

13 March 2025

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Personal details removed for proactive release

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OIA 29962

Thank you for your email of 14 February 2025 to Hon Judith Collins in which you requested information under the Official Information Act 1982 (OIA). On 17 February 2025, the following parts of your request were transferred from Hon Judith Collins to the Ministry of Foreign Affairs and Trade (the Ministry) under section 14(b) of the OIA for response:

1. *"Nuclear Free Zone Act Foreign Military Aircraft Annual Clearance for 2025*
2. *Informal Note - Southern Ocean Maritime Surveillance 2024-25*
3. *Approval for visit by French Navy Vessel"*

Attached are the following documents in scope of your request:

1. Nuclear Free Zone Act Foreign Military Aircraft Annual Clearance for 2025, dated 20 November 2024
2. Informal Note - Southern Ocean Maritime Surveillance 2024-25, dated 5 February 2025
3. Nuclear Free Zone Act: Approval for Visit by French Navy Vessel - VENDEMIAlRE, dated 30 October 2024

Some information is withheld under the following sections of the OIA:

- 6(a): to avoid prejudicing the security or defence of New Zealand or the international relations of the New Zealand Government;
- 9(2)(a): to protect individuals' privacy;
- 9(2)(g)(i): to protect the free and frank expression of opinions by departments; and
- 9(2)(f)(iv): to protect the confidentiality of advice tendered by Ministers of the Crown and officials.

Where the information has been withheld under section 9 of the OIA, no public interest in releasing the information has been identified that would override the reasons for withholding it.

Please note that it is our policy to proactively release our responses to official information requests where possible. Therefore, our response to your request (with your personal information removed) may be published on the Ministry website: [www.mfat.govt.nz/en/about-us/contact-us/official-information-act-responses/](http://www.mfat.govt.nz/en/about-us/contact-us/official-information-act-responses/)

If you have any questions about this decision, you can contact us by email at: [DM-ESD@mfat.govt.nz](mailto:DM-ESD@mfat.govt.nz). You have the right to seek an investigation and review by the Ombudsman of this decision by contacting [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Nāku noa, nā

A handwritten signature in black ink, appearing to be 'SC', written in a cursive style.

Sarah Corbett  
for Secretary of Foreign Affairs and Trade



20 November 2024

Minister of Foreign Affairs

For action by

28 November 2024

## Nuclear Free Zone Act: Foreign Military Aircraft Annual Clearance for 2025

**BRIEFING** Overview Submission

**PURPOSE** To recommend the Prime Minister approves, under Section 10 of the *New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act 1987*, the landing of certain categories of foreign military aircraft in New Zealand over the period from 1 January to 31 December 2025.

### Recommended referrals

Prime Minister	For action by	5 December 2024
Minister of Defence	For information by	5 December 2024
Associate Minister of Foreign Affairs	For information by	5 December 2024

### Contact details

NAME	ROLE	DIVISION	WORK PHONE
John Borrie	Unit Manager	International Security and Disarmament Division	s9(2)(a)
Zhala Sharifi	Counter-Proliferation Adviser	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**

## Nuclear Free Zone Act: Foreign Military Aircraft Annual Clearance for 2025

### Key points

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- 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.
- Historically, New Zealand has granted annual diplomatic clearance for the landing of foreign military aircraft across nine specified categories to streamline approvals and reduce the administrative burden, particularly in the event of emergency.
- The Prime Minister must be satisfied that the aircraft in question will not be carrying any nuclear explosive device to grant such approval, based on available, relevant information and advice.
- Having considered all relevant information available, officials conclude that the aircraft in these categories will not be carrying any nuclear explosive device when they land in New Zealand.
- It is recommended that the Prime Minister give approval for landing in New Zealand for the following categories of foreign military aircraft in 2025:
  - Canadian military logistics transport aircraft (helicopters and uncrewed aerial vehicles) embarked on Canadian naval vessels;
  - French military logistics transport aircraft, embarked helicopters and uncrewed aerial vehicles on naval vessels, and maritime patrol aircraft;
  - Italian military logistics transport aircraft;
  - United Kingdom military logistics transport aircraft, and embarked helicopters and uncrewed aerial vehicles on naval vessels;
  - United States military logistics transport aircraft, maritime patrol aircraft, and embarked helicopters and uncrewed 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;
  - Military aircraft of other states not already covered by other category approvals providing or facilitating assistance to New Zealand or the South Pacific region in the event of a natural disaster or security incident; and
  - Aircraft utilised to transport Organisation for the Prohibition of Chemical Weapons (OPCW) Inspectors to New Zealand for the purpose of Industry Inspection(s).

