



3 December 2020

Minister of Foreign Affairs

For action by

11 December 2020

Approval for Foreign Military Aircraft to Land in New Zealand in 2021

BRIEFING Overview Submission

PURPOSE To recommend the Prime Minister grants approval under the New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act 1987 for the landing of certain categories of foreign military aircraft in New Zealand, over the period 1 January 2021 to 31 December 2021.

Tukunga tūtohua – Recommended referrals

Prime Minister	For action by	18 December 2020
Minister for Disarmament and Arms Control	For information by	18 December 2020
Minister of Defence	For information by	18 December 2020

Taipitopito whakapā – Contact details

NAME	ROLE	DIVISION	WORK PHONE
Cecile Hillyer	Divisional Manager	International Security and Disarmament Division	s9(2)(a)
Alex Thomson	Counter-Proliferation Advisor	International Security and Disarmament Division	

Mā te Tari Minita e whakakī – Minister's Office to complete

 Approved Noted Seen Needs amendment Declined Withdrawn Overtaken by events See Minister's notes**Comments**

Approval for Foreign Military Aircraft Landings in 2021

Pito matua – Key points

- The Prime Minister may grant approvals to a category of foreign military aircraft under Section 10(3) of the New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act 1987 for the landing of foreign military aircraft in New Zealand territory.
- New Zealand has historically provided “blanket” diplomatic clearances for the landing of foreign military aircraft in New Zealand on an annual basis. Such clearances are limited to certain categories of aircraft from certain countries.
- Annual clearances are sought for eight categories of aircraft, to reduce the number of approvals which would otherwise be required throughout the year and to reduce the administrative burden should an emergency occur within New Zealand.
- The Prime Minister must be satisfied that the aircraft in question will not be carrying a nuclear explosive device in order to grant such approval. This requires her to have regard to all relevant information and advice that may be available, including that concerning the strategic and security interests of New Zealand.
- Having considered all relevant information available, officials conclude that the aircraft in these categories will not be carrying any nuclear explosive device when the aircraft land in New Zealand.
- It is recommended that the Prime Minister give approval for landings of the following categories of foreign military aircraft in 2021:
 - Canadian military aircraft;
 - French military logistics transport aircraft, embarked helicopters and unmanned aerial vehicles on naval vessels, and maritime patrol aircraft;
 - Italian military logistics transport aircraft;
 - United Kingdom military logistics transport aircraft and embarked helicopters and unmanned aerial vehicles on naval vessels;
 - United States military logistics transport and maritime patrol aircraft and embarked helicopters and unmanned aerial vehicles on naval vessels;
 - military aircraft of those states that are both non-nuclear weapon States Party to the Treaty on the Non-Proliferation of Nuclear Weapons 1968 and signatory or States Party to a nuclear weapon free zone treaty;
 - military logistics transport aircraft of other states not already covered by other category approvals supporting state/official visits to New Zealand by Heads of State, senior government members or senior officials; and
 - military aircraft of other states not already covered by other category approvals providing or facilitating assistance to New Zealand in the event of a natural disaster or security incident.

Ben King
for Secretary of Foreign Affairs and Trade

Approval for Foreign Military Aircraft Landings in 2021

Tūtohu – Recommendations

It is recommended that you:

- | | | |
|---|---|-----------------|
| 1 | Refer a copy of this submission and the attached draft determinations to the Prime Minister for consideration, and | Yes / No |
| 2 | Refer a copy of this submission of the Minister of Defence. | Yes / No |

Hon Nanaia Mahuta
Minister of Foreign Affairs

Date: / /

Released under the Official Information Act 1982

Approval for Foreign Military Aircraft Landings in 2021

Pūrongo – Report

1. Under Section 10 of the New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 (the Act), the Prime Minister's approval is required for foreign military aircraft to land in New Zealand.

2. The Prime Minister may only grant that approval if satisfied that the foreign military aircraft will not be carrying any nuclear explosive device when it lands in New Zealand. In considering whether to grant approval for the landing, the Act requires that the Prime Minister "have regard to all relevant information and advice that may be available to the Prime Minister including information and advice concerning the strategic and security interests of New Zealand."

Approval for Foreign Military Aircraft by Category

3. Section 10(3) of the Act provides that any such approval may relate to a category of foreign military aircraft, including foreign military aircraft that are being used to provide logistic support for a research programme in Antarctica, and may be given for such period as is specified in the approval.

4. It is proposed for calendar year 2021 to use the same categories as were approved for 2020. Details relating to the categories are attached as Annexes A to H:

Annex A:	Canadian military aircraft
Annex B:	French military logistics transport aircraft, embarked helicopters and unmanned aerial vehicles on naval vessels, and maritime patrol aircraft
Annex C:	Italian military logistics transport aircraft
Annex D:	United Kingdom military logistics transport aircraft and embarked helicopters and unmanned aerial vehicles on naval vessels
Annex E:	United States military logistics transport and maritime patrol aircraft, and embarked helicopters and unmanned aerial vehicles on naval vessels
Annex F:	Military aircraft of those states that are both non-nuclear weapon states and party to a nuclear weapon free zone treaty
Annex G:	Military transport aircraft involved in state or official visits
Annex H:	Military aircraft involved in providing support to New Zealand in the event of a natural disaster or security incident

Requirement to Provide Advance Notifications or Diplomatic Clearance Requests

5. If the Prime Minister were to grant these category approvals, then all landings in New Zealand by the aircraft concerned in calendar year 2021 would be subject either to the requirement to provide advance notification to the relevant New Zealand authorities, or to the requirement to submit individual diplomatic clearance requests. If circumstances changed during 2021 in such a way that any of the aircraft in these categories could no longer be considered to meet the requirements of the Act, then officials would revisit the matter to have the approval rescinded or amended as necessary.

Approval for Foreign Military Aircraft Landings in 2021

Recommendations

6. Given the categories of foreign military aircraft and what is known about them, officials conclude that the aircraft in these categories will not be carrying any nuclear explosive device when they land in New Zealand.

7. It is recommended that the Prime Minister grant approval under Section 10 of the Act to the landing in New Zealand in the period from 1 January 2021 to 31 December 2021 inclusive by:

- the various categories/classes of foreign military aircraft from Canada (Annex A) France (Annex B), Italy (Annex C), the United Kingdom (Annex D), the United States of America (Annex E), those supporting state/official visits (Annex G) and those providing/facilitating assistance to New Zealand in the event of a natural disaster or security incident (Annex H); and
 - foreign military aircraft from those non-nuclear weapon States Party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) 1968 that are also signatory or States Party to one of the following Nuclear Weapon Free Zone Treaties: South Pacific Nuclear Free Zone Treaty 1985 (Treaty of Rarotonga) (Australian military aircraft are included in this category); African Nuclear Weapon Free Zone Treaty 1996 (Treaty of Pelindaba); Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean 1967 (Treaty of Tlatelolco); Treaty on the Southeast Asia Nuclear Weapon Free Zone 1995 (Treaty of Bangkok). This category is set out in Annex F.
8. Attached are draft determinations for each category for the Prime Minister's signature.

CANADIAN MILITARY AIRCRAFT

Background

Military aircraft of Canada have previously been approved by Prime Ministers as a category or class under section 10(3) of the New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act 1987 (the Act), most recently for the year 1 January 2020 to 31 December 2020.

2 Military aircraft (helicopters and unmanned aerial vehicles) embarked on a Canadian warship would also be covered under this category.

Canada's nuclear weapons policies

3 Canada is party to the Treaty on the Non-Proliferation of Nuclear Weapons 1968 (NPT) and as such is bound by international law to neither acquire nor possess nuclear explosive devices. Officials conclude that Canada scrupulously complies with its obligations under this treaty.

New Zealand's strategic and security interests

4 Canada is a valued and close international partner of New Zealand, including in the defence and security arena. Our defence force gains valuable experience through the continued opportunities to train with the Canadian Armed Forces. In the context of our other close defence partnerships, the NZDF is highly interoperable with the Canadian Armed Force. Visits by Canadian military aircraft further the defence relationship and are in New Zealand's strategic and security interests.

