



Conseil de sécurité

Distr. générale
8 mai 2020
Français
Original : anglais

Comité du Conseil de sécurité créé par la résolution **1540 (2004)**

Note verbale datée du 8 mai 2020, adressée au Président du Comité par la Mission permanente de la Nouvelle-Zélande auprès de l'Organisation des Nations Unies

La Mission permanente de la Nouvelle-Zélande auprès de l'Organisation des Nations Unies présente ses compliments au Président du Comité du Conseil de sécurité créé par la résolution **1540 (2004)** et a l'honneur de lui faire tenir ci-joint le rapport et les tableaux¹ récapitulant les mesures prises par la Nouvelle-Zélande en application de la résolution **1540 (2004)** du Conseil de sécurité (voir annexe).

La Mission permanente de la Nouvelle-Zélande auprès de l'Organisation des Nations Unies a également l'honneur d'informer le Comité qu'elle a volontairement fait référence dans les tableaux récapitulatifs au Traité sur l'interdiction des armes nucléaires, que la Nouvelle-Zélande a signé et ratifié.

La Mission permanente de la Nouvelle-Zélande auprès de l'Organisation des Nations Unies propose que le Comité envisage à l'avenir d'ajouter dans les tableaux récapitulatifs une ligne consacrée au Traité sur l'interdiction des armes nucléaires.

¹ Comme en a convenu le Comité, les tableaux présentés par la Nouvelle-Zélande sont distribués uniquement dans leur langue originale.



**Annexe à la note verbale datée du 8 mai 2020 adressée
au Président du Comité par la Mission permanente
de la Nouvelle-Zélande auprès de l'Organisation
des Nations Unies**

**Rapport de la Nouvelle-Zélande sur l'application de la résolution
[1540 \(2004\)](#) du Conseil de sécurité**

Depuis la présentation de son rapport initial au Comité du Conseil de sécurité créé par la résolution [1540 \(2004\)](#), daté du 28 octobre 2004 ([S/AC.44/2004/\(02\)/54](#)), et de ses rapports supplémentaires datés du 11 janvier 2006 et du 11 février 2008, le Gouvernement néo-zélandais a pris de nouvelles mesures pour renforcer l'application de la résolution [1540 \(2004\)](#) du Conseil de sécurité, comme indiqué ci-dessous.

Engagements nouveaux et révisés

En 2014, la Nouvelle-Zélande a établi avec l'Agence internationale de l'énergie atomique (AIEA) un protocole modifié relatif aux petites quantités de matières, portant modification de l'accord de garanties conclu avec l'Agence en 1972.

La Nouvelle-Zélande s'est dotée d'un nouvel instrument juridique, à savoir la loi de 2016 sur la sûreté radiologique, qui remplace la législation antérieure sur les matières radioactives et nucléaires. Cette loi dispose que nul ne peut fabriquer, posséder, contrôler, utiliser, importer, exporter ou travailler avec une source de rayonnements, ou fournir un service connexe, sans y être dûment autorisé.

La loi sur la sûreté radiologique correspondait à la dernière étape du processus visant à donner effet en droit interne à l'Amendement à la Convention sur la protection physique des matières nucléaires et à la Convention internationale pour la répression des actes de terrorisme nucléaire. La Nouvelle-Zélande a ratifié ces deux Conventions en 2016.

En 2017, la Nouvelle-Zélande a modifié la loi de 1999 sur la criminalité maritime afin d'y inclure des dispositions visant à ériger en infraction le transport intentionnel de matières liées aux armes de destruction massive, y compris en haute mer, ainsi que le déchargement d'armes de destruction massive et de matières connexes depuis des plateformes fixes. Cela lui a permis de ratifier le Protocole de 2005 à la Convention pour la répression d'actes illicites contre la sécurité de la navigation maritime et le Protocole de 2005 au Protocole pour la répression d'actes illicites contre la sécurité des plateformes fixes situées sur le plateau continental.

En 2018, la Nouvelle-Zélande a adopté la loi sur le contrôle du courtage (armes et articles connexes), qui établit un cadre réglementaire pour les activités de courtage hors frontières portant, entre autres, sur des articles à double usage qui pourraient servir à la fabrication d'armes de destruction massive.