Taha Macpherson  
for Secretary of Foreign Affairs and Trade

## Nuclear Free Zone Act: Foreign Military Aircraft Annual Clearance for 2025

### Recommendations

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It is recommended that you:

- |   |   |                 |
|---|---|-----------------|
| 1 | <b>Refer</b> a copy of this submission and the attached draft determinations to the Prime Minister for consideration, | <b>Yes / No</b> |
| 2 | <b>Refer</b> copies of this submission to the Minister of Defence, and  | <b>Yes / No</b> |
| 3 | <b>Refer</b> copies of this submission to the Associate Minister of Foreign Affairs.                                  | <b>Yes / No</b> |

Rt Hon Winston Peters  
Minister of Foreign Affairs

Date:        /        /

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## Nuclear Free Zone Act: Foreign Military Aircraft Annual Clearance for 2025

### Report

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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 approval if satisfied that the foreign military aircraft will not be carrying any nuclear explosive device when it lands in New Zealand. The Act requires the Prime Minister to "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 transport 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 to include an additional category for military Aircraft utilised to transport Organisation for the Prohibition of Chemical Weapons (OPCW) Inspectors to New Zealand for the purpose of Industry Inspection(s). Under Section 22 of Part II of the Verification Annex of the Chemical Weapons Convention, New Zealand is obliged to inform the OPCW Technical Secretariat of a standing diplomatic clearance for non-scheduled aircraft transporting inspection teams and equipment necessary for inspection into New Zealand.
5. It is proposed for calendar year 2025 to use the same categories as were approved for 2024, with the addition of category I. Detail relating to each category is attached in Annexes A to I:

Annex A:	Canadian military logistic transport aircraft, (helicopters and uncrewed aerial vehicles) embarked on Canadian naval vessels
Annex B:	French military logistics transport aircraft, embarked helicopters and uncrewed 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 uncrewed aerial vehicles on naval vessels
Annex E:	United States military logistics transport aircraft, maritime patrol aircraft, and embarked helicopters and uncrewed 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/facilitating to New Zealand or the South Pacific region in the event of a natural disaster or security incident

## Nuclear Free Zone Act: Foreign Military Aircraft Annual Clearance for 2025

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Annex I:	Military Aircraft utilised to transport Organisation for the Prohibition of Chemical Weapons (OPCW) Inspectors to New Zealand for the purpose of Industry Inspection(s)
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### Requirement to Provide Advance Notifications or Diplomatic Clearance Requests

6. If the Prime Minister grants approval for these categories, all landings by the specified aircraft in New Zealand will remain subject to the requirement to provide advance notification to the relevant New Zealand authorities, or the submission of individual diplomatic clearance requests. Should circumstances change in 2025 in such a way that any of these aircraft in these categories no longer meet the requirements of the Act, officials would revisit the matter to have the approval rescinded or amended as necessary.

### Recommendations

7. Given the categories of foreign military aircraft and what is known about them, officials conclude the aircraft in these categories will not be carrying any nuclear explosive device when they land in New Zealand.
8. It is recommended the Prime Minister grant approval under Section 10 of the Act to the landing in New Zealand over the period 01 January to 31 December 2025 inclusive of:
  - 7.1 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), those providing/facilitating assistance to New Zealand or the South Pacific region in the event of a natural disaster or security incident (Annex H), and Aircraft utilised to transport OPCW Inspectors to New Zealand for the purpose of Industry Inspection(s) (Annex I) and;
  - 7.2 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 (Annex F):
    - The South Pacific Nuclear Free Zone Treaty 1985 (Treaty of Rarotonga) **(Australian military aircraft are included in this category)**;
    - The African Nuclear Weapon Free Zone Treaty 1996 (Treaty of Pelindaba);
    - The Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean 1967 (Treaty of Tlatelolco); and
    - The Treaty on the Southeast Asia Nuclear Weapon Free Zone 1995 (Treaty of Bangkok).
9. Attached are draft Determination Letters for each category for the Prime Minister's signature.