Conclusion

5 Officials consider that Canadian military aircraft constitute a separate category or class for the purposes of Section 10(3) of the Act.

6 Officials conclude that aircraft in this category would not be carrying any nuclear explosive device when they land in New Zealand.

ANNEX B

FRENCH MILITARY LOGISTICS TRANSPORT, MARITIME PATROL AND EMBARKED MILITARY AIRCRAFT**Background**

In May 1994, the then Prime Minister gave category/class approvals under section 10(3) of the New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act 1987 for a number of categories or classes of French military aircraft to land in New Zealand in the period up to 31 May 1995 (for the first time under the Act). French nuclear testing resumed in 1995, and as a result the category/class approvals were not renewed. Occasional aircraft visits were thereafter approved by the then Prime Minister under the Act on a case-by-case basis. French nuclear testing ceased in the first half of 1996. Later in 1996, and again in subsequent years, annual category/class approvals were given by the Prime Minister in accordance with section 10(3) of the Act.

Current situation

2 The Prime Minister most recently gave category/class approvals under section 10(3) of the New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act 1987 for the following categories or classes of French military aircraft to land in New Zealand in the period 1 January 2020 to 31 December 2020:

- a Military logistics transport aircraft and maritime patrol aircraft of the Government of France being used:
 - i for, or in support of, search and rescue flights to or from New Zealand;
 - ii for the transportation of equipment and/or personnel to New Zealand to repair a broken down or damaged French aircraft;
 - iii for, or in support of, aeromedical mercy/evacuation flights to or from New Zealand;
 - iv for the transportation of dignitaries visiting New Zealand with the prior consent of the New Zealand Government;
 - v for the transportation of high priority cargo for the French Embassy in New Zealand;
 - vi for navigation/instrument flight rules training flights to or from New Zealand;
 - vii for maritime surveillance flights to or from New Zealand;
 - viii for humanitarian aid and/or disaster relief flights to or from New Zealand;

- ix for the transportation of teenage children of military personnel to or from New Zealand as part of the NZDF/French New Caledonia Armed Forces children exchange scheme;
- x for the transportation of military personnel and their equipment to or from New Zealand in connection with exercises in or exercise discussions in New Zealand, or for relationship-building exercises with the New Zealand Defence Force;
- b Military logistics transport aircraft of the Government of France being used to provide logistics support for the French Antarctic Research Programme;
- c Military logistics transport aircraft of the Government of France being used for the transportation of military personnel and/or equipment in support of any operation for the restoration and/or maintenance of international peace and security in which New Zealand forces are engaged;
- d Military helicopters and unmanned aerial vehicles of the Government of France undertaking flights from a French warship; and
- e Military logistics aircraft taking part in air shows or public demonstrations at the invitation of, or with the prior consent of, the New Zealand Government.

The aircraft and the Nuclear Free Zone Act

3 France is one of five nuclear weapon states recognised by the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). From public information sources we know that in the French Navy nuclear weapons are only deployed on ballistic missiles on France's four nuclear powered ballistic missile submarines.

4 France's other deterrent capability consists of air-to-surface missiles equipped with nuclear warheads, which are carried by on specifically modified combat aircraft. Most of these aircraft are land-based in France, but one air group (flotilla) consists of carrier capable aircraft that can also operate from the nuclear-powered aircraft carrier CHARLES DE GAULLE.

5 Given their freight, passenger and surveillance roles, none of France's military logistics transport, maritime patrol or embarked aircraft are specifically designed for the delivery of nuclear explosive devices.

New Zealand's strategic and security interests

6 New Zealand has significant shared security interests with France in the South Pacific region and due to the close proximity of New Caledonia receives regular visits from the French Armed Forces stationed there, as well occasional visits from their forces stationed in French Polynesia. Training and exercises are particularly significant given frequent requirements for joint responses to contingencies in the region.

7 The granting of approvals directly facilitates the bilateral security relationship, and is also important for the RNZAF which receives reciprocal blanket approval for RNZAF flights over metropolitan France and French territories in the Pacific region. Any flights in support of New Zealand's international peacekeeping and security deployments or in support of security/humanitarian assistance in the South Pacific are of direct benefit to New Zealand's strategic and security interests. Granting category/class approvals,

for the categories or classes of French military aircraft mentioned above is in New Zealand's strategic and security interests.

Conclusion

8 Officials conclude that French military logistics, maritime patrol aircraft, and embarked helicopters and unmanned aerial vehicles on board French warships, constitute separate categories or classes for the purposes of Section 10(3) of the Act.

9 Given the purpose of the visits to New Zealand, s6(a) officials are satisfied that aircraft in these categories would not be carrying any nuclear explosive device when they land in New Zealand.

Released under the Official Information Act 1982

ITALIAN MILITARY LOGISTICS TRANSPORT AIRCRAFT**Background**

In a 1987 Agreement with the Government of Italy, New Zealand undertook to "facilitate, consistent with its laws and regulations ... the entry into and exit from New Zealand of ships, aircraft, equipment and materials to be used in the Italian Antarctic Research Programme..." In return, the Italian Government undertook to provide as far as possible appropriate logistics support for the implementation of the New Zealand Antarctic Programme. Italy is party to the Antarctic Treaty 1959. Pursuant to this Agreement, the Italians have previously sent an Italian military logistics C130 Hercules transport aircraft to New Zealand, based at Christchurch, to provide support to Italy's annual Antarctic Summer expeditions.

2 The New Zealand and Italian Antarctic programmes have collaborated for nearly 30 years. In recent times Italy has not deployed its own logistics transport aircraft to New Zealand; that support has been provided by commercial aircraft or the RNZAF. s6(a)

These approvals were used by the Italian Air Force in 2019 when it provided logistics support for the Italian programme.

3 The most recent category/class approval granted by the Prime Minister under Section 10(3) of the Nuclear Free Zone Act for landings here by such Italian military logistics transport aircraft was for the period from 1 January 2020 to 31 December 2020.

The aircraft and the Nuclear Free Zone Act

4 Given their freight and/or passenger transportation roles, none of Italy's military logistics transport aircraft are specifically designed for the delivery of nuclear explosive devices.

5 Italy is party to the Treaty on the Non-Proliferation of Nuclear Weapons 1968 (NPT) and as such is bound by international law to neither acquire nor possess nuclear explosive devices. Officials conclude that Italy scrupulously complies with its obligations under this treaty.

New Zealand's strategic and security interests

6 Flights by Italian military aircraft to New Zealand and to and from Antarctica contribute to New Zealand/Italian Antarctic co-operation and to the continued development of Christchurch as a departure point for Antarctic research expeditions. s6(a)

Conclusion

7 Officials consider that Italian military logistics and transport aircraft to constitute a separate category or class for the purposes of section 10(3) of the Act.

8 Given the type of aircraft and purpose of the visits to New Zealand, officials conclude that aircraft in these categories would not be carrying any nuclear explosive device when they land in New Zealand.

**UNITED KINGDOM MILITARY LOGISTICS TRANSPORT AIRCRAFT
AND EMBARKED AIRCRAFT**

Background

Prime Ministers, most recently for the year 1 January 2020 to 31 December 2020, have previously given category/class approvals under section 10(3) of the New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 (the Act) for the following categories of United Kingdom military aircraft to land in New Zealand:

- a military logistics transport aircraft being used for the transportation of military personnel and their equipment to or from New Zealand in connection with exercises here;
- b military logistics transport aircraft being used for the transportation of dignitaries visiting New Zealand with the prior consent of the New Zealand Government or for the transportation of high priority cargo for the British High Commission in New Zealand;
- c military logistics transport aircraft being used for the transportation of military personnel and/or equipment in support of any operation for the restoration and/or maintenance of international peace and security in which New Zealand forces are engaged;
- d military logistics transport aircraft visiting New Zealand in order to participate in military flying competitions or exercises in New Zealand; and
- e military helicopters and unmanned aerial vehicles undertaking flights from a United Kingdom warship.

United Kingdom military logistics transport aircraft and the Nuclear Free Zone Act

2 Visits by UK military logistics transport aircraft in the categories above
s6(a) Given their freight and/or passenger transportation roles, none of the UK's military logistics transport aircraft are specifically designed for the delivery of nuclear explosive devices.

