



Consejo de Seguridad

Distr. general
8 de mayo de 2020
Español
Original: inglés

Comité del Consejo de Seguridad establecido en virtud de la resolución 1540 (2004)

Nota verbal de fecha 8 de mayo de 2020 dirigida a la Presidencia del Comité por la Misión Permanente de Nueva Zelandia ante las Naciones Unidas

La Misión Permanente de Nueva Zelandia ante las Naciones Unidas saluda atentamente a la Presidencia del Comité del Consejo de Seguridad establecido en virtud de la resolución 1540 (2004) y tiene el honor de transmitir adjuntos el informe y la matriz¹ en que se describen las medidas adoptadas por Nueva Zelandia en virtud de la resolución 1540 (2004) del Consejo de Seguridad (véase el anexo).

La Misión Permanente de Nueva Zelandia ante las Naciones Unidas también tiene el honor de comunicar que en la matriz hace referencia voluntariamente al Tratado sobre la Prohibición de las Armas Nucleares, que Nueva Zelandia ha firmado y ratificado.

La Misión Permanente de Nueva Zelandia ante las Naciones Unidas quisiera sugerir al Comité que considere la posibilidad de incluir en adelante una entrada para el Tratado sobre la Prohibición de las Armas Nucleares en la matriz de presentación de información.

¹ Se acordó con el Comité que la matriz remitida por Nueva Zelandia se publicaría solamente en inglés, el idioma en que se presenta.



Anexo de la nota verbal de fecha 8 de mayo de 2020 dirigida a la Presidencia del Comité por la Misión Permanente de Nueva Zelanda ante las Naciones Unidas

Informe de Nueva Zelanda sobre la aplicación de la resolución 1540 (2004) del Consejo de Seguridad

A continuación se detalla el modo en que el Gobierno de Nueva Zelanda ha seguido reforzando su aplicación de la resolución 1540 (2004) del Consejo de Seguridad desde que presentara su informe inicial al Comité del Consejo de Seguridad establecido en virtud de la resolución 1540 (2004), de 28 de octubre de 2004, (S/AC.44/2004/(02)/54) y los informes adicionales de fecha 11 de enero de 2006 y 11 de febrero de 2008.

Compromisos nuevos y actualizados

En 2014, Nueva Zelanda concertó con el Organismo Internacional de Energía Atómica (OIEA) un protocolo modificado sobre pequeñas cantidades por el que se modifica el acuerdo de salvaguardias concertado con el Organismo en 1972.

Nueva Zelanda ha aprobado una nueva ley, a saber, la Ley de Seguridad Radiológica de 2016, que sustituye a las leyes anteriores por las que se regulaban los materiales nucleares y radiactivos. La Ley dispone que ninguna persona puede fabricar, poseer, controlar, utilizar, importar, exportar o manipular fuentes de radiación o prestar servicios relacionados con esas fuentes sin autorización.

Con la Ley de Seguridad Radiológica se completó el proceso del país para aplicar en la legislación nacional la Enmienda de la Convención sobre la Protección Física de los Materiales Nucleares y el Convenio Internacional para la Represión de los Actos de Terrorismo Nuclear, instrumentos que Nueva Zelanda ratificó en 2016.

En 2017, Nueva Zelanda incluyó disposiciones en la Ley de Delitos Marítimos de 1999 que tipifican el transporte intencional de material relacionado con las armas de destrucción masiva, incluso en alta mar, así como la descarga de armas de destrucción masiva y materiales conexos desde plataformas fijas. De ese modo, Nueva Zelanda pudo ratificar el Protocolo de 2005 relativo al Convenio para la Represión de Actos Ilícitos contra la Seguridad de la Navegación Marítima y el Protocolo de 2005 relativo al Protocolo para la Represión de Actos Ilícitos contra la Seguridad de las Plataformas Fijas Emplazadas en la Plataforma Continental.

En 2018, Nueva Zelanda aprobó la Ley de Control de la Intermediación (Armas y Artículos Conexos), que establece un régimen regulatorio de las actividades de intermediación extraterritorial relacionadas, entre otros, con los artículos de doble uso que pueden utilizarse en la fabricación de armas de destrucción masiva.

En 2018, Nueva Zelanda ratificó el Tratado sobre la Prohibición de las Armas Nucleares, por el que se compromete, entre otras cosas, a no ayudar, alentar o inducir nunca, bajo ninguna circunstancia o en forma alguna, a nadie a participar en una actividad prohibida a un Estado parte en virtud del Tratado. Esas actividades prohibidas comprenden el desarrollo, ensayo, producción, fabricación, adquisición, posesión o almacenamiento de armas nucleares u otros dispositivos explosivos nucleares; el traspaso a cualquier persona de armas nucleares u otros dispositivos explosivos nucleares o del control sobre tales armas o dispositivos explosivos, sea directa o indirectamente; y el empleo o amenaza de empleo de armas nucleares u otros dispositivos explosivos nucleares. En virtud del Tratado, Nueva Zelanda también se compromete a mantener vigentes las obligaciones del OIEA en materia de

salvaguardias en el momento en que el Tratado entre en vigor, sin perjuicio de los instrumentos adicionales pertinentes que pueda adoptar en el futuro.

