



8 March 2024

Associate Minister of Foreign Affairs

For approval by

11 March 2024

Disarmament and arms control – key challenges and strategy

BRIEFING Decision Submission

PURPOSE To provide information on the key disarmament, arms control and non-proliferation related challenges, as a basis for your consideration of a New Zealand Disarmament and Arms Control Strategy.

Recommended referrals

Prime Minister	For information by	25 March 2024
Minister of Foreign Affairs	For information by	25 March 2024
Minister of Defence	For information by	25 March 2024
Minister for Space	For information by	25 March 2024

Contact details

NAME	ROLE	DIVISION	WORK PHONE
Paula Wilson	Divisional Manager	International Security and Disarmament Division	s9(2)(a)
John Borrie	Unit Manager	International Security and Disarmament Division	

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 Withdrawn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

Disarmament and arms control – key challenges and strategy

Key points

- s6(a)
New Zealand continues to have a strong stake in fighting to defend and maintain an inclusive rules-based international system, including on disarmament. The Ministry of Foreign Affairs and Trade's work in this area remains a core part of New Zealand's foreign policy, complementing our other national security efforts and capabilities as well as our broader humanitarian and development efforts.
- New Zealand's long-standing rejection of nuclear weapons and nuclear deterrence distinguishes us s6(a)
- New Zealand's approach to disarmament issues is linked to our harder national interests. That is particularly the case because disarmament-related regimes, including the organisations supporting their goals, are becoming forums in which certain states are obstructing or seeking to re-write the rules to suit their own interests.
- Building on our 13 February submission, we outline current and emergent issues and international dynamics in disarmament, arms control, and non-proliferation (as shorthand we will refer to these related issues as 'disarmament' in this paper) for you in your role as responsible Minister. We also present a strategy to guide New Zealand's engagement for discussion with officials.
- We attach, for your consideration, a public-facing *New Zealand Disarmament and Arms Control Strategy*, to be released on the Ministry's website. It has been revised and updated to reflect international progress made and current challenges, and sets out our key objectives on disarmament, taking into account our need to prioritise our resources over the next three years.
- This Strategy focuses our efforts under three key pillars:
 - nuclear disarmament;
 - strengthening international humanitarian law;
 - and addressing emerging challenges like outer space and autonomous weapon systems.
- The deteriorating international environment means that New Zealand will face challenges pursuing our interests in all three of these pillars in the years ahead.

Ben King
for Acting Secretary of Foreign Affairs and Trade

Disarmament and arms control – key challenges and strategy

Recommendations

It is recommended that you:

- | | | |
|---|--|-----------------|
| 1 | Note the contents of this submission on current and emerging challenges in the international discussions on disarmament and arms control; | Yes / No |
| 2 | Approve the Ministry of Foreign Affairs and Trade's release of the Disarmament and Arms Control Strategy annexed to this submission to cover the 2024-26 period, subject to your discussion with officials on 11 March; | Yes / No |
| 3 | Refer a copy of this submission to the Prime Minister, Minister of Foreign Affairs, Minister of Defence and Minister for Space. | Yes / No |

Hon Todd McClay
Associate Minister of Foreign Affairs

Date: / /

Released under the Official Information Act

Disarmament and arms control – key challenges and strategy

Report

Disarmament as a national security interest and value proposition

1. Championing of disarmament, particularly nuclear disarmament, is a distinctive and long-standing aspect of New Zealand's foreign policy. In addition to its connection to maintaining New Zealand's support for a rules-based international system, there are **'hard' national interest-related reasons to be active on disarmament**. In that regard, MFAT engages closely with Defence in arriving at specific policy settings, for instance on issues related to autonomous weapon systems and use of outer space.
2. Aspects of great power strategic competition and current conflicts are impinging on our region and in the collective forums in which we operate. In this challenging strategic environment, New Zealand's **interests in defending disarmament agreements, regimes and norms have become even clearer** as the normal functioning of disarmament-related regimes, including the organisations supporting their goals, is being obstructed by certain states and, in some cases, they are seeking to re-write the rules to suit themselves.
3. MFAT's 2023 *Strategic Foreign Policy Assessment* notes that **New Zealand continues to have a strong stake in fighting to defend and maintain an inclusive rules-based international system, including on disarmament**.¹ s6(a)

Indeed, increasingly we see the consequences of the weakening or absence of disarmament-related rules and norms, in an undermining of international stability.

4. **Even as a relatively small international player there are significant opportunities for New Zealand to support the disarmament architecture**. s6(a)

5. Alongside this, **in line with our multilateral disarmament and non-proliferation obligations and commitments, we belong to several strategic export control regimes**² and operate corresponding national controls under the Secretary of Foreign Affairs and Trade's responsibility. s6(a)

In addition, as strategic competition sharpens, our security partners are increasingly concerned to prevent the irresponsible transfer of sensitive military or dual use technologies. s6(a)

Disarmament efforts in the current international context

¹ MFAT, [2023 Strategic Foreign Policy Assessment – Navigating a Shifting World](#), paragraphs 50, 51.

² These are the Australia Group (in the biological and chemical domain), Missile Technology Control Regime, Nuclear Suppliers Group, and the Wassenaar Arrangement on military and dual-use conventional goods.

s6(a)

Disarmament and arms control – key challenges and strategy

6. Over the last decade or more, the global strategic outlook has become increasingly uncertain. In mid-2023 the Ministry's *Strategic Foreign Policy Assessment* described broad, discernible shifts from rules to power, from economics to security and from efficiency to resilience in the international context.⁴ Heightened strategic competition among several nuclear-armed states s6(a), fits this pattern. Mistrust between these states has grown, accompanied by material power shifts amongst them and the emergence of new disruptive technologies such as cyber, missile defences, novel missile types, autonomous weapons, and advancing space capabilities.

Nuclear weapons are deeply entrenched

7. These developments have made strategic calculations more complex and have contributed to a greater risk of conflict escalation, including the potential use of nuclear weapons. At the same time, progress has slowed or stalled on *disarmament* (the process of gradually decreasing military capabilities in step with increasing mutual confidence about others' intentions) and on *arms control* (reducing certain military capabilities with the more limited aim of engendering strategic stability). As progress falters, support for *non-proliferation* (curbing the spread of weapons) is also threatened, as some states begin to wonder why they should support the international architecture and continue to deny themselves certain capabilities (such as nuclear weapons) when others retain them seemingly in perpetuity.
8. Considerable progress was made in the decades following the Cold War to both reduce stockpiles of nuclear weapons, and the roles for which their use was envisaged. As competition between nuclear-armed powers has grown this century, progress on reducing the numbers and salience of nuclear weapons slowed and has now begun to reverse.

Russia s6(a)

9. Starkly, Russia's illegal invasion of Ukraine in February 2022 and its subsequent nuclear threats and stationing of nuclear forces in Belarus in 2023 have contributed to a deeper entrenchment of nuclear deterrence and the potential escalation of a new arms race. Russia has also unveiled plans for destabilising new strategic systems including an autonomous nuclear torpedo system, a nuclear-powered and armed cruise missile, and there are recent credible reports Russia intends to develop a space-based, nuclear, anti-satellite capability.

10. s6(a)

s6(a)

(Separately, we will submit to you our proposed approach for New Zealand's two-year term on the OPCW's Executive Council from May 2024, in which these issues will be in sharp relief.)

s6(a)

...While tensions have grown in the Indo-Pacific

11. s6(a)

⁴ MFAT, [2023 Strategic Foreign Policy Assessment – Navigating a Shifting World](#).

Disarmament and arms control – key challenges and strategy

s6(a)

12. s6(a)

13. Meanwhile, the DPRK passed a law in 2022 enshrining its intention to remain a nuclear power permanently, continues with its bellicose nuclear rhetoric, and remains poised to conduct a further nuclear weapon test. The DPRK also continues to destabilise the region through its many missile tests in violation of a plethora of UN Security Council resolutions, including tests of nuclear-capable cruise missiles and an 'underwater nuclear weapon system' this year.

The global nuclear architecture remains vital but is under strain

14. Russia's rejection of the final outcome of the NPT Review Conference you attended in August 2022 means NPT States Parties have not agreed an outcome since 2010. A deepening corresponding deficit of trust and confidence in the NPT raises doubts about whether the nuclear-weapon states will ever implement their nuclear disarmament obligation. Key Geneva-based (and consensus-bound) disarmament fora including the Conference on Disarmament have not agreed substantive outcomes on significant issues for years. In November 2023, Russia de-ratified the Comprehensive Nuclear-Test-Ban Treaty - in a set-back to decades of efforts to ban nuclear testing globally - purportedly to align with the US' status as a signatory only.