3 s6(a) it is possible that UK military aircraft could undertake flights from Royal Navy warships. s6(a)

None of the UK's military helicopters or Unmanned Aerial Vehicles are specifically designed for the delivery of nuclear explosive devices.

4 The only nuclear weapons possessed by the UK are those deployed on British ballistic missile submarines. s6(a)

Strategic and security interests

5 Our bilateral defence relationship with the UK is one of our most important. Built on a shared history, mutual values and interests, we interact substantially with the British Armed Forces across the breadth of NZDF functions. The British Armed Forces are a core foreign training provider and there are many similarities with the NZDF in terms of training, doctrine, interoperability, and capability development.

6 UK military logistics transport aircraft or embarked aircraft visits contribute to the bilateral defence relationship. Any flights made in support of New Zealand's international peacekeeping and security deployments are of particular benefit to New Zealand's interests.

Conclusion

7 Officials consider that UK military logistics transport aircraft and embarked aircraft on board Royal Navy warships constitute separate categories or classes for the purposes of Section 10(3) of the Act.

8 Given the purpose of the visits to New Zealand, and the previous absence of special security measures, officials conclude that aircraft in these categories would not be carrying any nuclear explosive device when they land in New Zealand.

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**US MILITARY LOGISTICS TRANSPORT
AND MARITIME PATROL AIRCRAFT****Background**

Prime Ministers, most recently for the year 1 January 2020 to 31 December 2020, have previously given category/class approvals under section 10(3) of the New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 (the Act) for the following categories of United States military aircraft to land in New Zealand:

- a Military logistics transport aircraft of the Government of the United States of America being used:
 - i to provide logistics support for the United States Antarctic Program and/or the New Zealand Antarctic Programme;
 - ii for the transportation of, or to provide support to, dignitaries visiting New Zealand with the prior consent of the New Zealand Government or for the transportation of high priority cargo for United States Government installations in New Zealand;
 - iii for, or in support of, aeromedical evacuation flights or humanitarian aid and/or disaster relief flights to or from New Zealand;
 - iv for, or in support of, search and rescue flights to or from New Zealand;
 - v to provide logistics support to United States Government research projects, including for the National Aeronautics and Space Administration (NASA), being carried out in or from New Zealand with the New Zealand Government's approval;
 - vi for the transportation of United States military or government personnel to and from New Zealand for discussions, conferences or exercises held in New Zealand with the prior consent of the New Zealand Government; and
 - vii to take part in or provide logistics support to operations and exercises with the New Zealand Defence Force.
- b Military logistics transport aircraft of the Government of the United States of America visiting New Zealand for the purpose of maintenance;
- c Military logistics transport aircraft of the Government of the United States of America being used for the transportation of military personnel and/or equipment in support of any operation for the restoration and/or maintenance of international peace and security in which New Zealand forces are engaged;
- d Military logistics aircraft taking part in air shows or public demonstrations; and
- e Military logistics transport aircraft undertaking operating capabilities flight testing prior to entering active service.

- f Embarked helicopters and unmanned aerial vehicles on a US warship and military maritime patrol aircraft visiting New Zealand for the purpose of:
- i training, exercises, operations and exchanges with the New Zealand Defence Force;
 - ii for, or in support of, aeromedical evacuation flights or humanitarian aid and/or disaster relief flights to or from New Zealand;
 - iii for, or in support of, search and rescue flights to or from New Zealand;
 - iv for, or in support of, maritime patrols in support of South Pacific regional security; and
 - v taking part in air shows or public demonstrations.
 - vi flights in connection with a representational, operational or transit visit by a United States warship

US military logistics transport and maritime patrol aircraft and the Nuclear Free Zone Act

s6(a)

3 The US no longer maintains ground based, surface vessel, or naval aircraft (deployed at sea or land based) tactical nuclear capabilities. s6(a)

4 US military logistics transport and maritime patrol aircraft, helicopters and Unmanned Aerial Vehicles in all categories are not designed for the delivery of nuclear weapons.

New Zealand's strategic and security interests

5 New Zealand's relationship with the United States has strengthened considerably in the last 10-15 years. Our engagements alongside the United States in Afghanistan, the Asia-Pacific, the Middle East and the visits to New Zealand by the USS SAMPSON in 2016 and the USCG POLAR STAR every year since 2017 have rebuilt working-level relationships with the United States and re-established New Zealand as a strategic partner as expressed in the Wellington Declaration of November 2010. We seek close working relationships with US forces in the region s6(a)

6 The defence relationship is s6(a) It takes place in the context of our independent foreign policy, and reflects New Zealand values, interests and size. Senior level defence engagement between New Zealand and the US has increased through active defence training and exchanges

above and beyond operational deployments. Building on the foundations of the Washington Declaration of June 2012, New Zealand-US defence engagement continues to grow in scope and frequency. The bilateral defence relationship with the United States is one of New Zealand's security priorities.

7 New Zealand's interests are specifically served by maintaining the NZ-US co-operative arrangements applying in respect of Antarctic research (including RNZAF and US military flights supporting the US National Science Foundation and Antarctica NZ Joint Logistics Pool) by ensuring that Christchurch remains the major gateway to Antarctica. New Zealand, the Canterbury region in particular, also benefits economically from providing goods and services to support the United States' Antarctic Programme "Operation Deepfreeze" based in Christchurch.

8 These interests are assisted by facilitating the landing in New Zealand of US military logistics transport aircraft providing logistics support for the US Antarctic Programme or receiving maintenance before or after providing such support. We are also bound by the terms of the 1958 and 1960 Agreements with the US Government regarding the provision of facilities in New Zealand for US Antarctic expeditions to permit the transit of relevant US aircraft. These agreements also state that relevant US aircraft may be based at agreed airports, i.e. Christchurch.

s6(a)

Conclusion

10 Officials consider that the United States Government military logistics transport and maritime patrol aircraft referred to above constitute separate categories or classes for the purposes of Section 10(3) of the Act.

11 Given the purpose of the visits to New Zealand, s6(a) officials conclude that aircraft in these categories would not be carrying any nuclear explosive device when they land in New Zealand.

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MILITARY AIRCRAFT FROM STATES PARTY TO THE NPT AND ALSO SIGNATORY OR STATES PARTY TO NUCLEAR WEAPON FREE ZONE TREATIES

Background

Since 1999 Prime Ministers have approved, under Section 10(3) of the New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 (the Act), a category/class under which military aircraft from those states that are **both** non-nuclear weapon States Party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) 1968 **and** signatory or States Party to a nuclear weapon free zone treaty would be permitted to land in New Zealand on the basis that the Prime Minister was satisfied that aircraft in this category would not be carrying any nuclear explosive device when they landed in New Zealand, and that such an approval is in New Zealand's strategic and security interests.

Nuclear Weapon Free Zone Treaties

2 The following are the relevant nuclear weapon free zone treaties:

- the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean 1967 (Treaty of Tlatelolco); all countries of Latin America and the Caribbean are party to this treaty;
- the South Pacific Nuclear Free Zone Treaty 1985 (Treaty of Rarotonga); this covers Australia, the Cook Islands, Fiji, Kiribati, Nauru, New Zealand, Niue, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu;
- the Treaty on the Southeast Asia Nuclear Weapon Free Zone 1995 (Treaty of Bangkok); this covers Brunei, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Viet Nam; and
- the African Nuclear Weapon Free Zone Treaty 1996 (Treaty of Pelindaba); this covers most countries in Africa.

3 Military aircraft (including helicopters and unmanned aerial vehicles), including those embarked on a warship, from the countries covered by this category approval, would be covered.

4 Other than Australia, which is required to provide an advanced notification, individual diplomatic clearance requests are still required for visits of aircraft from the countries covered by this category approval.

The Nuclear Non-Proliferation Treaty (NPT)

5 The NPT defines nuclear weapon states as those which had tested a nuclear explosive device before 1967: that is, China, France, Russia (formerly the USSR), the United Kingdom and the United States. All other States Party to the NPT are termed non-nuclear weapon states. They are bound by international law to neither acquire nor possess nuclear explosive devices. Only India, Israel, Pakistan and South Sudan have not signed the NPT, and the Democratic People's Republic of Korea declared itself to have withdrawn from the NPT in 2003.