Nueva Zelanda ha promulgado reglamentos para aplicar las sanciones del Consejo de Seguridad relativas a las armas de destrucción masiva y sus sistemas vectores, en particular con respecto a la República Popular Democrática de Corea.

Otros cambios en las leyes y reglamentos

Desde que Nueva Zelanda presentó su informe más reciente al Comité se han revisado o enmendado varias leyes y reglamentos a los que se hace referencia en ese informe. Entre ellas figuran la Ley de Aduanas e Impuestos Especiales de 2018, que moderniza la ley anterior (la Ley de Aduanas e Impuestos Especiales de 1996), y la Orden Aduanera de Prohibición de Exportaciones de 2017, que se renueva cada tres años.

En 2017, Nueva Zelanda actualizó su régimen jurídico sobre sustancias peligrosas y nuevos organismos, y aplicó una nueva distribución de la autoridad reguladora entre los organismos responsables de la protección ambiental y la seguridad ocupacional. Se han actualizado varios reglamentos establecidos en virtud de la Ley de Sustancias Peligrosas y Nuevos Organismos.

En la matriz adjunta (véase el apéndice), Nueva Zelanda señala al Comité de qué modo evalúa que sus leyes y reglamentos cumplan los requisitos de la resolución [1540 \(2004\)](#).

Cooperación y asistencia

En los últimos años, Nueva Zelanda ha seguido prestando asistencia de diverso tipo a otros Estados para que puedan aplicar las disposiciones de la resolución [1540 \(2004\)](#). La asistencia brindada comprende:

- Contribuciones financieras periódicas al Fondo de Seguridad Física Nuclear del OIEA y apoyo financiero voluntario a la Organización para la Prohibición de las Armas Químicas, por medios como la financiación de una conferencia sobre seguridad química en 2017
- Asistencia financiera para programas nacionales y regionales de capacitación en seguridad nuclear, investigación forense nuclear y detección de materiales nucleares ilícitos
- Apoyo a la Alianza Mundial contra la Propagación de Armas y Materiales de Destrucción Masiva mediante contribuciones financieras a los proyectos mencionados anteriormente
- Participación en programas regionales de capacitación realizados bajo los auspicios de la Iniciativa Mundial de Lucha contra el Terrorismo Nuclear y apoyo financiero a los mismos
- Celebración de un ejercicio regional en Asia y el Pacífico en el marco de la Iniciativa de Seguridad contra la Proliferación en 2015 y contribuciones a los ejercicios anuales acogidos por otros asociados regionales de la Iniciativa
- Prestación de una amplia gama de actividades de asistencia a los países insulares del Pacífico para reforzar sus controles fronterizos y sus ordenamientos jurídicos
- Celebración de un seminario sobre la resolución [1540 \(2004\)](#) para parlamentarios de los países insulares del Pacífico en septiembre de 2019

Nueva Zelanda participa activamente en un gran número de foros internacionales de desarme y no proliferación. En lo que respecta a las iniciativas recientes relacionadas con las cuestiones tratadas en la resolución [1540 \(2004\)](#), Nueva Zelanda:

- Participó en las cuatro Cumbres de Seguridad Nuclear convocadas entre 2010 y 2016 y contribuyó a las iniciativas voluntarias que se derivaron de ellas
- Copresidió la reunión entre períodos de sesiones del Foro Regional de la Asociación de Naciones de Asia Sudoriental sobre la no proliferación y el desarme de 2015 a 2017, y acogió la reunión del grupo en 2017
- Se sumó a la Alianza Internacional contra la Impunidad por el Uso de Armas Químicas en 2018
- Asumió la presidencia del Régimen de Control de la Tecnología de Misiles en 2019/20 y acogió la reunión plenaria del grupo en octubre de 2019

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)	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	

Adherence to legally binding instruments, membership of organizations, participation in arrangements and statements made

Relevant information (i.e. signing, deposit of instrument of accession, ratification, etc.)

Remarks (information refers to the page of the English version of the national report or an official web site)

- | | | |
|----|---|--|
| 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: <ol style="list-style-type: none"> 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	1. World Customs Organization 2. World Health Organization 3. International Maritime Organization 4. World Organization for Animal Health 5. International Criminal Police Organization 6. 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/?			Source document	Remarks	
	NW	CW	BW		NW	CW	BW			
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 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>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>		
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	

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				Remarks
	X/?			Source document	X/?			Source document	
	NW	CW	BW ^b		NW	CW	BW		
				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 on 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

	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	National legal framework				Enforcement and civil/criminal penalties				Remarks
		X/?				X/?				
		NW	CW	BW	Source document	NW	CW	BW	Source document	
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

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	National legal framework				Enforcement and civil/criminal penalties					Remarks
	X/?				X/?					
	NW	CW	BW	Source document	NW	CW	BW	Source document		
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			

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	National legal framework				Enforcement and civil/criminal penalties				
	X/?				X/?				
	NW	CW	BW	Source document	NW	CW	BW	Source document	Remarks
14 Re-export control				Export provisions of the Customs and Excise Act apply to re-export				As above	
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 exports/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

<i>Assistance, work with and inform industry, and other information</i>		<i>Remarks</i>
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