15. Central components of the Russia-US strategic arms control process – critical to prospects for global disarmament given their possession of the largest nuclear arsenals – have also collapsed or deteriorated.

16. Although an extension of the New Strategic Arms Reduction Treaty (New START) until 2026 was agreed in late 2021, the Intermediate Nuclear Forces and Open Skies Treaties each met their demise in recent years s6(a)

17. s6(a)

The IAEA continues to play a crucial role s6(a)

18. New Zealand is a strong supporter of nuclear non-proliferation efforts. The IAEA, based in Vienna, is crucial in this regard, and our membership has myriad benefits, including:

18.1. the Agency's global nuclear safeguards regime,

Disarmament and arms control – key challenges and strategy

- 18.2. facilitating our access to nuclear technology for peaceful uses⁵,
- 18.3. and IAEA work on nuclear safety and security of nuclear material and facilities, including their monitoring of Japan's on-going release of treated water into the Pacific Ocean from the crippled Fukushima nuclear power complex.
19. There is strong global support for the IAEA and its technical and scientific work, including amongst New Zealand's traditional security partners, despite pressure s6(a) Russia's occupation of the Ukrainian Zaporizhzhya nuclear plant complex since 2022 poses grave ongoing safety risks, and the IAEA is playing a critical onsite monitoring role there. s6(a)
20. A major ongoing issue for the IAEA and its Board of Governors is s6(a) the Joint Comprehensive Programme of Action (JCPOA), which had been agreed in 2015 to provide greater transparency about Iran's nuclear activities and try to constrain it from developing nuclear weapons. s6(a), s9(2)(g)(i)
- A nuclear Iran would change the strategic equation in the region s6(a)

Violations of weapons treaties and challenges to international humanitarian law (IHL)

21. New Zealand is a party to all major conventional weapons treaties, including the Convention on Certain Conventional Weapons, Anti-Personnel Mine Ban Convention, Convention on Cluster Munitions and Arms Trade Treaty. Momentum in these treaties, including their uptake, has slowed. Moreover, in 2022, alongside our Five Country partners, we endorsed the Political Declaration to try to better protect civilians from the use of explosive weapons in populated areas.
22. Our obligations or commitments under these agreements require that we speak up when the objectives or norms in them are threatened. We apply this consistently, for example, in response to Russia's widespread misconduct in Ukraine, but also when the US announced the transfer of (widely prohibited) cluster munitions to Ukraine in 2023. The visible suffering of civilians, not only in Ukraine but also in Israel and Gaza and other situations of armed conflict, and the intersection with international humanitarian law and disarmament obligations will be a prominent feature of international discourse in 2024. As the Israel-Hamas conflict shows, concerns about the plight of civilians in conflict have the potential to be domestically divisive, even in New Zealand.

Further challenges are almost certain

23. This year is almost certain to see further challenging developments. These may include:
- **Further Russian nuclear provocation** aimed at Ukraine and NATO s9(2)(g)(i)

⁵ Such uses include radioisotopes for cancer diagnosis and treatment, and for industrial applications such as food sterilisation.

Disarmament and arms control – key challenges and strategy

s9(2)(g)(i)

- **Further nuclear tests** by the DPRK – s6(a) – could take place, as ‘deterrence signals’ to the West.
- s6(a), s9(2)(g)(i)
- s6(a)

- There could be **further chemical weapons use**, either as an assassination tool, or in the context of armed conflict, which would further challenge the international chemical weapons prohibition regime. This is not a distant prospect: Russia has already recently used riot control agents as a military weapon against Ukrainian forces (which is not permitted under the Chemical Weapons Convention) and was involved in the Syrian regime’s use of chemical weapons in Douma during the conflict in Syria.
- s6(a)

New Zealand’s proposed approach on disarmament and arms control

24. To date, New Zealand has targeted its efforts on disarmament, consistent with the priorities laid out in our 2023 Disarmament Strategy (our most significant achievements were outlined in paragraph 38 of our previous submission). We attach a revised strategy to reflect progress made to date, current challenges, and prioritising our limited resources, for your discussion with officials:

- The Strategy is an outward-facing document to inform the public about our multilateral priorities on disarmament, and provide general guidance to officials.
- Taking into account our need to prioritise further given our limited resources⁶, it streamlines the number of priority objectives from eight to seven.
- It is also framed as a Disarmament *and Arms Control* Strategy – acknowledging that arms control can contribute to greater international stability, an important current focus of the international community.

⁶ For instance, in May 2023 Ministers agreed that New Zealand withdrew from the Stockholm Initiative, a group led by Sweden and Germany, to better focus on our nuclear disarmament resources. s6(a)

Disarmament and arms control – key challenges and strategy

- The Strategy's duration is expanded from only one year to three years to provide certainty and reduce administrative costs.
25. Subject to your views, this refreshed Strategy's seven key objectives across three core work streams (nuclear disarmament, strengthening international humanitarian law, and addressing emerging challenges like outer space and autonomous weapon systems) could form the basis of our disarmament work in the coming period. It proposes a particular focus on:
- Promoting urgent implementation by the nuclear-weapon states of their disarmament obligations under the **Nuclear Non-Proliferation Treaty (NPT)**, and supporting efforts to strengthen the NPT review process;
 - Supporting and promoting uptake and implementation of the **Treaty on the Prohibition of Nuclear Weapons (TPNW)**, including in our leadership role as co-chair of the work stream on nuclear disarmament verification and through our active engagement in work on victim assistance and environmental remediation due to its relevance to nuclear legacy issues in the Pacific. s6(a), s9(2)(g)(i)
 - Supporting the **International Atomic Energy Agency (IAEA)** in the implementation of its critical mandates on nuclear safeguards, safety and security;
 - Sustaining the **Chemical Weapons Convention and the global norm against chemical weapons**, in particular through an active New Zealand role in the OPCW Executive Council for a two-year term from May 2024, and working with our partners s6(a)
 - **Defending and promoting uptake and full implementation of humanitarian disarmament treaties and related agreements**, including the **Political Declaration on Explosive Weapons in Populated Areas**, to improve protections for civilians caught in conflict, in particular;
 - Continuing our active engagement in **multilateral efforts to ensure the safe, secure, sustainable and peaceful use of outer space**, including through continued work on responsible behaviours in space; and
 - Continuing to push for multilateral progress toward binding rules and limits on **autonomous weapon systems**, building on our national policy and aligned with New Zealand interests in the broader artificial intelligence domain.
26. These priorities, and the rationale behind them, are outlined in the draft Disarmament and Arms Control Strategy attached. s9(2)(f)(iv)



20 September 2024

Minister of Foreign Affairs
Associate Minister of Foreign Affairs

For action by 30 September 2024
For action by 30 September 2024

United Nations General Assembly 2024: First Committee on Disarmament and International Security

BRIEFING Decision Submission

PURPOSE To seek your agreement to New Zealand's proposed approach and voting positions at this year's UN General Assembly First Committee on Disarmament and International Security.

Recommended referrals

Prime Minister For information by 4 October 2024
Minister of Defence For information by 4 October 2024

Contact details

NAME	ROLE	DIVISION	WORK PHONE
Chris Langley	Acting Divisional Manager	International Security and Disarmament Division	s9(2)(a)
John Borrie	Unit Manager	International Security and Disarmament Division	

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

United Nations General Assembly 2024: First Committee on Disarmament
and International Security
Report

Out of scope

6. The Netherlands and Republic of Korea are leading on a new resolution on **artificial intelligence (AI) in the military domain**. This resolution seeks to reaffirm the application of international law to AI throughout its lifecycle, and requests a UN Secretary-General's report on the opportunities and challenges posed by the application of AI in the military domain. Based on the draft we have seen, we propose to vote in favour of this resolution as it aligns with our focus on international norms and institutions, and we expect we will be in good company.

Out of scope

United Nations General Assembly 2024: First Committee on Disarmament and International Security

Out of scope

Established resolutions that may be contentious

13. Out of scope

14.

15. In 2023, New Zealand was a core group member of an Austrian-led resolution on **autonomous weapon systems** (AWS). Austria is leading a follow-up resolution to establish a mechanism for consultations on AWS within the UNGA. We expect a vote to be called as Russia, India, and some other countries ^{s6(a)}

With this in mind, we are supporting Austria to ensure the text is calibrated to attract as broad support as possible. We seek discretion to co-sponsor and vote in favour of this resolution.