6 States that have also joined a nuclear weapon free zone treaty have further stated, to the international community, their commitment not to acquire or possess nuclear weapons.

New Zealand's strategic and security interests

7 Granting a category/class approval would be consistent with New Zealand's strategic and security interests, including its regard for nuclear weapon free zones. We have promoted the concept of nuclear weapon free zones through our resolutions on the Southern Hemisphere and Adjacent Areas Free of Nuclear Weapons at the UN General Assembly. New Zealand also shares common security and strategic interests with many countries that are important in the South Pacific Nuclear Free Zone and the Southeast Asia Nuclear Weapon Free Zone.

8 The category approvals would facilitate visits by the military aircraft of some non-nuclear weapon states, s6(a)

Most visits of military aircraft from these s6(a) zones have been for official VIP travel.

Conclusion

9 Officials consider that military aircraft from those states that are both non-nuclear weapon States Party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) 1968 and signatory or States Party to a nuclear weapon free zone treaty constitute a separate category or class for the purposes of Section 10(3) of the Act.

10 Officials conclude that all the States Party to the NPT which are also signatory or States Party to one of the four nuclear weapon free zone treaties listed above, comply fully with the relevant obligations of those treaties.

11 Officials conclude that military aircraft in this category would not be carrying any nuclear explosive device when they land in New Zealand.

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MILITARY TRANSPORT AIRCRAFT INVOLVED IN STATE OR OFFICIAL VISITS**Background**

Other category/class approvals already account for the majority of potential aircraft supporting visits to New Zealand, particularly those from Nuclear Free Zone Countries. However, we do receive occasional visits from European, Middle Eastern and Asian countries which are not covered by any category.

2 In addition to the aircraft carrying Heads of State, senior members of government or senior officials, the category would cover any supporting aircraft carrying additional delegation or trade mission members, and supporting equipment.

3 Individual diplomatic clearance requests would still be required for visits of aircraft from a country covered by this category approval.

The aircraft and the Nuclear Free Zone Act

4 Given their freight and/or passenger transportation roles, none of military logistics transport aircraft used to support state or official visits are specifically designed for the delivery of nuclear explosive devices.

New Zealand's strategic and security interests

5 Visits by Heads of State, senior members of government or senior officials contribute directly to the maintenance and furtherance of New Zealand's international relations and political, security and economic interests.

Conclusion

6 Officials consider that military logistics transport aircraft supporting state/official visits to New Zealand to constitute a separate category or class for the purposes of section 10(3) of the Act.

7 Given the type of aircraft and purpose of the visits to New Zealand, officials conclude that aircraft in these categories would not be carrying any nuclear explosive device when they land in New Zealand.

MILITARY AIRCRAFT INVOLVED IN PROVIDING/FACILITATING SUPPORT TO NEW ZEALAND IN THE EVENT OF A NATURAL DISASTER OR SECURITY INCIDENT**Background**

Other category/class approvals already account for the majority of potential aircraft supporting visits to New Zealand, particularly those from Nuclear Free Zone Countries. However, it is possible we could receive visits from European, Middle Eastern and Asian countries which are not covered by any category for the purposes of providing or facilitating support to New Zealand in the event of a natural disaster or security incident occurring here.

2 It is quite possible that New Zealand will request or be offered assistance following a natural disaster or security incident from countries not covered by another category approval. Examples would be transporting specialist search and rescue teams and equipment; transporting specialist chemical response teams and their equipment or airborne mapping aircraft - as provided by Australia in response to the Kaikoura earthquake - to enable ports to reopen. Military aircraft could for example also be used to evacuate foreign nationals following a natural disaster or security incident.

3 Military aircraft providing such support would be at the request of the New Zealand government or based on confirmation that such support would be welcome. Individual diplomatic clearance requests would still be required for visits of aircraft from a country covered by this category approval.

The aircraft and the Nuclear Free Zone Act

4 Given their freight and/or passenger transportation roles, none of military logistics transport aircraft or other aircraft providing specialised support are specifically designed for the delivery of nuclear explosive devices.

New Zealand's strategic and security interests

5 Military aircraft providing such support will be doing so at the request of the New Zealand government or based on confirmation that such support would be welcome. Visits by these aircraft would therefore be in New Zealand's direct security interests.

Conclusion

6 Officials consider that military aircraft providing or facilitating support to New Zealand in the event of a natural disaster or security incident occurring here constitute a separate category or class for the purposes of section 10(3) of the Act.

7 Given the type of aircraft and purpose of the visits to New Zealand, officials conclude that aircraft in these categories would not be carrying any nuclear explosive device when they land in New Zealand.



PRIME MINISTER
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**APPROVAL UNDER SECTION 10 OF THE NEW ZEALAND NUCLEAR FREE ZONE,
DISARMAMENT AND ARMS CONTROL ACT 1987 ("The 1987 Act")**

I, Jacinda Kate Laurell Ardern, Prime Minister of New Zealand

Acting pursuant to Section 10 of the 1987 Act

Having considered all relevant information and advice made available to me including information and advice concerning the strategic and security interests of New Zealand

Hereby approve the landing in New Zealand of foreign military aircraft in the following category or class during the period 1 January 2021 to 31 December 2021 inclusive:

- a Military aircraft of the Government of Canada

And hereby certify that I am satisfied that none of the aircraft referred to will be carrying any nuclear explosive device when it lands in New Zealand

Jacinda Kate Laurell Ardern

December 2020



PRIME MINISTER

TE PIRIMIA

**APPROVAL UNDER SECTION 10 OF THE NEW ZEALAND NUCLEAR FREE ZONE,
DISARMAMENT AND ARMS CONTROL ACT 1987 (“The 1987 Act”)**

I, Jacinda Kate Laurell Ardern, Prime Minister of New Zealand

Acting pursuant to Section 10 of the 1987 Act

Having considered all relevant information and advice made available to me including information and advice concerning the strategic and security interests of New Zealand

Hereby approve the landing in New Zealand of foreign military aircraft of France in the following categories or classes during the period 1 January 2021 to 31 December 2021 inclusive:

- a Military logistics transport aircraft and maritime patrol aircraft of the Government of France being used:
 - i for, or in support of, search and rescue flights to or from New Zealand
 - ii for the transportation of equipment and/or personnel to New Zealand to repair a broken down or damaged French aircraft
 - iii for, or in support of, aeromedical mercy/evacuation flights to or from New Zealand
 - iv for the transportation of dignitaries visiting New Zealand with the prior consent of the New Zealand Government
 - v for the transportation of high priority cargo for the French Embassy in New Zealand
 - vi for navigation/instrument flight rules training flights to or from New Zealand
 - vii for maritime surveillance flights to or from New Zealand
 - viii for humanitarian aid and/or disaster relief flights to or from New Zealand
 - ix for the transportation of teenage children of military personnel to or from New Zealand as part of the NZDF/French New Caledonia Armed Forces children exchange scheme



PRIME MINISTER

TE PIRIMIA

- x for the transportation of military personnel and their equipment to or from New Zealand in connection with exercises in or exercise discussions in New Zealand, or for relationship-building exercises with the New Zealand Defence Force
- b Military logistics transport aircraft of the Government of France being used to provide logistics support for the French Antarctic Research Programme
- c Military logistics transport aircraft of the Government of France being used for the transportation of military personnel and/or equipment in support of any operation for the restoration and/or maintenance of international peace and security in which New Zealand forces are engaged
- d Military helicopters and unmanned aerial vehicles undertaking flights from a French warship
- e Military logistics aircraft taking part in air shows or public demonstrations at the invitation of, or with the prior consent of, the New Zealand Government

And hereby certify that I am satisfied that none of the aircraft referred to will be carrying any nuclear explosive device when it lands in New Zealand

Jacinda Kate Laurell Ardern

December 2020



PRIME MINISTER

TE PIRIMIA

**APPROVAL UNDER SECTION 10 OF THE NEW ZEALAND NUCLEAR FREE ZONE,
DISARMAMENT AND ARMS CONTROL ACT 1987 (“The 1987 Act”)**