### Resourcing

10. There are no expected additional financial or staffing implications associated with this approval. It is not expected to require any reprioritisation of work.

**CANADIAN MILITARY LOGISTIC TRANSPORT AIRCRAFT, MILITARY AIRCRAFT  
(HELICOPTERS AND UNCREWED AERIAL VEHICLES) EMBARKED ON A CANADIAN  
WARSHIP**

**Background**

1. Military logistics transport aircraft of Canada were previously 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 throughout 2024.
2. Military aircraft (helicopters and uncrewed aerial vehicles) embarked on Canadian naval vessels 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 (NPT) and as such is bounded by international law to neither acquire nor possess nuclear explosive devices. Officials conclude that Canada fully complies with its obligations under this treaty.

**New Zealand's strategic and security interests**

4. Canada is a valued and close international like minded 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.<sup>s6(a)</sup>

Visits by Canadian military logistics transport aircraft further the defence relationship and are in New Zealand's strategic and security interests.

**Conclusion**

5. Officials consider that Canadian military logistics transport 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.



## FRENCH MILITARY LOGISTICS TRANSPORT AIRCRAFT, EMBARKED HELICOPTERS AND UNCREWED AERIAL VEHICLES ON NAVAL VESSELS, AND MARITIME PATROL AIRCRAFT

### Background

1. Since 1996, the Prime Minister has given annual category/class approvals for several categories or classes of French military aircraft to land in New Zealand, in accordance with under section 10(3) of the *New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act 1987* (the Act). Prior to this, until French nuclear testing ceased in the first half of 1996, approvals to French military aircraft were only granted on an occasional, case-by-case, basis.

### 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 throughout 2024:
  - 2.1 Military logistics transport aircraft and maritime patrol aircraft of the Government of France being used:
    - 2.1.1 for, or in support of, search and rescue flights to or from New Zealand;
    - 2.1.2 for the transportation of equipment and/or personnel to New Zealand to repair a broken down or damaged French aircraft;
    - 2.1.3 for, or in support of, aeromedical mercy/evacuation flights to or from New Zealand;
    - 2.1.4 for the transportation of dignitaries visiting New Zealand;
    - 2.1.5 for the transportation of high priority cargo for the French Embassy in New Zealand;
    - 2.1.6 for navigation/instrument flight rules training flights to or from New Zealand;
    - 2.1.7 for maritime surveillance flights to or from New Zealand;
    - 2.1.8 to provide or facilitate support for humanitarian aid and/or disaster relief assistance, or in the event of a security incident, to New Zealand or the South Pacific;
    - 2.1.9 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;
    - 2.1.10 for the transportation of military personnel and their equipment to or from New Zealand in connection with visits, exercises, relationship-building exercises or other activities with the New Zealand Defence Force;
  - 2.2 Military logistics transport aircraft of the Government of France being used to provide logistics support for the French Antarctic Research Programme;

- 2.3 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;
- 2.4 Military helicopters and uncrewed aerial vehicles of the Government of France undertaking flights from a French warship; and
- 2.5 Military logistics aircraft taking part in air shows or public demonstrations.

#### **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 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 uncrewed 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,<sup>s6(a)</sup> officials are satisfied that aircraft in these categories would not be carrying any nuclear explosive device when they land in New Zealand.

## ITALIAN MILITARY LOGISTICS TRANSPORT AIRCRAFT

### Background

1. 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 Italian Air Force military logistics C-130 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 more than 30 years. Approvals have been granted to the Italian Air Force since 2019, including as it provides logistics support for the Italian programme for the 2023/24 Antarctic Summer season.
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 2024.