En 2018, la Nouvelle-Zélande a ratifié le Traité sur l'interdiction des armes nucléaires, au titre duquel elle s'est engagée, entre autres, à ne jamais, en aucune circonstance, aider, encourager ou inciter quiconque, de quelque manière que ce soit, à se livrer à une activité interdite à un État partie par le Traité, lesquelles comprennent la mise au point, la mise à l'essai, la production, la fabrication, l'acquisition, la possession ou le stockage d'armes nucléaires ou d'autres dispositifs explosifs nucléaires, le transfert direct ou indirect à qui que ce soit d'armes nucléaires ou d'autres dispositifs explosifs nucléaires ou du contrôle de telles armes ou de tels dispositifs explosifs, et l'emploi ou la menace d'emploi d'armes nucléaires ou d'autres dispositifs explosifs nucléaires. En application du Traité, la Nouvelle-Zélande s'est également engagée à respecter les obligations découlant des accords de

garanties de l'AIEA en vigueur au moment de l'entrée en vigueur du Traité, sans préjudice des instruments additionnels pertinents qu'elle pourrait adopter à l'avenir.

La Nouvelle-Zélande a promulgué des règlements visant à appliquer les sanctions du Conseil de sécurité relatives aux armes de destruction massive et à leurs vecteurs, notamment à l'égard de la République populaire démocratique de Corée.

Autres modifications de lois et de règlements

Depuis la présentation du dernier rapport de la Nouvelle-Zélande au Comité, plusieurs lois et règlements qui y étaient mentionnés ont été révisés ou modifiés. Citons notamment la loi de 2018 sur les douanes et les droits d'accise, par laquelle la législation existante (loi de 1996 sur les douanes et les droits d'accise) a été modernisée, et le décret d'interdiction d'exportation de 2017, qui est renouvelé tous les trois ans.

En 2017, la Nouvelle-Zélande a révisé le régime juridique des substances dangereuses et des nouveaux organismes et établi une nouvelle distribution des pouvoirs de réglementation entre les différents organismes responsables de la protection de l'environnement et de la sécurité au travail. En outre, plusieurs règlements qui avaient été établis en application de la loi sur les substances dangereuses et les nouveaux organismes ont été révisés.

Dans les tableaux récapitulatifs (voir pièce jointe), la Nouvelle-Zélande indique au Comité si elle estime que ses lois et règlements répondent aux exigences fixées dans la résolution [1540 \(2004\)](#).

Coopération et assistance

Ces dernières années, la Nouvelle-Zélande a continué de fournir une assistance sous diverses formes à d'autres États aux fins de l'application des dispositions de la résolution [1540 \(2004\)](#). Citons notamment les contributions suivantes :

- Contributions financières régulières au Fonds pour la sécurité nucléaire de l'AIEA et concours financiers volontaires à l'Organisation pour l'interdiction des armes chimiques, tels que le financement d'une conférence sur la sécurité chimique en 2017
- Assistance financière pour l'organisation de programmes nationaux et régionaux de formation à la sécurité nucléaire, à la criminalistique nucléaire et à la détection des matières nucléaires illicites
- Appui au Partenariat mondial contre la prolifération des armes de destruction massive et des matières connexes au moyen de contributions financières aux projets mentionnés ci-dessus
- Participation et soutien financier aux programmes de formation régionaux menés sous l'égide de l'Initiative mondiale de lutte contre le terrorisme nucléaire
- Accueil d'un exercice régional pour l'Asie-Pacifique en 2015 dans le cadre de l'Initiative de sécurité contre la prolifération et contribution aux exercices annuels organisés par d'autres partenaires régionaux de l'Initiative
- Fourniture d'une assistance très variée aux pays insulaires du Pacifique pour les aider à renforcer leurs contrôles aux frontières et leurs systèmes juridiques
- Accueil d'un séminaire sur la résolution [1540 \(2004\)](#) à l'intention des parlementaires des pays insulaires du Pacifique en septembre 2019

La Nouvelle-Zélande participe activement à un grand nombre de forums internationaux pour le désarmement et la non-prolifération. En ce qui concerne les initiatives récentes relatives aux questions abordées dans la résolution [1540 \(2004\)](#), la Nouvelle-Zélande:

- A participé aux quatre Sommets sur la sécurité nucléaire organisés entre 2010 et 2016 et contribué aux initiatives volontaires qui en ont découlé ;
- A coprésidé la réunion intersessions du Forum régional de l'Association des nations de l'Asie du Sud-Est sur la non-prolifération et le désarmement de 2015 à 2017 et accueilli la réunion du groupe en 2017 ;
- S'est jointe au Partenariat international contre l'impunité d'utilisation d'armes chimiques en 2018 ;
- A assumé la présidence du Régime de contrôle de la technologie des missiles pour 2019/20 et accueilli la réunion plénière du groupe en octobre 2019.