I, Jacinda Kate Laurell Ardern, Prime Minister of New Zealand

Acting pursuant to Section 10 of the 1987 Act

Having considered all relevant information and advice made available to me including information and advice concerning the strategic and security interests of New Zealand

Hereby approve the landing in New Zealand of foreign military aircraft of Italy in the following categories or classes during the period 1 January 2021 to 31 December 2021 inclusive:

- a Military logistics transport aircraft of the Government of Italy being used to provide logistic support for the Italian Antarctic Research Programme

And hereby certify that I am satisfied that none of the aircraft referred to will be carrying any nuclear explosive device when it lands in New Zealand

Jacinda Kate Laurell Ardern

December 2020



PRIME MINISTER

TE PIRIMIA

**APPROVAL UNDER SECTION 10 OF THE NEW ZEALAND NUCLEAR FREE ZONE,
DISARMAMENT AND ARMS CONTROL ACT 1987 ("The 1987 Act")**

I, Jacinda Kate Laurell Ardern, Prime Minister of New Zealand

Acting pursuant to Section 10 of the 1987 Act

Having considered all relevant information and advice made available to me including information and advice concerning the strategic and security interests of New Zealand

Hereby approve the landing in New Zealand of foreign military aircraft of the United Kingdom in the following categories or classes during the period 1 January 2021 to 31 December 2021 inclusive:

- a military logistics transport aircraft being used for the transportation of military personnel and their equipment to or from New Zealand in connection with exercises here
- b military logistics transport aircraft being used for the transportation of dignitaries visiting New Zealand with the prior consent of the New Zealand Government or for the transportation of high priority cargo for the British High Commission in New Zealand
- c military logistics transport aircraft being used for the transportation of military personnel and/or equipment in support of any operation for the restoration and/or maintenance of international peace and security in which New Zealand forces are engaged
- d military logistics transport aircraft visiting New Zealand in order to participate in military flying competitions or exercises in New Zealand
- e military helicopters and unmanned aerial vehicles undertaking flights from a United Kingdom warship

And hereby certify that I am satisfied that none of the aircraft referred to will be carrying any nuclear explosive device when it lands in New Zealand

Jacinda Kate Laurell Ardern

December 2020



PRIME MINISTER

TE PIRIMIA

**APPROVAL UNDER SECTION 10 OF THE NEW ZEALAND NUCLEAR FREE ZONE,
DISARMAMENT AND ARMS CONTROL ACT 1987 ("The 1987 Act")**

I, Jacinda Kate Laurell Ardern, Prime Minister of New Zealand

Acting pursuant to Section 10 of the 1987 Act

Having considered all relevant information and advice made available to me including information and advice concerning the strategic and security interests of New Zealand

Hereby approve the landing in New Zealand of foreign military aircraft in the following category or class during the period 1 January 2021 to 31 December 2021 inclusive:

- a Military logistics transport aircraft of the Government of the United States of America being used:
- i to provide logistics support for the United States Antarctic Program and/or the New Zealand Antarctic Programme
 - ii for the transportation of, or to provide support to, dignitaries visiting New Zealand with the prior consent of the New Zealand Government or for the transportation of cargo for United States Government installations in New Zealand
 - iii for, or in support of, aeromedical evacuation flights or humanitarian aid and/or disaster relief flights to or from New Zealand
 - iv for, or in support of, search and rescue flights to or from New Zealand
 - v to provide logistics support to United States Government research projects, including those of the National Aeronautics and Space Administration (NASA), being carried out in or from New Zealand with the New Zealand Government's approval
 - vi for the transportation of United States military or government personnel to and from New Zealand for discussions conferences or exercises held in New Zealand with the prior consent of the New Zealand Government
 - vii to take part in or provide logistics support to operations and exercises with the New Zealand Defence Force



PRIME MINISTER

TE PIRIMIA

- b Military logistics transport aircraft of the Government of the United States of America visiting New Zealand for the purpose of maintenance
- c Military logistics transport aircraft of the Government of the United States of America being used for the transportation of military personnel and/or equipment in support of any operation for the restoration and/or maintenance of international peace and security in which New Zealand forces are engaged
- d Military logistics aircraft taking part in air shows or public demonstrations
- e Military logistics transport aircraft undertaking operating capabilities flight testing prior to entering active service
- f Embarked helicopters and unmanned aerial vehicles on a United States warship and military maritime patrol aircraft visiting New Zealand for the purposes of:
 - i training, exercises, operations and exchanges with the New Zealand Defence Force
 - ii for, or in support of, aeromedical evacuation flights or humanitarian aid and/or disaster relief flights to or from New Zealand
 - iii for, or in support of, search and rescue flights to or from New Zealand
 - iv for, or in support of, maritime patrols in support of South Pacific regional security
 - v taking part in air shows or public demonstrations
 - vi flights in connection with a representational, operational or transit visit by a United States warship

And hereby certify that I am satisfied that none of the aircraft referred to will be carrying any nuclear explosive device when it lands in New Zealand

Jacinda Kate Laurell Ardern

December 2020



PRIME MINISTER

TE PIRIMIA

**APPROVAL UNDER SECTION 10 OF THE NEW ZEALAND NUCLEAR FREE ZONE,
DISARMAMENT AND ARMS CONTROL ACT 1987 ("The 1987 Act")**

I, Jacinda Kate Laurell Ardern, Prime Minister of New Zealand

Acting pursuant to Section 10 of the 1987 Act

Having considered all relevant information and advice made available to me including information and advice concerning the strategic and security interests of New Zealand

Hereby approve the landing in New Zealand of foreign military aircraft in the following categories or classes during the period 1 January 2021 to 31 December 2021 inclusive:

Military aircraft of those non-nuclear weapon States Party to the Treaty on the Non-Proliferation of Nuclear Weapons 1968 which are also signatory or Party to one of the following treaties:

- i the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean 1967 (Treaty of Tlatelolco)
- ii the South Pacific Nuclear Free Zone Treaty 1985 (Treaty of Rarotonga)
- iii the Treaty on the Southeast Asia Nuclear Weapon Free Zone 1995 (Treaty of Bangkok)
- iv the African Nuclear Weapon Free Zone Treaty 1996 (Treaty of Pelindaba)

And hereby certify that I am satisfied that none of the aircraft referred to will be carrying any nuclear explosive device when it lands in New Zealand

Jacinda Kate Laurell Ardern

December 2020



PRIME MINISTER

TE PIRIMIA

**APPROVAL UNDER SECTION 10 OF THE NEW ZEALAND NUCLEAR FREE ZONE,
DISARMAMENT AND ARMS CONTROL ACT 1987 ("The 1987 Act")**

I, Jacinda Kate Laurell Ardern, Prime Minister of New Zealand

Acting pursuant to Section 10 of the 1987 Act

Having considered all relevant information and advice made available to me including information and advice concerning the strategic and security interests of New Zealand

Hereby approve the landing in New Zealand of foreign military aircraft of the following categories or classes during the period 1 January 2021 to 31 December 2021 inclusive:

a Military logistics transport aircraft being used to support state/official visits to New Zealand with the prior consent of the New Zealand Government

And hereby certify that I am satisfied that none of the aircraft referred to will be carrying any nuclear explosive device when it lands in New Zealand

Jacinda Kate Laurell Ardern

December 2020



PRIME MINISTER

TE PIRIMIA

**APPROVAL UNDER SECTION 10 OF THE NEW ZEALAND NUCLEAR FREE ZONE,
DISARMAMENT AND ARMS CONTROL ACT 1987 ("The 1987 Act")**

I, Jacinda Kate Laurell Ardern, Prime Minister of New Zealand

Acting pursuant to Section 10 of the 1987 Act

Having considered all relevant information and advice made available to me including information and advice concerning the strategic and security interests of New Zealand

Hereby approve the landing in New Zealand of foreign military aircraft of the following categories or classes during the period 1 January 2021 to 31 December 2021 inclusive:

a Military aircraft providing/facilitating assistance to New Zealand in the event of a natural disaster or security incident with the prior consent of the New Zealand Government

And hereby certify that I am satisfied that none of the aircraft referred to will be carrying any nuclear explosive device when it lands in New Zealand

Jacinda Kate Laurell Ardern

December 2020



10 February 2021

Minister of Foreign Affairs

For action by

16 February 2021

Proposed overflight by US Air Force B-52 aircraft

BRIEFING Decision Submission

PURPOSE To gain your and the Prime Minister's approval for diplomatic clearance for a United States Air Force B-52 aircraft to overfly New Zealand on 27 February 2021, in connection with the Wings Over Wairarapa air show and an NZDF training activity.