16. Out of scope

RESTRICTED

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United Nations General Assembly 2024: First Committee on Disarmament
and International Security

Out of scope

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RESTRICTED



MOD Ref MoD 13-2024

26 January 2024

Minister of Defence
Associate Minister of Foreign Affairs

For action by 2 February 2024
For action by 2 February 2024

Responsible military use of artificial intelligence – recommendations for multilateral initiatives and related work

BRIEFING Decision Submission

PURPOSE For approval to join a political declaration initiative led by the United States, s9(2)(f)(iv) and approval to continue New Zealand's approach on autonomous weapon systems.

Referrals

Minister of Foreign Affairs For information by 9 February 2024

Contact details

NAME	ROLE	DIVISION	WORK PHONE
John Borrie	Unit Manager	International Security and Disarmament Division, Ministry of Foreign Affairs and Trade	s9(2)(a)
Tom McKenna	Senior Advisor	Policy and Planning Division, Ministry of Defence	

Minister's Office to complete

- Approved
- Noted
- Referred
- Needs amendment
- Declined
- Withdrawn
- Overtaken by events
- See Minister's notes

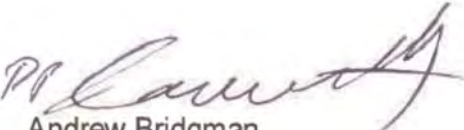
Comments

Responsible military use of artificial intelligence – recommendations for multilateral initiatives and related work

Key points

- s6(a), s6(b)(i)
- In parallel, there is a Dutch-led Call to Action on Responsible AI in the Military Domain (REAIM), which also includes voluntary norms regarding military use of AI. We are invited to regional consultations on REAIM in late February 2024.
- s6(a) There is value in being part of groupings dedicated to developing and agreeing norms around military use of AI.
- Under the previous government, New Zealand did not take a view on either initiative. s6(a), s9(2)(g)(i)
 - Our disarmament partners, Austria, Ireland and Switzerland endorsed the initiative, as did Five Eyes partners.
- Given the US changes to its text, the value of supporting voluntary efforts on military use of AI – especially on autonomous weapon systems (AWS) – and to ensure we are part of important discussions alongside partners, we recommend that New Zealand endorse the Political Declaration and attend the regional consultations, with a view joining the initiative and the Call to Action when there is more clarity.
- This is consistent with our existing position on AWS, which we also recommend that New Zealand continue. This position recognises that we need to preserve access to technology relevant for our national security and interoperability with security partners, while also advocating for the agreement of new rules and limits on AWS. It remains in our national security interests to ensure that any new weapons fielded comply with international humanitarian law and relevant ethical standards. s6(a) s6(a), s9(2)(g)(i)

Our position explicitly provides that we can support interim measures. s9(2)(g)(i)


 Andrew Bridgman
 Secretary of Defence


 Ben King
 for Secretary of Foreign Affairs and Trade

Responsible military use of artificial intelligence – recommendations for multilateral initiatives and related work

Recommendations

It is recommended that you:

- | | | |
|---|---|---------------------|
| 1 | Agree that New Zealand endorse the US Political Declaration on Responsible Military Use of AI and Autonomy; | Yes / No |
| 2 | s9(2)(f)(iv) | Yes / No |
| 3 | Note that officials will engage with your Office on your preferred approaches to informing the US ^{s6(a)} about your decision to endorse ^{s6(a)} and | Yes / No |
| 4 | Agree that New Zealand will maintain its existing policy position that guides our international engagement on autonomous weapon systems (AWS). | Yes / No |

Judith Collins

Hon Judith Collins KC
Minister of Defence

Date: 28 /01 /24

Hon Todd McClay
Associate Minister of Foreign Affairs

Date: / /

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Responsible military use of artificial intelligence – recommendations for multilateral initiatives and related work

Report

Military use of Artificial Intelligence technology (AI)

1. AI refers broadly to the capacity of software to perceive, optimise, decide and act. As a transformative technology, its increasing use for civilian purposes has been mirrored by militaries, from headquarters through to battlefields. This has been clearly demonstrated by its regular use in the Russia-Ukraine war and a number of other contemporary conflicts.
2. AI is now used for a wide range of military functions, including but not limited to intelligence, operational planning, facilitating logistics chains, and communication and navigation systems. In the military context, although it can have certain risks, AI gives users significant advantages, including greater speed, efficiency, accuracy and situational awareness. The reliance of modern militaries on AI is set to increase in the future.
3. In addition to supporting functions like those listed above, AI can also be used to enable certain weapons systems to operate. Such weapons are known as autonomous weapon systems (AWS).

What are autonomous weapons?

4. Although there is no internationally agreed definition of AWS, these are broadly understood to be systems that, once activated by a human, use data, sensors and algorithmic processing to find and apply force to targets without further human intervention. They exist on a 'spectrum' of autonomy, and some AWS, for example, are designed to have a manual over-ride to prevent the weapon firing.
5. Not all AWS use AI. Some weapons that fall within the umbrella of "automated" systems pre-date the emergence of AI by several decades. These 'traditional' systems are usually 'fixed' on ships and vehicles and can be programmed to fire on the basis of pre-programmed radar signals. Examples include the Phalanx ship defence system used by the Royal New Zealand Navy (RNZN) and Israel's Iron Dome missile defence system.
6. Rapid recent advances in technologies relevant to AWS such as machine learning and AI, however, mean that AWS are now potentially much more mobile, versatile, capable and lethal.
7. These advances, whilst creating opportunities for militaries, carry significant new legal and ethical challenges, especially for the application of international humanitarian law (IHL). Such challenges include ensuring AWS operate in a manner in which their effects can be anticipated and controlled while maintaining meaningful human oversight over their use in combat. This is to ensure IHL rules such as distinction between military targets and civilians, and proportionality in attack, are applied, and to ensure humans remain legally accountable for any violations of IHL involving AWS.

The New Zealand Defence Force's use of AI

8. ^{s6(a)} Examples of current or planned use of AI are found in **Annex A**. Reliance on AI is likely to increase in the future, as the NZDF will be required to keep pace with and leverage technology, and develop faster innovation cycles. This will require development of appropriate policy and legislative

Responsible military use of artificial intelligence – recommendations for multilateral initiatives and related work

mechanisms to enable the NZDF to take advantage of the opportunities whilst concurrently managing the risks.

9. ^{s6(a)}

New Zealand's current approach to AWS

10. ^{s6(a)} New Zealand has significant interests in trying to shape the international framework around military use of AI and AWS. The current national policy position on AWS¹, which has guided our engagement to date, recognises that there are security and military benefits to AWS, but confirms that New Zealand should take a precautionary approach until specific and internationally recognised areas of concern are addressed. Areas of concern include ensuring compliance of AWS with international humanitarian law (IHL) in areas such as proportionality.
11. The position also tasks New Zealand with advocating for new international, legally binding rules and limits on AWS, as international law provides the most robust way to address concerns about misuse. The policy also provides for New Zealand to support interim measures on the path towards regulation. This means officials will continue to examine potential opportunities presented by AWS and military AI, whilst also working internationally with disarmament and security partners to ensure its use is properly governed.
12. This position was informed through outreach with industry, academia and the public.² Officials consider this position remains appropriate, as it enables the NZDF to pursue the opportunities which AI presents, whilst preserving New Zealand's national security interests (we do not wish to see any weapons developed or fielded that cannot comply with IHL) and international disarmament credentials. It also contributes to the rules-based international order. If you agree, our position can continue to guide New Zealand's international engagement in this issue.
13. More broadly on AI, MBIE is leading development of a cross-agency work programme,³ and officials will continue to work with them to ensure that this and our position on AWS are in alignment, along with existing positions on human rights, trade, international security, and indigenous perspectives. Nevertheless, officials need to move now on certain AWS-related decisions in view of international developments.

International progress on legally binding AWS rules and limits ^{s9(2)(g)(i)}

14. The bulk of international discussions on AWS have taken place under the auspices of the 1980 UN Convention on Certain Conventional Weapons' (CCW) Group of Governmental Experts (GGE). Parties to this consensus-bound body agree that AWS that cannot comply

¹ CAB-21-MIN-0482.

² In a 2021 Colmar Brunton survey of 2,000 New Zealanders, 72% opposed the use of autonomous weapon systems.

