radiation Safety Act, 2016.

^a Related materials: materials, equipment and technology covered by relevant multilateral treaties and arrangements, or included on national control lists, which could be used for the design, development, production or use of nuclear, chemical and biological weapons and their means of delivery.

^b Information required in this section may also be available in the State's confidence-building measures report, if submitted to the Biological Weapons Convention Implementation Support Unit.

Paragraph 3 (a) and (b): account for/secure/physically protect nuclear weapons, including related materials (nuclear weapon-specific)

Measures to establish domestic controls to prevent the proliferation of nuclear weapons, and their means of delivery; controls over related materials

Source document

Remarks

1	National regulatory authority	Office of Radiation Safety, Ministry of Health, in accordance with the Radiation Safety Act	
2	Licensing of nuclear installations/entities/use of materials	Radiation Safety Act, sects. 13–23	
3	International Atomic Energy Agency (IAEA) safeguards agreements	Safeguards agreement (small quantities protocol) (INFCIRC/185) 29 February 1972 Additional Protocol (INFCIRC/Add.1) 24 September 1998 Modified small quantities protocol (INFCIRC/185/Mod.1) 24 February 2014	
4	IAEA Code of Conduct on the Safety and Security of Radioactive Sources	Radiation Safety Act	
5	Supplementary Guidance on the Import and Export of Radioactive Sources	Radiation Safety Act	
6	IAEA Incident and Trafficking Database	New Zealand agreed to report incidents in 1997 and continues to do so	
7	Integrated Nuclear Security Support Plan/International Physical Protection Advisory Service	The Integrated Nuclear Security Support Plan is implemented by the Radiation Safety Act New Zealand received a visit by the International Physical Protection Advisory Service in 2015 and has implemented many of its recommendations	
8	Applying the physical protection recommendations in INFCIRC/225/Rev.5	Implemented and regulated by the Radiation Safety Act	
9	Other agreements related to IAEA		
10	National legislation and regulations related to nuclear material, including the Convention on the Physical Protection of Nuclear Material	Radiation Safety Act, 2016 Codes of safe practice, in particular ORS-C6 (transport) and a new code on security (to be issued shortly)	For updates to codes of practice, see www.health.govt.nz/our-work/ionising-radiation-safety/managing-entities-radiation-sources/codes-practice

Paragraph 3 (a) and (b): account for/secure/physically protect chemical weapons, including related materials (chemical weapon-specific)

Measures to establish domestic controls to prevent the proliferation of chemical weapons, and their means of delivery; controls over related materials

Source document

Remarks

- | | | | |
|---|---|---|---|
| 1 | National Chemical Weapons Convention authority | Ministry of Foreign Affairs and Trade as the administering authority of the Chemical Weapons (Prohibition) Act | |
| 2 | Licensing/registration of installations/facilities/persons/entities/use/handling of related materials | Hazardous Substances and New Organisms Act, 1996
Health and Safety at Work (Major Hazard Facilities) Regulations, 2016
Health and Safety at Work (Hazardous Substances) Regulations, 2017 | |
| 3 | Old or abandoned chemical weapons | N/A | There are no old or abandoned chemical weapons in New Zealand |

Paragraph 3 (a) and (b): account for/secure/physically protect biological weapons, including related materials (biological weapon-specific)

Measures to establish domestic controls to prevent the proliferation of biological weapons, their means of delivery; controls over related materials

Source document

Remarks

- | | | |
|---|---|---|
| 1 | Licensing/registration of installations/facilities/persons/entities/use/handling of materials | Hazardous Substances and New Organisms Act, 1996, and subsidiary regulations
Biosecurity Act, 1993, part 3 |
|---|---|---|

Paragraph 3 (c) and (d) and related matters from paragraph 6: controls of nuclear weapons, chemical weapons and biological weapons, including related materials

<i>Border controls and export and trans-shipment controls to prevent the proliferation of nuclear, chemical and biological weapons and their means of delivery, including related materials</i>		<i>National legal framework</i>				<i>Enforcement and civil/criminal penalties</i>				<i>Remarks</i>
		<i>X/?</i>			<i>Source document</i>	<i>X/?</i>			<i>Source document</i>	
		<i>NW</i>	<i>CW</i>	<i>BW</i>		<i>NW</i>	<i>CW</i>	<i>BW</i>		
1	Border control to detect, deter, prevent and combat illicit trafficking				Customs and Excise Act				Customs and Excise Act, part 4	
2	Law enforcement to detect, deter, prevent and combat illicit trafficking				As above				As above	
3	Border control detection measures				As above				As above	
4	Control of brokering				Brokering (Weapons and Related Items) Controls Act				Brokering (Weapons and Related Items) Controls Act, sect. 12	
5	Export control legislation in place				Customs and Excise Act, sects. 96 and 97				Customs and Excise Act, sects. 388 and 389	
6	Licensing provisions and authority				Under the Customs and Excise Act, sects. 96 and 97, the Minister for Foreign Affairs and Trade is authorized to issue licences				As above	
7	Control lists of materials, equipment and technology				Under the Customs and Excise Act, sect. 96, the publication of a New Zealand strategic goods list is authorized				As above	The list is available at www.mfat.govt.nz/assets/Strategic-goods-forms/2018-NZ-Strategic-Goods-List-August-2018-with-Table-of-Contents-reviewed.docx