Tukunga tūtohua – Recommended referrals

Prime Minister	For approval by	19 February 2021
Minister of Defence	For information by	19 February 2021
Minister for Disarmament and Arms Control	For information by	19 February 2021
Associate Minister of Foreign Affairs	For information by	19 February 2021

Taipitopito whakapā – Contact details

NAME	ROLE	DIVISION	WORK PHONE
Cecile Hillyer	Divisional Manager	International Security and Disarmament	s9(2)(a)
Alex Thomson	Counter-Proliferation Advisor	International Security and Disarmament	

Mā te Tari Minita e whakakī – Minister's Office to complete

<input type="checkbox"/> Approved	<input type="checkbox"/> Noted	<input type="checkbox"/> Seen
<input type="checkbox"/> Needs amendment	<input type="checkbox"/> Declined	<input type="checkbox"/> Withdrawn
<input type="checkbox"/> Overtaken by events	<input type="checkbox"/> See Minister's notes	

Comments

Proposed overflight by US Air Force B-52 aircraft

Pito matua – Key points

- The United States has requested diplomatic clearance for two US Air Force B-52 aircraft to overfly New Zealand on 27 February 2021. One aircraft will participate in the Wings Over Wairarapa air show, and the other will participate in a New Zealand Defence Force training exercise while overflying the Waiouru Military Training Area. Neither aircraft will land in New Zealand.
- Under Section 10 of the *New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987*, the Prime Minister's approval is required for any foreign military aircraft to land in New Zealand. As there is no intention for the aircraft to land in this case, Section 10 of the Act does not apply. The Act does not refer to approval for overflight.
- There remains a requirement for a foreign military aircraft to gain diplomatic clearance to transit New Zealand airspace. We propose that, in the spirit of Section 10 and given B-52s can be nuclear capable, the Prime Minister be satisfied, through concurrence to this submission, that the B-52 aircraft will not be carrying any nuclear explosive device before diplomatic clearance is granted.
- The B-52 type of aircraft can carry air-launched cruise missiles, which could in turn carry a nuclear warhead. However, having considered all relevant information available, officials conclude that the USAF B-52 aircraft will not be carrying any nuclear explosive device when they overfly New Zealand.
- Based on the assessment carried out by officials, taking into account all available relevant information, it is recommended that diplomatic clearance be given for the aircraft to transit New Zealand airspace.

Ben King
for Secretary of Foreign Affairs and Trade

Proposed overflight by US Air Force B-52 aircraft

Tūtohu – Recommendations

It is recommended that you:

- | | | |
|---|--|-----------------|
| 1 | Agree that while the <i>New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987</i> does not apply to aircraft overflying New Zealand, this request for diplomatic clearance should be considered on the same basis as if it were a request for landing under the Act, i.e. that the Prime Minister should be satisfied, through concurrence to this submission, that the aircraft will not be carrying nuclear weapons before diplomatic clearance is issued; | Yes / No |
| 2 | Note that officials conclude that the US Air Force B-52 aircraft will not be carrying nuclear weapons when it overflies New Zealand; | Yes / No |
| 3 | Agree that diplomatic clearance be granted for this flight; | Yes / No |
| 4 | Refer a copy of this submission to the Prime Minister for concurrence; and | Yes / No |
| 5 | Refer copies of this submission to the Minister of Defence, the Minister for Disarmament and Arms Control and the Associate Minister of Foreign Affairs for information. | Yes / No |

Hon Nanaia Mahuta
Minister of Foreign Affairs

Date: / February / 2021

Proposed overflight by US Air Force B-52 aircraft

Pūrongo – Report

1. The United States has requested diplomatic clearance for two US Air Force B-52 aircraft to overfly New Zealand on 27 February 2021. One aircraft will participate in the Wings Over Wairarapa air show, and the other will participate in a New Zealand Defence Force training exercise while overflying the Waiouru Military Training Area. Neither aircraft will land in New Zealand.
2. Under Section 10 of the New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987, the Prime Minister's approval is required for foreign military aircraft to land in New Zealand. In this case, the aircraft will not land in New Zealand so the provisions of Section 10 and the need for a signed determination by the Prime Minister do not apply. Nevertheless, a diplomatic clearance is still required for the aircraft to enter New Zealand airspace and, because this particular type of aircraft has both conventional and nuclear weapons delivery roles, we propose that the criteria for landing be applied in this case, i.e. before diplomatic clearance is issued the Prime Minister should be satisfied (through concurrence to this submission) that the aircraft will not be carrying any nuclear explosive device.

Aircraft Description

3. The Boeing B-52 Stratofortress is an American long-range, subsonic, jet-powered strategic bomber which has been in service with the US Air Force since 1955. It is employed in nuclear and conventional variants. Externally it is not possible to differentiate between the two configurations, and the nuclear-capable aircraft are able to deliver conventional bombs and cruise missiles.



Purpose of Visit

4. The two aircraft will enter New Zealand airspace together from Guam. One of the aircraft will participate in the Wings Over Wairarapa air show, and the other will support a New Zealand Defence Force activity in the Waiouru Military Training Area. ^{s6(a)}

Proposed overflight by US Air Force B-52 aircraft

United States' Nuclear Policy

5. s6(a)

6. s6(a)

7. Given s6(a) the purpose of the flight is to conduct a flying display and simulated training exercise in New Zealand, it is not credible that the US would deploy aircraft armed with nuclear (or other) weapons on this mission.

New Zealand's Strategic and Security Interests

8. The United States is a key strategic partner for New Zealand, s6(a)

Our engagements alongside the US in the Asia-Pacific, the Middle East, through the UN Security Council, and the visits to New Zealand by the USS SAMPSON and the USCG POLAR STAR, have re-established New Zealand as a strategic partner as expressed in the 2010 Wellington Declaration.

s6(a)

Precedent

9. Two US B-52s were granted diplomatic clearance to overfly the Warbirds over Wanaka air show in April 2020, however the air show was cancelled due to Covid-19. A USAF B-52 was granted diplomatic clearance for overflight of the Wings Over Wairarapa air show in February 2019, however this did not go ahead due to mechanical issues. Two US F-16 nuclear-capable aircraft were given approval to visit New Zealand in 2017 and 2018 to attend air shows – the first such visits by US Air Force combat aircraft for 30 years.

Publicity

10. The organisers of Wings Over Wairarapa have not yet announced the overflight of the aircraft, though this is likely to occur soon due to the timeframes involved.



23 February 2021

Minister of Foreign Affairs

For action by

24 February 2021

Air New Zealand: Control and Export Status of US Navy Engines

BRIEFING Overview Submission

PURPOSE To inform you that we intend to advise Air New Zealand that it will not require permits to re-export US Navy marine gas turbine engines sent to New Zealand for overhaul in 2021 should it successfully tender for this work.