³ CAB-23-MIN-0332. Domestically, leadership responsibility for Public Service uptake of AI is the Government Chief Digital Officer (GCDO), who provides system leadership, sets standards, stewards agency uptake and works with providers on protections relating to AI services to government. The Office supports the paper's recommendations on joining the US initiative ^{s9(2)(g)(i)}

Responsible military use of artificial intelligence – recommendations for multilateral initiatives and related work

with IHL should be prohibited, but there is no consensus on further steps to take, whether binding new rules or voluntary measures. In November 2023, the GGE's mandate was extended for three years, reflecting deepening international engagement, but also signalling that the prospect of legally binding rules and limits in the CCW is some way off. Meanwhile, advanced militaries, including our close security partners, continue to develop military technology with greater autonomous capabilities.

15. Outside the CCW, countries have taken initiatives focused on AWS to help build international attention and momentum. In 2023, regionally-focused AWS conferences were held in Latin America, the Caribbean, Europe, and in the Indo-Pacific. In the UN General Assembly, 164 states (including New Zealand and our Five Eyes partners) adopted the first ever resolution on AWS, requesting the Secretary-General to gather member states' views and make recommendations on addressing the challenges of AWS. The UN Secretary-General as well as the informal 'guardians' of IHL, the International Committee of the Red Cross (ICRC), have previously called for states to adopt binding rules on AWS as a priority.

Interim measures: The Dutch- and US-led initiatives

16. In 2023, two other initiatives emerged that seek to focus international attention on broader issues of the use of AI in the military domain. The first of these was an initiative started by the Netherlands for a "Responsible AI in the Military Domain (REAIM) Call to Action", to cap a conference it hosted in The Hague in mid-February 2023. This stresses the importance of responsible use of AI in the military domain, employed in full accordance with international legal obligations and in a way which does not undermine international security, stability and accountability.
17. At the same time, the United States (US) announced a draft "Political Declaration on Responsible Military Use of Artificial Intelligence (AI) and Autonomy". This sets out a series of voluntary measures which signatories would implement in the development, deployment and use of military AI capabilities to ensure that use remains ethical, responsible and enhances international security. The US said its initiative complemented the Dutch Call to Action (which the US endorsed). ^{s9(2)(g)(i), s6(a)}

18. ^{s6(a)}

Responsible military use of artificial intelligence – recommendations for multilateral initiatives and related work

Re-visiting our position on these interim measures

19. In September 2023, on the margins of the UN General Assembly, US officials presented a revised version of their Political Declaration. ^{s6(a)}

The current text of the Declaration is at **Annex B**.

20. ^{s6(a), s9(2)(g)(i)}

21. ^{s9(2)(f)(iv)}

22. With respect to our position on AWS, the US and Dutch-led initiatives fall short of legally binding rules and limits. Nevertheless, they can be seen as interim measures, representing additional forms of attention to AWS-related issues, and underlining the importance of developing common normative understandings on the broader issue of AI in the military domain.

23. Officials recommend that New Zealand endorse the US Political Declaration in time for the planned March conference. ^{s9(2)(g)(i), s6(a)}

24. Meanwhile, officials would continue to advocate for international legally binding prohibitions and regulation of AWS, including in the CCW.

Potential risks

25. ^{s6(a), s9(2)(g)(i)}

Responsible military use of artificial intelligence – recommendations for
multilateral initiatives and related work

s6(a), s9(2)(g)(i)

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Responsible military use of artificial intelligence – recommendations for multilateral initiatives and related work

ANNEX A

EXAMPLES OF NZDF USE OF ARTIFICIAL INTELLIGENCE AND MACHINE LEARNING

Current Use

1. Electronic Support systems fitted to Naval and Air Force platforms use AI algorithms to determine the automated deployment of counter-measures to defeat or decoy inbound threats such as torpedoes and missiles.
2. The 'Blue Bottle' Unmanned Surface Vessel undergoing trials with the RNZN uses autonomous systems informed by algorithms to operate propulsion systems, navigate, avoid shipping and operate its sensors.
3. s6(a)
4. Defence Science and Technology and Single Service Simulation Centres use AI to support modelling and simulation for research, development, training and mission rehearsal.

Future Use

5. s6(a)

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Responsible military use of artificial intelligence – recommendations for multilateral initiatives and related work

ANNEX B

POLITICAL DECLARATION ON RESPONSIBLE MILITARY USE OF ARTIFICIAL INTELLIGENCE AND AUTONOMY

An increasing number of States are developing military AI capabilities, which may include using AI to enable autonomous functions and systems. Military use of AI can and should be ethical, responsible, and enhance international security. Military use of AI must be in compliance with applicable international law. In particular, use of AI in armed conflict must be in accord with States' obligations under international humanitarian law, including its fundamental principles. Military use of AI capabilities needs to be accountable, including through such use during military operations within a responsible human chain of command and control. A principled approach to the military use of AI should include careful consideration of risks and benefits, and it should also minimize unintended bias and accidents. States should take appropriate measures to ensure the responsible development, deployment, and use of their military AI capabilities, including those enabling autonomous functions and systems. These measures should be implemented at relevant stages throughout the life cycle of military AI capabilities.

The endorsing States believe that the following measures should be implemented in the development, deployment, or use of military AI capabilities, including those enabling autonomous functions and systems:

- A. States should ensure their military organizations adopt and implement these principles for the responsible development, deployment, and use of AI capabilities.
- B. States should take appropriate steps, such as legal reviews, to ensure that their military AI capabilities will be used consistent with their respective obligations under international law, in particular international humanitarian law. States should also consider how to use military AI capabilities to enhance their implementation of international humanitarian law and to improve the protection of civilians and civilian objects in armed conflict.
- C. States should ensure that senior officials effectively and appropriately oversee the development and deployment of military AI capabilities with high-consequence applications, including, but not limited to, such weapon systems.
- D. States should take proactive steps to minimize unintended bias in military AI capabilities.
- E. States should ensure that relevant personnel exercise appropriate care in the development, deployment, and use of military AI capabilities, including weapon systems incorporating such capabilities.
- F. States should ensure that military AI capabilities are developed with methodologies, data sources, design procedures, and documentation that are transparent to and auditable by their relevant defense personnel.
- G. States should ensure that personnel who use or approve the use of military AI capabilities are trained so they sufficiently understand the capabilities and limitations of those systems in order to make appropriate context-informed judgments on the use of those systems and to mitigate the risk of automation bias.

Responsible military use of artificial intelligence – recommendations for multilateral initiatives and related work

H. States should ensure that military AI capabilities have explicit, well-defined uses and that they are designed and engineered to fulfill those intended functions.

I. States should ensure that the safety, security, and effectiveness of military AI capabilities are subject to appropriate and rigorous testing and assurance within their well-defined uses and across their entire life-cycles. For self-learning or continuously updating military AI capabilities, States should ensure that critical safety features have not been degraded, through processes such as monitoring.

J. States should implement appropriate safeguards to mitigate risks of failures in military AI capabilities, such as the ability to detect and avoid unintended consequences and the ability to respond, for example by disengaging or deactivating deployed systems, when such systems demonstrate unintended behavior.

In order to further the objectives of this Declaration, the endorsing States will:

- implement these measures when developing, deploying, or using military AI capabilities, including those enabling autonomous functions and systems;
- make public their commitment to this Declaration and release appropriate information regarding their implementation of these measures;
- support other appropriate efforts to ensure that military AI capabilities are used responsibly and lawfully;
- pursue continued discussions among the endorsing States on how military AI capabilities are developed, deployed, and used responsibly and lawfully;
- promote the effective implementation of these measures and refine these measures or establish additional measures that the endorsing States find appropriate; and
- further engage the rest of the international community to promote these measures, including in other fora on related subjects, and without prejudice to ongoing discussions on related subjects in other fora.

The endorsing States recognize that concepts of artificial intelligence and autonomy are subject to a range of interpretations. For the purpose of this Declaration, artificial intelligence may be understood to refer to the ability of machines to perform tasks that would otherwise require human intelligence. This could include recognizing patterns, learning from experience, drawing conclusions, making predictions, or generating recommendations. An AI application could guide or change the behavior of an autonomous physical system or perform tasks that remain purely in the digital realm. Autonomy may be understood as a spectrum and to involve a system operating without further human intervention after activation.

Responsible military use of artificial intelligence – recommendations for multilateral initiatives and related work

ANNEX C

REAIM

Responsible AI in the Military domain **Summit**

The Hague
The Netherlands 2023
February 15-16

Co-hosted by the Republic of Korea

REAIM CALL TO ACTION

Artificial intelligence (AI) is influencing and changing our world fundamentally.

We are aware that AI will drastically impact the future of military operations, just as it impacts the way we work and live. Militaries are increasing their use of AI across a range of applications and contexts.