<i>Border controls and export and trans-shipment controls to prevent the proliferation of nuclear, chemical and biological weapons and their means of delivery, including related materials</i>		<i>National legal framework</i>				<i>Enforcement and civil/criminal penalties</i>					<i>Remarks</i>
		<i>X/?</i>				<i>X/?</i>					
		<i>NW</i>	<i>CW</i>	<i>BW</i>	<i>Source document</i>	<i>NW</i>	<i>CW</i>	<i>BW</i>	<i>Source document</i>		
8	Intangible technology transfers				Under the Customs and Excise Act, sect. 96 (11), the export of some intangible transfers, e.g. data stored on a tangible item and data sent in electronic form, is controlled					As above	
9	Inclusion of means of delivery				Means of delivery are controlled by the Customs and Excise Act, sects. 96 (by which the New Zealand strategic goods list is authorized) and 97 (catch-all controls), and the Customs Export Prohibition Order, 2017					As above	
10	End user controls				End user certificates may be required as a condition of approval to export strategic goods						
11	Catch-all clause				Customs and Excise Act, sect. 97; Customs Export Prohibition Regulations, 2017, sect. 6					Customs and Excise Act, sects. 388 and 389	
12	Transit control				Import/export provisions of the Customs and Excise Act apply to transit					As above	
13	Trans-shipment control				Import/export provisions of the Customs and Excise Act apply to trans-shipment					As above	
14	Re-export control				Export provisions of the Customs and Excise Act apply to re-export					As above	

<i>Border controls and export and trans-shipment controls to prevent the proliferation of nuclear, chemical and biological weapons and their means of delivery, including related materials</i>	<i>National legal framework</i>				<i>Enforcement and civil/criminal penalties</i>				<i>Remarks</i>
	<i>X/?</i>			<i>Source document</i>	<i>X/?</i>			<i>Source document</i>	
	<i>NW</i>	<i>CW</i>	<i>BW</i>		<i>NW</i>	<i>CW</i>	<i>BW</i>		
15 Control over financing of exports/ trans-shipments that would contribute to proliferation				Terrorism Suppression Act, 2002, sects. 8–10; Anti-Money Laundering and Countering Financing of Terrorism Act, 2009, sects. 37, 38, 91–99, 101–104 and 106–111; Crimes Act, part 4				All: Crimes Act, part 4; Terrorism Suppression Act, 2002, sects. 8–10; Anti-Money Laundering and Countering Financing of Terrorism Act, sects. 72–90, 100, 105 and 112 NW: New Zealand Nuclear Free Zone, Disarmament and Arms Control Act, sect. 14 CW: Chemical Weapons Prohibition Act, sects. 6, 7, 9 and 15	
16 Control over services related to ex-ports/trans-shipments that would contribute to proliferation, including transportation				Crimes Act, part 4, provisions on aiding and abetting				As above	

Paragraphs 7 and 8 (d): assistance, work with and inform industry and the public, and other information

Assistance, work with and inform industry, and other information

Remarks

- | | |
|---|--|
| 1 Assistance offered | New Zealand provides assistance to Pacific Island States to implement Security Council resolution 1540 (2004) , for example through measures to strengthen border measures and customs procedures and provide legal drafting assistance. The Parliament of New Zealand co-hosted a seminar on resolution 1540 (2004) for parliamentarians of Pacific Island States in 2019 |
| 2 Assistance point of contact (for assistance providers only) | International Security and Disarmament Division, Ministry of Foreign Affairs and Trade |
| 3 Assistance requested | None |
| 4 Action taken to work with and inform industry | New Zealand government agencies have a programme of outreach to companies and research institutions that engage in the export of strategic goods to raise awareness of proliferation risks and ways to mitigate them |
| 5 Action taken to work with and inform the public | New Zealand law and regulations to implement resolution 1540 (2004) are available through government publications and websites. New Zealand positions on disarmament and non-proliferation are also publicly available |
| 6 Point of contact | International Disarmament and Security Division, Ministry of Foreign Affairs and Trade |
| 7 Voluntary national implementation action plan | N/A |
| 8 Committee visits to States | N/A |