Tukunga tūtohua – Recommended referrals

Prime Minister	For information by	24 February 2021
Minister for Disarmament and Arms Control	For information by	24 February 2021

Taipitopito whakapā – Contact details

NAME	ROLE	DIVISION	WORK PHONE
Cecile Hillyer	Divisional Manager	International Security and Disarmament	s9(2)(a)
Peter Noble	Senior Export Controls and Counter-Proliferation Advisor	International Security and Disarmament	s9(2)(a)

Pito matua – Key points

Mā te Tari Minita e whakakī – Minister's Office to complete

 Approved

 Noted

 Seen

 Needs amendment

 Declined

 Withdrawn

 Overtaken by events

 See Minister's notes

Comments

Air New Zealand: Control and Export Status of Navy Engines

- Air NZ Gas Turbines is seeking to bid for a contract to overhaul three US Navy General Electric (GE) LM2500 marine gas turbine engines in 2021. Should the US Navy accept the tender then Air NZ would be irrevocably bound to complete the contract.
- Air New Zealand has previously undertaken the same work for the US Navy over a number of years.
- These are the same types of engine which Air New Zealand has done work for other navies.
- Accordingly, Air NZ has sought an export permit from us in advance so as to be assured they will be able to re-export the engines.
- Air New Zealand must submit the tender by close of business on Wednesday 24 February 2021.
- Officials have undertaken an assessment of whether the engines are 'controlled items' under the Customs and Excise Act 2018, and would therefore require an export permit.
- The determination of the control status, based on the parameters listed in the New Zealand Strategic Goods List, rests on whether the engines constitute components of a warship specially designed for military use.
- In making the assessment Air New Zealand offered to provide supporting information. MFAT sought advice from the Royal New Zealand Navy (on the basis that these engines are used in our ANZAC frigates) and from the State Department's Office of Defense Trade Controls Policy.
- We have received a US State Department official determination dated 01 June 2005 which Air New Zealand has obtained from General Electric which states that LM2500 and LM2500+ engines are not subject to US export controls and that they do not have any unique military capabilities or any inherently military technologies. The determination states that the export of these engines may require authorisation from the Department of Commerce.
- We have subsequently received confirmation from the State Department that the 2005 determination still applies, and a reference to the Commerce Department controls which now apply. The applicable Commerce control is EAR 99 which pertains only to an embargoed or sanctioned country, to a party of concern, or in support of a prohibited end-use.
- We assess that the US determination made by US export controls technical specialists, with access to all the required technical specifications provided by General Electric, to be authoritative. It is based on information from the manufacturer assessed by the export controls experts of the country of origin.

On the basis of this technical information, which has assessed the control status of the engines on the same criteria as we are required to apply, the Ministry considers that the engines would not be controlled as per the Strategic Goods List. Rather, they would be subject to our catch-all controls on the basis that they constitute the export of non-controlled goods to a military end-user.

- Although subject to catch-all controls Air New Zealand will not require an export permit as the engines would be consigned for use in an exempt destination (Australia, Canada, Iceland, Japan, Norway, South Korea, Switzerland, the United Kingdom of Great Britain and Northern Ireland, the United States of America or a member state of the European Union).

Air New Zealand: Control and Export Status of Navy Engines

- It is our intention to inform Air New Zealand by midday Wednesday 24 February 2021 that it will not require permits to re-export US Navy marine gas turbine engines sent to New Zealand for overhaul in 2021 should it successfully tender for this work.
- The Ministry continues to urgently work on advice on the legal framework relating to Air New Zealand's desire to export those engines which are currently in New Zealand to Saudi Arabia and Turkey. The Ministry's determination will be reviewed by Crown Law prior to being advised to Ministers, and then to Air New Zealand.

Ben King
for Secretary of Foreign Affairs and Trade

Released under the Official Information Act 1982

Air New Zealand: Control and Export Status of Navy Engines

Tūtohu – Recommendations

It is recommended that you:

- | | | |
|---|--|----------|
| 1 | Note Air NZ Gas Turbines is seeking to bid for a contract to overhaul three US Navy General Electric (GE) LM2500 marine gas turbine engines in 2021. Should the US Navy accept their tender then Air NZ would be irrevocably bound to complete the contract. | Yes / No |
| 2 | Note that we have received authoritative technical information that LM2500 marine gas turbine engines are not a controlled item as per the New Zealand Strategic Goods List; | Yes / No |
| 3 | Note that on this basis, the legal framework would not require Air New Zealand to have an export permit to re-export engines to the US Navy which may be imported and then re-exported later this year as these exports are exempt under the catch-all controls Gazette Notice; | Yes / No |
| 4 | Note that it is our intention to inform Air New Zealand by midday 24 February 2021 that it will not require permits to re-export US Navy marine gas turbine engines sent to New Zealand for overhaul in 2021 should they it successfully tender for this work; | Yes / No |
| 5 | Note the Ministry continues to urgently work on advice on the legal framework relating to Air New Zealand's desire to export those engines which are currently in New Zealand to Saudi Arabia and Turkey; | Yes / No |
| 6 | Refer a copy of this submission to the Prime Minister for information; and | Yes / No |
| 7 | Refer a copy of this submission to the Minister for Disarmament and Arms Control for information. | Yes / No |

Hon Nanaia Mahuta
Minister of Foreign Affairs

Date: / February / 2021

12/10/2021

Minister of Foreign Affairs
Minister of Defence

For information by
For information by

22 October 2021
22 October 2021

AUKUS: Trilateral Enhanced Security Partnership – Implications for Aotearoa New Zealand

BRIEFING Overview Submission

PURPOSE To provide an overview of the recently established AUKUS trilateral enhanced security partnership, and the implications for Aotearoa New Zealand and the Indo-Pacific region.

Tukunga tūtohua – Recommended referrals

Prime Minister and Minister for National Security and Intelligence	For information by	27 October 2021
Minister Responsible for the NZSIS and GCSB	For information by	27 October 2021
Minister for Trade and Export Growth	For information by	27 October 2021
Minister for Disarmament and Arms Control	For information by	27 October 2021

Taipitopito whakapā – Contact details

NAME	ROLE	DIVISION	WORK PHONE
Cecile Hillyer	Divisional Manager	International Security and Disarmament Division	s9(2)(a)
Kathleen Pearce	Head of International Branch	Policy and Planning	

Mā te Tari Minita e whakakī – Minister's Office to complete

<input type="checkbox"/> Approved	<input type="checkbox"/> Noted	<input type="checkbox"/> Referred
<input type="checkbox"/> Needs amendment	<input type="checkbox"/> Declined	<input type="checkbox"/> Withdrawn
<input type="checkbox"/> Overtaken by events	<input type="checkbox"/> See Minister's notes	

Comments

AUKUS Security Partnership: Implications for Aotearoa New Zealand

Pito matua – Key points

- On 16 September, Australia, the United Kingdom, and the United States announced the creation of AUKUS - a non-binding, trilateral partnership focused on defence and security technology and capability.
s6(a), s6(b)(i)

Officials will continue to engage with AUKUS partners to understand the partnership and maintain visibility over areas of particular interest to Aotearoa New Zealand.

- AUKUS is a significant geostrategic development, with wide-ranging and still evolving impacts for regional security, partnerships, and nuclear non-proliferation. s6(a)

- The announcement has received a mixed response. s6(a)

- s6(a)

- s6(a)

Ben King
for Secretary of Foreign Affairs and Trade

Andrew Bridgman
Secretary of Defence

AUKUS Security Partnership: Implications for Aotearoa New Zealand

Tūtohu – Recommendations

It is recommended that you:

- | | | |
|---|--|----------|
| 1 | Note that on 16 September 2021, Australia, the United Kingdom, and the United States announced a non-binding trilateral defence partnership, “AUKUS”. | Yes / No |
| 2 | Note that AUKUS provides for: <ul style="list-style-type: none"> i) Australia’s acquisition of at least eight nuclear-powered submarines, supported by the United States and the United Kingdom; and ii) Increased cooperation among AUKUS partners across a range of emerging security technology and defence capabilities, such as artificial intelligence, cyber, quantum, long-range strike capabilities, and additional undersea capabilities. | Yes / No |
| 3 | s6(a) | Yes / No |
| 4 | Note that the partnership will have wide-ranging and still evolving impacts, including for regional security, partnerships, and nuclear non-proliferation. | Yes / No |
| 5 | Note that officials will continue to engage with AUKUS partners, with a view to better understanding the partnership and maintaining visibility over areas of particular interest to Aotearoa New Zealand. | Yes / No |
| 6 | Endorse the updated key messages on AUKUS at Annex A. | Yes / No |
| 7 | Refer a copy of this submission to the Prime Minister, Minister Responsible for the NZSIS and GCSE, Minister for Trade and Export Growth, and Minister for Disarmament and Arms Control. | Yes / No |

Hon Nanaia Mahuta
Minister of Foreign Affairs / Minita Take Aorere

Hon Peeni Henare
Minister of Defence Minita Kaupapa
Waonga

Date: / /

Date: / /

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AUKUS Security Partnership: Implications for Aotearoa New Zealand

Pūrongo – Report

What is AUKUS?