AI offers great opportunities and has extraordinary potential as an enabling technology, enabling us among other benefits to make powerful use of previously unimaginable quantities of data and improving decision-making. However, we recognise that there are also risks involved, many of which we cannot foresee to date.

There are concerns worldwide around the use of AI in the military domain and about the potential unreliability of AI systems, the issue of human involvement, the lack of clarity with regards to liability and potential unintended consequences, and the risk of unintended escalation within the spectrum of armed force, amongst other potential impacts.

We stress the paramount importance of the responsible use of AI in the military domain, employed in full accordance with international legal obligations and in a way that does not undermine international security, stability and accountability.

With this Call to Action we invite governments, industry, knowledge institutions, international organisations and others to support the following:

1. We acknowledge the potential impact, including opportunities and challenges, as a result of the rapid adoption of AI systems in the military domain on international security and stability.
2. We recognise the potential of AI applications in the military domain for a wide variety of purposes, at the service of humanity, including AI applications to reduce the risk of harm to civilians and civilian objects in armed conflicts.
3. We recognise that we do not and cannot fully comprehend and anticipate the implications and challenges resulting from the introduction of AI across a wide range of applications in the military domain.
4. We see a need to increasing our comprehension of the impact of AI in the military domain. That includes myth busting as well as improving knowledge and literacy regarding the benefits, risks and limitations of AI in the military domain.

Responsible military use of artificial intelligence – recommendations for multilateral initiatives and related work

5. We recognise the work done by many actors on responsible development, deployment and use of military AI, including relevant national strategies, AI principles and international initiatives, and the expertise build-up by different stakeholder groups to effectively respond to the challenges posed by embedding AI in the military domain.
6. We note that AI can be used to shape and impact decision making, and we will work to ensure that humans remain responsible and accountable for decisions when using AI in the military domain.
7. We recognise the need to assess the risks involved in the various types of current and future application of various AI techniques in the military domain and the different military contexts in which AI is applied.
8. We recognise that failure to adopt AI in a timely manner may result in a military disadvantage, while premature adoption without sufficient research, testing and assurance may result in inadvertent harm. We see the need to increase the exchange of lessons learnt regarding risk mitigation practices and procedures.
9. We stress the importance of a holistic, inclusive and comprehensive approach in addressing the possible impacts, opportunities and challenges of the use of AI in the military domain and the need for all stakeholders, including states, private sector, civil society and academia, to collaborate and exchange information on responsible AI in the military domain.
10. We affirm that data for AI systems should be collected, used, shared, archived and deleted, as applicable, in ways that are consistent with international law, as well as relevant national, regional and international legal frameworks and data standards. Adequate data protection and data quality governance mechanisms should be established and ensured from the early design phase onwards, including in obtaining and using AI training data.
11. We realise that due to the distributed nature of military decision making and the complexities of AI systems require us to pay close attention to all stages of development, deployment and use of AI in the military domain. We encourage collaboration between the public and private sector and strive to continue to engage with multiple stakeholders involved in the development, deployment and use of AI in the military domain.
12. We reiterate the importance of ensuring appropriate safeguards and human oversight of the use of AI systems, bearing in mind human limitations due to constraints in time and capacities.
13. We recognise that military personnel who utilise AI should sufficiently understand the characteristics of AI systems, the potential consequences of the use of these systems, including consequences resulting from any limitations, such as potential biases in data, thus requiring research, education and training on the manner of user interaction and reliance on the AI systems to avoid an undesirable effect.
14. We promote the exchange of good practices and lessons learnt among states to increase the mutual comprehension of states' national frameworks and policies with regard to the use of AI in the military domain. We also affirm the importance of sharing good practices and lessons learnt by the private sector on norms, policies, principles and technological expertise.

Responsible military use of artificial intelligence – recommendations for multilateral initiatives and related work

15. We recognise that the implementation of AI in the military domain differs per state. The responsible use of AI in the military domain requires international and multi-stakeholder exchange in order for all states, especially developing countries, to benefit from the opportunities and to address the challenges and risks.
16. We see a need for a continuation of a balanced international and multi-stakeholder discussion on the benefits, dilemmas, risks and challenges arising from the use of AI in the military domain. We invite the international private sector, academia, civil society and other relevant stakeholders to actively contribute to the discussions at the multilateral level and promote responsible AI in the military domain.

Our call to action:

17. The technological developments in the area of AI take place primarily in the civil domain. We therefore acknowledge that the introduction of AI in the military domain is a multi-stakeholder challenge. We are committed to continuing the global dialogue on responsible AI in the military domain in a multi-stakeholder and inclusive manner and call on all stakeholders to take their responsibility in contributing to international security and stability in accordance with international law.
18. We invite states to increase general comprehension of military AI by knowledge-building through research, training courses and capacity-building activities. We encourage states to work together, share knowledge by exchanging good practices and lessons learnt, building their capacity and involve the private sector, civil society and academia to promote responsible AI in the military domain.
19. We invite states to develop national frameworks, strategies and principles on responsible AI in the military domain.
20. We welcome initiatives by states, academia, civil society, industry and other stakeholders that promote responsible AI in the military domain.
21. We support academia, knowledge institutes and think tanks globally to conduct additional research in order to better comprehend the impact, opportunities and challenges of rapidly adopting AI in the military domain, especially in the field of human machine teaming, cognisant of the multifaceted use cases of different AI systems in different military contexts.
22. We invite academia, knowledge institutes and think tanks to propose methods and contribute to practical solutions to the challenges that the use of AI in the military domain poses, in order to contribute to international security and stability.
23. We call on the private sector to support and promote the responsible use of AI in the military domain. We encourage the sharing of good practices and policies on responsible use of AI by companies with other stakeholders, especially those good practices and policies that may be relevant to the use of AI in the military domain, bearing in mind national security considerations and restrictions on commercial proprietary information.

Responsible military use of artificial intelligence – recommendations for multilateral initiatives and related work

24. We encourage multi-stakeholder dialogue on best practices to guide the development, deployment and use of AI in the military domain to ensure an interdisciplinary discussion throughout of good practices and policies on responsible use of AI in the military domain.
25. We invite all stakeholders worldwide to join this Call to Action.

Released under the Official Information Act



5 August 2024

Associate Minister of Foreign Affairs

For action by

15 August 2024

New Zealand's approach to three upcoming conventional weapons meetings

BRIEFING Decision Submission

PURPOSE To seek your approval of New Zealand's approach to upcoming meetings of the Arms Trade Treaty, Convention on Cluster Munitions, and Convention on Certain Conventional Weapons.

Recommended referrals

Minister of Foreign Affairs

For information by

16 August 2024

Contact details

NAME	ROLE	DIVISION	WORK PHONE
Paula Wilson	Divisional Manager	International Security and Disarmament Division	s9(2)(a)
Jikita de Schot	Acting Unit Manager	International Security and Disarmament Division	

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

Following four pages are out of scope

New Zealand's approach to three upcoming conventional weapons meetings

Out of scope

A case in point is autonomous weapon systems (AWS). Since 2014, the CCW has been the main multilateral forum for discussing AWS. The sub-group tasked to consider AWS will meet for its second session of the year in August. We will continue to engage there in support of new rules and limits, in line with New Zealand's agreed policy position. The group's current mandate runs until 2026, however in view of the CCW's slow pace of discussions, the United Nations General Assembly (UNGA) will also consider AWS again this year, following the first UNGA resolution on the matter in 2023. The Ministry will provide you with formal advice on this in the coming months.

14. Out of scope

15.

16.

Out of scope

Released under the Official Information Act



13 February 2024

Associate Minister of Foreign Affairs

For approval by

20 February 2024

Disarmament and arms control issues: Overview

BRIEFING Overview Submission

PURPOSE To provide information on disarmament, arms control and non-proliferation issues for which you have responsibility, as a basis for initial discussion with officials, and to take some early decisions on certain disarmament-related matters.