### 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. <sup>s6(a)</sup>

### 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 HELICOPTERS AND UNCREWED AERIAL VEHICLES ON NAVAL VESSELS

### Background

1. Prime Ministers have granted category/class approvals under section 10(3) of the *New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987* (the Act) previously for the following categories of United Kingdom military aircraft to land in New Zealand, most recently for 2024:
  - 1.1 military logistics transport aircraft being used for the transportation of British military personnel and their equipment to or from New Zealand in connection with exercises here;
  - 1.2 military logistics transport aircraft being used for the transportation of dignitaries visiting New Zealand or for the transportation of high priority cargo for the British High Commission in New Zealand;
  - 1.3 military logistics transport aircraft being used for the transportation of British 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;
  - 1.4 military logistics transport aircraft visiting New Zealand to participate in military flying competitions or exercises in New Zealand; and
  - 1.5 military helicopters and uncrewed aerial vehicles undertaking flights from a United Kingdom warship.

### The aircraft and the Nuclear Free Zone Act

2. Visits by UK military logistics transport aircraft in the categories above <sup>s6(a)</sup>  
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. <sup>s6(a)</sup> it is possible the UK military aircraft could undertake flights from Royal Navy warships. <sup>s6(a)</sup>

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

4. <sup>s6(a)</sup> The UK only deploys nuclear weapons on its ballistic missile submarines.

### New Zealand's 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. <sup>s6(a)</sup>

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, <sup>s6(a)</sup>  
, 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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**UNITED STATES MILITARY LOGISTICS TRANSPORT AIRCRAFT, MARITIME PATROL  
AIRCRAFT, AND EMBARKED HELICOPTERS AND UNCREWED AERIAL VEHICLES  
ON NAVAL VESSELS**

**Background**

1. Prime Ministers, most recently for 2024, 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:
  - 1.1 Military logistics transport aircraft of the Government of the United States of America being used:
    - 1.1.1 to provide logistics support for the United States Antarctic Program and/or the New Zealand Antarctic Programme;
    - 1.1.2 for the transportation of, or to provide support to, dignitaries visiting New Zealand or for the transportation of high priority cargo for United States Government installations in New Zealand;
    - 1.1.3 for, or in support of, aeromedical evacuation flights or humanitarian aid and/or disaster relief flights to or from New Zealand;
    - 1.1.4 for, or in support of, search and rescue flights to or from New Zealand;
    - 1.1.5 to provide or facilitate support in the event of a security incident to New Zealand or the South Pacific
    - 1.1.6 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;
    - 1.1.7 for the transportation of United States military or government personnel to and from New Zealand for discussions, conferences, or exercises; and
    - 1.1.8 to take part in or provide logistics support to operations and exercises with the New Zealand Defence Force.
  - 1.2 Military logistics transport aircraft of the Government of the United States of America visiting New Zealand for the purpose of maintenance;
  - 1.3 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;
  - 1.4 Military logistics aircraft taking part in air shows or public demonstrations;
  - 1.5 Military logistics transport aircraft undertaking operating capabilities flight testing prior to entering active service; and
  - 1.6 Embarked helicopters and uncrewed aerial vehicles on a US warship, and military maritime patrol aircraft visiting New Zealand for the purpose of:

- 1.6.1 training, exercises, operations and exchanges with the New Zealand Defence Force;
- 1.6.2 for, or in support of, aeromedical evacuation flights or humanitarian aid and/or disaster relief flights to or from New Zealand;
- 1.6.3 for, or in support of, search and rescue flights to or from New Zealand;
- 1.6.4 for, or in support of, maritime patrols in support of South Pacific regional security;
- 1.6.5 taking part in air shows or public demonstrations; and
- 1.6.6 flights in connection with a representational, operational or transit visit by a United States warship.

### **The aircraft and the Nuclear Free Zone Act**

2. The US maintains a triad of nuclear forces consisting of submarine-launched ballistic missiles (SLBMs), inter-continental ballistic missiles (ICBMs) and nuclear-capable heavy bombers carrying nuclear-armed cruise missiles. US tactical nuclear capability now solely resides in the air-dropped B-61 nuclear bomb, some of which are forward-deployed in Europe, with the remainder held within the continental US. <sup>s6(a)</sup>

3. <sup>s6(a)</sup>

4. The US no longer deploys nuclear weapons on surface vessels or naval aircraft. US maritime patrol aircraft, helicopters and Uncrewed Aerial Vehicles are not designed to deploy or deliver nuclear weapons. The US Army and Marines do not deploy nuclear weapons.