Pièce jointe

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)	<ul 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	<p>Member since 13 September 1957</p> <p>Safeguards agreement (small quantities protocol) (INFCIRC/185) 29 February 1972</p> <p>Additional Protocol (INFCIRC/185/Add.1) 24 September 1998</p> <p>Modified small quantities protocol (INFCIRC/185/Mod.1) 24 February 2014</p>	
18 Directly relevant arrangements	<p>New Zealand participates in the following arrangements:</p> <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	<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/?			Source document			Remarks
	NW	CW	BW				NW	CW	BW				
1 Manufacture				NW: NZNFZA, sect. 5; TSA, sects. 13 C–E						NW: NZNFZA, sect. 14; TSA, sects. 13 C–E			
				CW: CWPA, sect. 6						CW: CWPA, sects. 6, 7, 9 and 15			
				BW: NZNFZA, sect. 8; HSNOA, sect. 25						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						NW: NZNFZA, sect. 14; TSA, sects. 13 C–E			
				CW: CWPA, sect. 6						CW: CWPA, sects. 6, 7, 9 and 15			
				BW: HSNOA, sect. 25						BW: HSNOA, part 7			
5 Transport				All: Maritime Crimes Act, sects. 4 B and 5 A						All: Maritime Crimes Act, sects. 4 B and 8		CWPA prohibits transfer; hence transport is also prohibited	
				NW: NZNFZA, sect. 6						NW: NZNFZA, sect. 14			
				CW: CWPA, sect. 6 (1) (b)						CW: CWPA, sects. 6, 7, 9 and 15		NZNFZA prohibits control; hence transport of NW and BW is also prohibited	
				BW: NZNFZA, sect. 8						BW: NZNFZA, sect. 14; HSNOA, part 7			

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			All: TSA, sects. 8–10; AML/CTF, sects. 72–90, 100, 105 and 112; Crimes Act, part 4			NW: NZNFZA, sect. 14			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			All: Crimes Act, part 4; Customs and Excise Act, sects. 388 and 389			NW: NZNFZA, sect. 14; TSA, sects. 13 C–E			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
	CW: CWPA, sect. 6			BW: NZNFZA, sect. 8			CW: CWPA, sect. 6			BW: NZNFZA, sect. 14			

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.

12/21

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

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

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/?			X/?			X/?			Source document			Remarks
	NW	CW	BW ^b	Source document	NW	CW	BW	Source document					
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, subpart 3 CW: HSNOA, parts 7 and 7 A BW: HSNOA, parts 7 and 7 A					
				NW: RSA, sects. 12 and 24 (import/export) CW: HSNOA, sects. 28–33 (import) and 51, schedule 3, part 3									

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/?			X/?			X/?			Source document			Remarks
	NW	CW	BW ^b	Source document	NW	CW	BW	Source document					
9 Physical protection measures				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									
10 Personnel reliability	NW: RSA, sects. 11 and 20			CW: Health and Safety at Work (Hazardous Substances) Regulations, 2017	NW: RSA, subpart 3			CW: HSNOA, parts 7 and 7 A					
	CW: HSNOA, sect. 38 K			BW: HSNOA, parts 7 and 7 A									
	NW: RSA, sects. 19 (1) (a) (i) and 22 (1) (c) and (d)			NW: RSA, subpart 3, and licensing procedures									
	CW: Health and Safety at Work (Hazardous Substances) Regulations, 2017, regulations. 4.1–4.6			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: Hazardous Substances and New Organisms (Personnel Qualifications) Regulations, 2001, regulations. 9 and 10			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

	<i>Source document</i>	<i>Remarks</i>
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)

<i>Measures to establish domestic controls to prevent the proliferation of chemical weapons, their means of delivery; controls over related materials</i>	<i>Source document</i>	<i>Remarks</i>
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)

<i>Measures to establish domestic controls to prevent the proliferation of biological weapons, their means of delivery; controls over related materials</i>	<i>Source document</i>	<i>Remarks</i>
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	

1871

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>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>	
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				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

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
	NW	CW	BW	Source document	NW	CW	BW	Source document	
13 Trans-shipment control		X/?			X/?				As above
14 Re-export control				Import/export provisions of the Customs and Excise Act apply to trans-shipment				As above	
15 Control over financing of exports/trans-shipments that would contribute to proliferation				Export provisions of the Customs and Excise Act apply to re-export				All: Crimes Act, part 4; 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	
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				NW: New Zealand Nuclear Free Zone, Disarmament and Arms Control Act, sect. 14 CW: Chemical Weapons Prohibition Act, sects. 6, 7, 9 and 15	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