Recommended referrals

Prime Minister

For information by

27 February 2024

Minister of Foreign Affairs

For information by

27 February 2024

Contact details

NAME	ROLE	DIVISION	WORK PHONE
Paula Wilson	Divisional Manager	International Security and Disarmament Division	s9(2)(a)
John Borrie	Unit Manager	International Security and Disarmament Division	

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

Disarmament and arms control issues: Overview

Key points

- New Zealand has long been active on disarmament, arms control and non-proliferation issues as we recognise their contribution to national and international peace and security, and to our broader humanitarian objectives.
- New Zealand's disarmament stance is a part of our international profile, but it is also linked to our harder national interests. Recently, this reality has become starker. Russia's President Putin threatened the use of nuclear weapons earlier in its conflict with Ukraine, and North Korea and Iran are openly flouting international rules as they strive to develop nuclear weapons. Further, the positions that countries are taking in discussions and negotiations on disarmament or non-proliferation are increasingly coloured by broader geopolitics. The same countries seeking to undermine other international rules and norms are increasingly doing so in the disarmament space as well. This means the current global operating context for this work is difficult – but no less important.
- Recognising the volume of challenges ahead and the resource constraints we face, we are deliberate about where we put our efforts. We will follow this submission and initial discussion with you with an outline of current key challenges and a draft Disarmament and Arms Control Strategy that will focus our efforts on three key pillars:
 - nuclear disarmament;
 - strengthening international humanitarian law;
 - addressing emerging challenges like outer space and autonomous weapon systems.
- Engagements with international partners and domestic stakeholders are enablers of our disarmament work. Officials would welcome a discussion of how disarmament priorities could be included in your travel and engagement plans as Associate Minister of Foreign Affairs, where appropriate, as well as outreach opportunities you may wish to pursue. Straight out of the gate, we recommend you deliver a video message to the Geneva-based Conference on Disarmament underlining New Zealand's desire to achieve progress.
- In addition, officials would be grateful for your steer on possible timing for a first meeting of the Public Advisory Committee on Disarmament and Arms Control (PACDAC) that you will Chair, which is legislated to provide advice to the Minister of Foreign Affairs on disarmament issues.

Ben King
for Acting Secretary of Foreign Affairs and Trade

Disarmament and arms control issues: Overview

Recommendations

It is recommended that you:

- | | | |
|---|---|----------|
| 1 | Note the contents of this submission, which is intended to brief you as incoming Minister with responsibility for disarmament and arms control matters, and will be followed up with further briefing; | Yes / No |
| 2 | Agree to meet the Ministry of Foreign Affairs and Trade's disarmament officials to discuss your preferred approach to this portfolio, including the Public Advisory Committee for Disarmament and Arms Control (PACDAC); | Yes / No |
| 3 | Agree that disarmament officials work with your office to organise a first 2024 meeting of PACDAC, which you would chair at a date convenient for you; | Yes / No |
| 4 | Agree to consider a Disarmament and Arms Control Strategy, which officials will submit to you soon, to provide a strategic framework to guide their efforts; | Yes / No |
| 5 | Agree to deliver a video message to the Conference on Disarmament for delivery during its high-level segment, 26 February-1 March 2024; | Yes / No |
| 6 | s9(2)(f)(iv) | Yes / No |
| 7 | Refer a copy of this submission to the Minister of Foreign Affairs. | Yes / No |

Hon Todd McClay
Associate Minister of Foreign Affairs

Date: / /

Disarmament and arms control issues: Overview

Report

1. This submission provides a high-level overview of the key elements of disarmament and arms control issues in 2024. In contrast to its predecessor, the coalition Government has not established a separate Ministerial portfolio for Disarmament and Arms Control. Instead, the functions of that portfolio, first established under the 1987 New Zealand Nuclear Free Zone, Disarmament and Arms Control Act, are allocated to you as Associate Minister for Foreign Affairs under your Delegation of Authority from the Minister of Foreign Affairs (although some of these issues may also require sign out from the Minister of Foreign Affairs, where there are broader implications for New Zealand's foreign policy.)
2. New Zealand's disarmament stance is a part of our international profile, but it is also linked to our harder national interests. Recently, this reality has become starker. For example, Russia's President Putin threatened the use of nuclear weapons earlier in its conflict with Ukraine, and North Korea and Iran are openly flouting international rules as they strive to develop nuclear weapons and other strategic capabilities that threaten international stability. Disarmament and non-proliferation related fora have become arenas for geopolitical contestation, in which certain States seek to disrupt or undermine the rules-based order in ways inimical to norms and arrangements we support and on which we depend, in some cases. These include important international institutions such as the International Atomic Energy Agency and Organisation for the Prohibition of Chemical Weapons, as well as informal strategic export control regimes that help to curb proliferation and maintain New Zealand's access to critical sensitive technologies. Although the current global operating context for this work is therefore difficult, it is no less important for it.
3. Officials look forward to providing any further information you would like on these issues, and to meeting with you to discuss your preferred approach to this portfolio. In a submission to follow shortly after that meeting, officials will provide further briefing that concentrates on key issues, and includes a Disarmament and Arms Control Strategy for you to consider.

Your role as Associate Foreign Minister responsible for Disarmament and Arms Control

4. You will take decisions on New Zealand's policy and voting positions on new and significant disarmament-related issues, including on nuclear weapons and other weapons of mass destruction, as well as on conventional weapons and new weapons of concern. You will guide the positions taken in negotiations on any new disarmament treaties or initiatives and in important disarmament fora, including the United Nations (UN) General Assembly First Committee (Disarmament and International Security) and meetings of relevant treaty bodies.
5. There will be opportunities to pursue our disarmament and non-proliferation priorities through your bilateral engagements as Associate Minister of Foreign Affairs and with heads of relevant international agencies. New Zealand's constructive leadership and principled positioning across this portfolio diversifies the set of issues on which we engage and is relevant to a broad range of New Zealand's bilateral partners, including in the Pacific and the global South, as well as with our Five Country and European partners.
6. You will also have a leading domestic role, recognising and responding to the interests of New Zealand civil society, including by chairing the Public Advisory Committee on Disarmament and Arms Control (PACDAC). We look forward to discussing with you your preferences for domestic engagement in this regard.

Disarmament and arms control issues: Overview

New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987

7. The Prime Minister is responsible for decisions under this Act, determining whether to allow the entry of foreign warships into the internal waters of New Zealand and the landing in New Zealand of foreign military aircraft. The Ministry's advice to the Prime Minister is submitted through the Minister of Foreign Affairs.
8. This Act also confers on the Minister of Foreign Affairs the power to appoint members of PACDAC, which you will Chair.

Public Advisory Committee on Disarmament and Arms Control

9. The 1987 Act also establishes PACDAC. The Committee's main responsibilities under the Act are to: advise the Minister of Foreign Affairs on disarmament and arms control issues; advise the Prime Minister on the implementation of the Act; and distribute grants from two government trust funds for peace education – the Peace, Disarmament and Education Trust and the Disarmament Education UN Implementation Fund.
10. The Act confers on the Minister of Foreign Affairs the power to appoint members of PACDAC. The current members (until 31 December 2024) are: Mary Wareham (Deputy Chair), Edwina Hughes, Prof. Kevin Clements, Martin Donoghue, Jamila Homayun, Ena Manuireva and Dr. Lucy Stewart. One member, Andrew Chen, resigned at the end of December 2023 ^{s9(2)(a)}. As PACDAC Chair, you will be consulted on the nominations for any successor prior to approval by the Minister of Foreign Affairs.

The Ministry's role on disarmament issues

11. The Ministry of Foreign Affairs and Trade supports Ministers in its capacity as the government's lead agency for disarmament, non-proliferation and arms control. Work on these issues contributes to the Ministry's Strategic Goals on International Rules and Institutions, and Security and Safety.
12. The Ministry's International Security and Disarmament Division (ISED) provides advice on disarmament and arms control issues, working with other divisions of the Ministry (as well as other government agencies) as required. The Division has four staff working full-time on disarmament and non-proliferation policy issues, with a further five staff managing New Zealand's export control regime for military and other strategic goods. The Division reports to the Ministry's Deputy Chief Executive (Policy).
13. The Ministry's disarmament and arms control work engages four overseas posts:
 - The Permanent Mission to the UN in **Geneva** is home to our Ambassador for Disarmament, currently Lucy Duncan, who leads our engagement at the Conference on Disarmament and in various disarmament treaty bodies, including the Nuclear Non-Proliferation Treaty, Treaty on the Prohibition of Nuclear Weapons, Arms Trade Treaty, Convention on Certain Conventional Weapons, Convention on Cluster Munitions and Anti-Personnel Mine Ban Convention. You met Lucy during your visit to New York in August 2022 and briefly during your visit to Geneva earlier this year.
 - The Permanent Mission to the UN in **Vienna** pursues our interests at the International Atomic Energy Agency, the Comprehensive Nuclear-Test-Ban Treaty Organisation, the Nuclear Suppliers Group and the Wassenaar Arrangement (which covers conventional arms transfers).