1. On 16 September, Australia, the United Kingdom, and the United States announced the creation of AUKUS - a non-binding, trilateral partnership on defence and security technology and capability. The first initiative – and key driver – of the partnership is Australia's acquisition of at least eight nuclear powered submarines. The submarines will be built in Australia using US and British technology, and come into service towards the end of the 2030s. They will be nuclear powered, but not nuclear armed, and include precision guided conventional weapons (as do Australia's current submarines). AUKUS also covers deepened cooperation on emerging security and defence technologies, including artificial intelligence, cyber, quantum, long-range strike capabilities, and additional undersea capabilities.
2. These headlines aside, it is clear that much work remains to be done to flesh out the arrangement. ^{s6(a), s6(b)(i)}

s6(a), s6(b)(i)

4. ^{s6(a)} the US force posture announcements, delivered following the Australia-US Ministerial Consultations (AUSMIN)¹ on 16 September, also signalled significant developments in the Australia/US defence relationship, including an increase the breadth, scale, and frequency of rotations of US land, air and maritime forces in Australia.
5. ^{s6(a), s6(b)(i)}

¹ AUSMIN are the annual set of bilateral US-Australia foreign and defence minister meetings, held since 1985.

AUKUS Security Partnership: Implications for Aotearoa New Zealand

s6(a)

Non-proliferation

9. To date, no non-nuclear weapons state has possessed a nuclear propelled submarine.²
s6(a), s6(b)(i)

² Countries that possess nuclear propelled submarines are the UK, US, France, Russia, China, and India.
s6(a)

AUKUS Security Partnership: Implications for Aotearoa New Zealand

s6(a), s6(b)(i)

Managing the broader nuclear non-proliferation challenges would be an ongoing challenge. The attached annex contains further detail.

Responses

10. The attached annex contains detail of the international response to the AUKUS announcement. s6(a), s6(b)(i)

s6(a), s6(b)(i)

Impacts for the Indo-Pacific region

s6(a), s6(b)(i)

14.

Released under the Official Information Act 1982

AUKUS Security Partnership: Implications for Aotearoa New Zealand

15. s6(a), s6(b)(i)

Next steps for AUKUS partners

16. The immediate focus for AUKUS partners will be the 18-month submarine procurement, s6(a), s6(b)(i)

17. s6(a), s6(b)(i)

18. s6(a), s6(b)(i)

Implications for Aotearoa New Zealand

19. The establishment of AUKUS is another manifestation of the negative trajectory in our strategic operating environment over coming decades. Recent MFAT and Defence assessments of our strategic outlook foresees a world that will be less open, less prosperous, less secure and less free. COVID's ongoing impact will amplify and accelerate these trends. s6(a)

20. s6(a)

There are likely to be significant opportunities to develop other planned capabilities through future cooperation with AUKUS development programmes beyond the submarines, particularly in the cyber and artificial intelligence areas.

21. s6(a), s6(b)(i)

22.

AUKUS Security Partnership: Implications for Aotearoa New Zealand

23. s6(a), s6(b)(i)

The Trilateral Pacific Security Dialogue, a senior official level meeting between Australia, the US and Aotearoa New Zealand, scheduled for December, may provide an opportunity to discuss these issues further with Australia and the US, s6(a), s6(b)(i)

24. While we have welcomed increased engagement by the UK and US in the region,

25. As the partnership evolves, it will be important for Aotearoa New Zealand officials to maintain visibility of a number of particular areas, namely:

- Nuclear non-proliferation aspects, including engagement with the IAEA; and
- Other areas of cooperation, including cyber, AI, and quantum computing. s6(a)

26. s6(a)

Prime Minister Arden's public comments – which welcomed increased engagement by the UK and US in our region while reiterating the collective objective needing to be the delivery of peace and stability and the preservation of the international rules based system - s6(a)

Updated unclassified messaging for use by New Zealand Ministers and officials, based on the Prime Minister's existing statements and recent speeches by the Prime Minister and Minister of Foreign Affairs, is included in the Annex to this submission.

27. We will maintain active diplomatic engagement with AUKUS partners to stay apprised of developments and – as possible – ensure partners are aware of our interests and to share perspectives on regional responses/reactions.

AUKUS Security Partnership: Implications for Aotearoa New Zealand

Annex A: Aotearoa New Zealand key messages on the AUKUS partnership

What is AUKUS and what is Aotearoa New Zealand's position on it?

- We understand the AUKUS arrangement to focus on enhanced capability in security and defence technology areas, and to be complementary to, rather than supplanting, existing arrangements with other partners, including Five Eyes, Quad and ASEAN-centric architecture, but it is still early days in terms of being able to assess the details and implications.
- Aotearoa New Zealand welcomes increased engagement by the UK and the US in our region. We are a Pacific nation and we view foreign policy and security developments through the lens of what is in the best interest of the region.
- We note the joint statement by the three AUKUS countries describes the initiative as helping to sustain peace and stability in the Indo-Pacific region. We agree our collective objective needs to be the delivery of peace and stability and the preservation of the international rules based system in the region.
- This arrangement does not change our security and intelligence ties with these three countries, as well as with Canada.

Should Aotearoa New Zealand have been invited to join AUKUS?

- No, given the centre piece of the arrangement is nuclear powered submarines, prohibited from our internal waters under the 1987 New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act. New Zealand's position in relation to the prohibition of nuclear powered vessels in our internal waters remains unchanged.
- We note AUKUS includes cooperation on other emerging security capability areas, including ones on which we work closely with these countries, such as cyber. We will continue to engage closely with the US, the UK and Australia on how we can cooperate to mutual benefit in such areas.

What is Aotearoa New Zealand's position on proliferation risks?

- We note concerns about nuclear proliferation raised by the deal, as well as the public reiterations of commitments to non-proliferation by the AUKUS partners, including for Australia those under the South Pacific Nuclear Free Zone Treaty. [Note: which prohibits the acquisition of nuclear explosive devices but not nuclear power].

While these public commitments include Australia not acquiring nuclear weapons or establishing a civil nuclear capability, it will be important for Aotearoa New Zealand that as well as Australia, the US and the UK upholding their commitments, that AUKUS does not encourage proliferation by other countries. We will be watching this closely in the IAEA and other relevant fora.

AUKUS Security Partnership: Implications for Aotearoa New Zealand

s6(a)

What is Aotearoa New Zealand's position on the Five Eyes?

- Aotearoa New Zealand derives significant value from the Five Eyes. We are a committed and contributing participant within the grouping.
- AUKUS does not in any way diminish our commitment to the Five Eyes, nor the value we derive from it.

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AUKUS Security Partnership: Implications for Aotearoa New Zealand

Annex C: Proliferation concerns from AUKUS nuclear submarine procurement

- To date, no non-nuclear weapons state has possessed a nuclear propelled submarine.⁴
s9(2)(g)(i)

- For Aotearoa New Zealand, section 4 of the New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act 1987 establishes a nuclear free zone on land, water, sea and airspace out to the 12 nautical mile limit. Section 11 prohibits the entry into the internal waters of New Zealand by any ship whose propulsion is wholly or partly dependent on nuclear power. The right of innocent passage through New Zealand's territorial sea (in accordance with international law) is permitted. Australia has noted that the nuclear powered submarine procurement is not in contradiction with its obligations under the South Pacific Nuclear-Free Zone Treaty, or "Treaty of Rarotonga", which is concerned with nuclear weapons and nuclear dumping rather than the issue of nuclear propulsion.
s9(2)(h)

⁴ Countries that possess nuclear propelled submarines are the UK, US, France, Russia, China, and India.

⁵ The IAEA Board comprises 35 Member States including China. Aotearoa New Zealand is serving on the Board from 2020-22.

⁶ Canada previously explored development of nuclear submarines in the 1980s and Brazil has a long-standing interest in developing the capability. Iran has also in recent years expressed an interest.