Disarmament and arms control issues: Overview

- The Embassy in **The Hague** pursues our interests at the Organisation for the Prohibition of Chemical Weapons, including our upcoming Executive Council seat.
- The Permanent Mission to the UN in **New York** supports our engagement in disarmament activities at the UN's headquarters, including UN First Committee.

14. In addition, New Zealand's broader network of embassies, high commissions and consulates-general report on disarmament and arms control issues and represent New Zealand's views as part of their work.

Nuclear weapons

New Zealand's Nuclear Free Status

15. The Nuclear Free Zone, Disarmament and Arms Control Act 1987 established New Zealand's nuclear free status and implements the Nuclear Non-Proliferation Treaty and the Treaty of Rarotonga (which established the South Pacific Nuclear Free Zone), both of which commit New Zealand not to acquire nuclear weapons. In establishing a New Zealand nuclear free zone, the Act bans nuclear-armed warships and nuclear-powered vessels from entering New Zealand's internal waters, or nuclear-armed aircraft from landing.

Nuclear Non-Proliferation Treaty

16. The NPT is often described as the cornerstone of the global nuclear disarmament and non-proliferation regime. The agreement represents a grand bargain across three pillars: nuclear disarmament; nuclear non-proliferation; and the peaceful uses of nuclear energy. Put simply, the NPT provides that States Parties with nuclear weapons (China, France, Russia, the United Kingdom and United States) will negotiate on disarmament in good faith; those without nuclear weapons will not try to acquire them; and the peaceful uses of nuclear energy can be pursued by all. Today, however, the NPT regime is increasingly vulnerable, with a growing gap between the commitments the Nuclear-Weapon States have made under their disarmament obligation and the lack of practical progress they have achieved in the last decade or more.
17. New Zealand is an active member of cross-regional groupings aimed at advancing nuclear disarmament under the NPT. Our longest standing grouping, which celebrated its 25th anniversary in June 2023, is the New Agenda Coalition (Brazil, Egypt, Ireland, Mexico, New Zealand and South Africa). New Zealand is also playing a leadership role in efforts to strengthen transparency and accountability with respect to nuclear disarmament – both as a member of the New Agenda Coalition and in ad hoc groupings ^{s6(a)}

Treaty on the Prohibition of Nuclear Weapons

18. Growing frustration about the lack of progress towards nuclear disarmament led a group of countries, including New Zealand, to negotiate a treaty to prohibit nuclear weapons in 2017. The TPNW now has 70 States Parties, but is not currently supported by any of the States possessing nuclear weapons, or those in ^{s6(a)} This reflects the fact that the Treaty, in essence, signals a rejection of nuclear weapons as a basis for security, including nuclear deterrence practice. By providing the legal framing for a nuclear-weapon-free world, the TPNW strengthens the norm against nuclear weapons, complements existing nuclear disarmament architecture, and represents a necessary step on the pathway towards their abolition.

Disarmament and arms control issues: Overview

19. The TPNW regime met for its second Meeting of State Parties from 27 November to 2 December 2023 in New York, chaired by Mexico. This meeting adopted a final report and a political declaration by consensus.

Comprehensive Nuclear-Test-Ban Treaty

20. The CTBT bans nuclear explosions in all environments. The aim of the treaty is to prevent countries developing nuclear weapons and, for countries that already have nuclear weapons, from modernising them. As such, the CTBT supports both nuclear disarmament and nuclear non-proliferation. Although not yet in force, the CTBT supports a powerful global norm against nuclear testing. New Zealand hosts a number of seismic, radionuclide and acoustic monitoring stations that are part of the treaty's worldwide verification network. We are a lead sponsor of an annual resolution on the CTBT in the UN General Assembly's First Committee. In November 2023, Russia withdrew its ratification of the CTBT – it claimed due to lack of progress by the United States to ratify.

Nuclear non-proliferation, safety and security

21. New Zealand is a strong supporter of nuclear non-proliferation and of the work of the International Atomic Energy Agency (IAEA). The IAEA, known as the world's "nuclear watchdog", is mandated to verify that all nuclear material in non-nuclear weapon States is only used for peaceful purposes. The Agency plays an important role in efforts to address concerns about Iran's nuclear programme,^{s6(a)}
22. Pursuant to our NPT obligations, New Zealand has a Safeguards Agreement with the IAEA, which provides for regular reporting on our limited holdings of nuclear material and for periodic inspections. The IAEA also has an important mandate on nuclear safety issues, with New Zealand taking a particular interest in the safe maritime transport of nuclear material (which periodically transits through the Tasman Sea) and in nuclear liability. The Agency is playing a critical role in preventing a nuclear incident at the Russian-occupied Zaporizhzhya nuclear power plant in Ukraine. The IAEA also plays an important role in providing ongoing assurance about the safety of the release of treated water from the Fukushima Daiichi nuclear power plant, which was severely damaged in 2011 by an earthquake and subsequent tsunami in Japan.
- 23.^{s6(a)}

Although New Zealand has made clear our confidence in the IAEA report, we are also sensitive to Pacific concerns. We continue to encourage Japan and the IAEA (which is monitoring the release) to be transparent and pro-active in their engagement with States in the region, including through the Pacific Islands Forum, in order to allay concerns.

Addressing nuclear legacy issues in the Pacific

24. The effects of nuclear testing continue to be felt, generations later, in the Pacific and other regions. At the request of leaders, the Pacific Islands Forum launched work in 2019 to focus attention on the issue, and to draw together the information and resources needed to try and address this legacy in our region.^{s6(a), s9(2)(g)(i)} we have made more inroads in drawing attention to these issues in the context of the TPNW and the UN General Assembly.

Disarmament and arms control issues: Overview

Other weapons of mass destruction

Chemical weapons

25. Chemical weapons are prohibited under the Chemical Weapons Convention (CWC), which is implemented through the Organisation for the Prohibition of Chemical Weapons (OPCW) based in The Hague. The CWC requires the destruction of chemical weapons stockpiles worldwide and imposes controls on the trade in “precursor” chemicals, i.e. those that can be used to make chemical weapons. In 2023 a major milestone was reached when the United States completed full destruction of its large Cold War-era chemical weapons stockpile. New Zealand has been active in responding to the challenges posed by Syria’s repeated use of chemical weapons over the last decade.
26. New Zealand takes a seat as a member of the OPCW Executive Council from May 2024 (as part of a rotational arrangement we share with Australia and Canada). It is important to sustaining the CWC, ^{s6(a), s6(b)(1)} that New Zealand can play an active role in defending the Organisation from attempts ^{s6(a)} to undermine it.

Biological weapons

27. Biological weapons are prohibited by the 1972 Bacteriological and Toxin Weapons Convention – usually shortened to Biological Weapons Convention (BWC). Advances in biotechnology and difficulties in verifying non-possession of biological weapons are ongoing challenges for the BWC. New Zealand played an active part in efforts to devise a compliance regime to give effect to its prohibitions from the 1990s; but these negotiations collapsed in 2001 and the BWC stewardship process has only gradually recovered since then. In late 2022 a BWC working group was established to figure out how to strengthen the Convention.

Missiles and space

Ballistic missiles

28. Ballistic missiles are particularly suited for the delivery of nuclear, chemical and biological weapons. Missile-related arms racing in the Indo-Pacific – especially East Asia – is of increasing concern. In terms of ‘strategic stability’ and nuclear competition there is an intrinsic link between missiles and missile defences, nuclear weapons, and the military use of space. New Zealand is a member of the Missile Technology Control Regime, which seeks to prevent the spread of missile technology. New Zealand is also an adherent to the 2002 Hague Code of Conduct against Ballistic Missile Proliferation.

Outer Space

29. New Zealand is one of a few space-launching States, and home to a growing space industry. Like all States, we rely on space-based platforms for a wide range of critical services. In line with this, New Zealand advocates internationally for a peaceful, sustainable, safe and secure space environment.
30. We promote responsible behaviours in space through adherence to relevant international law and seeking to support the development of new international instruments where there are gaps. In relation to space security, New Zealand supports the development of new international instruments focused on responsible behaviour by space users, as opposed to the regulation of particular capabilities. In this context, we cooperate with Five Country and likeminded partners (France, Germany, Japan and Republic of Korea) in a core-group within

Disarmament and arms control issues: Overview

a UN process on space security-related issues. We are also active in Vienna in the work of the UN Committee on the Peaceful Uses of Outer Space.

Conventional weapons

Autonomous Weapon Systems

31. Countries with advanced militaries are rapidly developing military technologies with even greater autonomous capabilities. While there is no agreed definition of autonomous weapon systems (AWS), they are understood to be systems that use data and sensor processing to identify and engage targets without further human intervention. Because of legal and ethical concerns about such systems, AWS have been discussed within the UN Convention on Certain Conventional Weapons (CCW) since 2014.
32. New Zealand supports appropriate international prohibitions and regulation of AWS to ensure these comply with relevant legal and ethical standards. We participate actively in multilateral fora towards this, including the CCW, and relevant initiatives, for instance in recent years in the UN General Assembly. In 2023 several parallel or complementary initiatives emerged that are relevant to AWS, including a US-led initiative on autonomy in the context of weapon systems and a Dutch-led initiative on AI in the military domain.

Arms Trade Treaty

33. The Arms Trade Treaty (ATT), concluded in 2012, regulates the international arms trade by requiring States to maintain export and import controls, and by setting standards for international arms sales. New Zealand ratified the treaty in 2013 and implements it through export control regulations.

Small Arms and Light Weapons

34. The UN has established a Programme of Action on Small Arms and Light Weapons, to address the multiple impacts of the uncontrolled spread of these weapons, particularly on developing countries. Although New Zealand's focus for such weapons is on the ATT, we do report to the UN under the Programme of Action and keep abreast of developments given its importance to the Pacific.

The Wassenaar Arrangement

35. New Zealand is also one of 41 States participating in the Vienna-based Wassenaar Arrangement, which seeks to prevent the spread of conventional weapons and dual-use military technologies through a common approach to export controls.

Inhumane and indiscriminate weapons

36. New Zealand is party to several treaties covering inhumane and indiscriminate weapons:
 - The **Anti-Personnel Mine Ban Convention** (also known as the Mine Ban or Ottawa Treaty) prohibits anti-personnel landmines and requires the destruction of stockpiles, clearance of minefields and support for victims in States which are party to it.
 - The **Cluster Munitions Convention** prohibits cluster munitions and requires the destruction of stockpiles, clearance of cluster munitions and support for victims in States which are party to it. Until 2023 New Zealand was coordinator for National Implementation Measures under the Convention.

Disarmament and arms control issues: Overview

- The **Convention on Certain Conventional Weapons** (also known as the Inhumane Weapons Treaty) prohibits or restricts the use of weapons such as blinding lasers and incendiary weapons, and also has a protocol covering the use of landmines and booby traps. This forum is also home to talks on “lethal autonomous weapon systems” covered above. The CCW is bound by consensus, which has made it difficult to progress important issues over the past two decades. Both the Mine Ban Treaty and the Cluster Munitions Convention were negotiated outside the CCW.

Protecting Civilians from Explosive Weapons

37. New Zealand, along with 82 other countries, endorsed in 2022 a Political Declaration restricting the use of explosive weapons in populated areas (EWIPA). The Declaration contains political-level commitments and is designed to reduce harm to and better protect civilians in conflict. Norway will host the follow-up conference in April 2024, which our Disarmament Ambassador will attend.

New Zealand's approach

38. New Zealand has targeted its efforts to preserve or consolidate the disarmament and non-proliferation architecture ^{s6(a)} Consistent with the priorities laid out in our 2023 Disarmament Strategy¹:

- We played a major role in a **successful Second Meeting of States Parties to the TPNW** in New York in November-December 2023, which included the adoption of a political declaration opposing nuclear weapons and threats of their use. The TPNW, which was adopted in July 2017, has made steady progress on uptake and implementation. New Zealand co-chairs TPNW intersessional work on nuclear disarmament verification and is a member of the Treaty process's coordinating committee and core group.
- New Zealand supported a new UN General Assembly resolution in 2023 initiated by two nuclear testing-affected States, Kazakhstan and Kiribati, on **addressing the legacy of nuclear weapons: providing victim assistance and environmental remediation to Member States affected by the use or testing of nuclear weapons**. This resolution passed by a wide margin. It dovetails with our work in the TPNW and NPT contexts to highlight the humanitarian impacts of nuclear weapons.
- Our delegation continued to play a significant role in the **NPT Review process** both as a member of the New Agenda Coalition and in working with an ad hoc coalition of States toward greater transparency and accountability by the nuclear-weapon States for implementation of the NPT's disarmament obligation and related commitments. New Zealand is coordinating the activities of the New Agenda Coalition in the first half of 2024.
- New Zealand was active in the **IAEA** context in responding to issues relating to Iran's nuclear programme and the impact of Russia's invasion on Ukraine's civilian nuclear infrastructure. We also hosted a visit by the IAEA Director-General to New Zealand in July 2023, and helped to facilitate Agency contacts with Pacific Island States to promote dialogue on the release of treated water from Fukushima.

¹ MFAT, [New Zealand Disarmament Strategy](#), 2023.

Disarmament and arms control issues: Overview

- We supported efforts in the OPCW to hold Syria and Russia to account for their use of **chemical weapons** and more broadly to support the Organisation as it was challenged by Russia, in particular.
- With other States, we worked to build momentum on international rules and limits on **autonomous weapon systems**, including in the CCW in Geneva and via complementary initiatives such as a new UN General Assembly resolution we co-sponsored, led by Austria.^{s6(a)}
- New Zealand promoted **responsible norms and behaviour in outer space** as a member of a UK-led core group of States, including in a UN Open-ended Working Group. This is something in which we have a direct national stake as a space user and space launching nation.
- New Zealand promoted implementation of treaties banning anti-personnel mines and cluster munitions, as well as uptake of a **Political Declaration on Explosive Weapons Use in Populated Areas**.

Next steps

39. This submission has provided an overview of your portfolio as Minister responsible for disarmament and arms control matters. It has not offered analysis of key issues and challenges, which nest within the increasingly uncertain strategic outlook outlined in the Ministry's *Strategic Foreign Policy Assessment*.² Disarmament officials will provide you with further briefing on these key disarmament-related issues and challenges shortly in a follow-up submission, as well as New Zealand's proposed approach in the coming period, and a draft Disarmament and Arms Control Strategy for you to consider.

40. Officials look forward to discussing how you wish to approach disarmament issues, including your priorities and interests. To this end:

- We recommend you deliver a **brief video message of around four minutes in duration to the Geneva-based Conference on Disarmament's high-level segment** in the final week of February. Officials would prepare a draft of this message in communication with your office, which you could pre-record at your convenience. We suggest it underline New Zealand's continued interest in and commitment to the rules-based disarmament and arms control architecture and our desire to see progress, including in that body.

Recognising your other pressing portfolio responsibilities, we nevertheless recommend you convene a **first meeting of PACDAC at a convenient time in the near future**, in order for the Committee to progress its work, especially as it needs to move toward taking decisions on disbursements from the two funds it administers.

s9(2)(f)(iv)

² In mid-2023 MFAT's *Strategic Foreign Policy Assessment* described broad, discernible shifts from rules to power, from economics to security and from efficiency to resilience in the international context.

Weekly Report items: OIA 29774

2 August 2024:

Media interest in pausing of Autonomous Weapon Systems Working Group

The Ministry recently decided to pause convening meetings of the Autonomous Weapon Systems (AWS) Working Group. This was reported by Radio New Zealand (25 July) and included criticism from a non-governmental group member, with explanatory comment from the Ministry and Minister McClay. The AWS Working Group was established in 2022 to assist the Government's understanding of AWS and involved non-government and government members. The Group last met in July 2023. The media angle was that because AWS are being increasingly used, the Group was required. ^{s9(2)(g)(i)}

5 April 2024:

US kicks off international process on military use of artificial intelligence

On 19-20 March, representatives from the Ministry and the New Zealand Defence Force participated in a plenary meeting near Washington DC to formally launch the implementation of the US-led Political Declaration on Responsible Military Use of Artificial Intelligence and Autonomy. New Zealand endorsed the Declaration in January this year. Sixty states participated in the meeting, including Five Eyes partners and most NATO members. Attendees discussed how endorsing states will implement the Declaration's ten commitments, which focus on the responsible and lawful use of military artificial intelligence capabilities. Officials will now consider how New Zealand can engage in the three Working Groups (on accountability, oversight, and assurance).

24 November 2023:

Slightly stronger mandate to address autonomous weapon systems agreed

On 17 November, parties to the UN Convention on Certain Conventional Weapons (CCW) agreed to a strengthened mandate to formulate "a set of elements of an instrument" to address legal, security and ethical concerns with autonomous weapon systems. The new mandate, following almost a decade of previous CCW talks, ^{s9(2)(g)(i)}

The mandate responds to pressure for action. This includes the first-ever UN General Assembly resolution on autonomous weapon systems adopted earlier this month, which New Zealand co-sponsored.