5. <sup>s6(a)</sup>

### **New Zealand's strategic and security interests**

6. <sup>s6(a)</sup>

7. The defence relationship is <sup>s6(a)</sup> 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.<sup>s6(a)</sup>

8. New Zealand's interests are specifically served by maintaining the NZ-US cooperative 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), thereby also 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 DEEP FREEZE" based in Christchurch.
9. 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.
10. <sup>s6(a)</sup>

#### Conclusion

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



**MILITARY AIRCRAFT FROM STATES PARTY TO THE TREATY ON THE NON-  
PROLIFERATIONS OF NUCLEAR WEAPONS AND SIGNATORY OR STATES PARTY TO  
NUCLEAR WEAPONS FREE ZONE TREATIES**

**Background**

1. 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), the landing of military aircraft from non-nuclear weapon states that are parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) (1968) and signatory or states party to a nuclear weapon free zone treaty. Approval is granted on the condition that the Prime Minister is satisfied the aircraft will not carry nuclear explosive devices and that the landing 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:
  - 2.1 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;
  - 2.2 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;
  - 2.3 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
  - 2.4 the African Nuclear Weapon Free Zone Treaty 1996 (Treaty of Pelindaba); this covers most countries in Africa.
3. Military aircraft (including helicopters and uncrewed 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 Treaty on the Non-Proliferation of Nuclear Weapons**

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,<sup>s6(a)</sup>

aircraft from<sup>s6(a)</sup> have been for official VIP travel. Most visits of military

**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 that 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.

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

1. 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 the 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 OR THE SOUTH PACIFIC IN THE EVENT OF A NATURAL DISASTER OR SECURITY INCIDENT**

### **Background**

1. 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 other 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 significant natural disaster or national 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 also be used to evacuate foreign nationals following a natural disaster or security incident.
3. Similarly, it is possible that countries may wish deliver assistance from, or stage through, New Zealand to provide support in the South Pacific region. This follows from a requirement which was brought to light during the international assistance provided to Tonga after the volcanic eruption and tsunami that occurred in January 2022.
4. 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**

5. 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**

6. 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**

7. 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.
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.

**MILITARY AIRCRAFT UTILISED TO TRANSPORT ORGANISATION FOR THE PROHIBITION OF CHEMICAL WEAPONS (OPCW) INSPECTORS TO NEW ZEALAND FOR THE PURPOSE OF INDUSTRY INSPECTION(S)**

**Background**

1. Under the Chemical Weapons Convention, New Zealand is obliged to receive industry inspections by Organisation for the Prohibition of Chemical Weapons (OPCW) inspectors.
2. Inspections occur at short notice, and it is possible the OPCW inspection team could utilise member states' military aircraft for transport to New Zealand.
3. Given the short notice period for inspections, it is not always practical to seek the Prime Minister's approval for this aircraft to land in New Zealand, nor would it be advisable to delay or refuse an OPCW inspection.

**The aircraft and the Nuclear Free Zone Act**

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

**New Zealand's strategic and security interests**

5. It is in New Zealand's interests to receive OPCW inspections as it demonstrates adherence to, and upholding of, our commitment to the Chemical Weapons Convention.

**Conclusion**

6. Officials consider foreign military aircraft transporting OPCW inspectors to New Zealand 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 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.



30 October 2024

Minister of Foreign Affairs

For action by

8 November 2024

## Nuclear Free Zone Act: Approval for Visit by French Navy Vessel - VENDEMIARE

**BRIEFING** Overview Submission

**PURPOSE** This submission recommends the Prime Minister give approval under Section 9 of the New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act 1987, for entry into New Zealand's internal waters of the French Navy vessel VENDEMIARE, which proposes to visit from 22 to 26 November 2024.

### Recommended referrals

Prime Minister  
Minister of Defence

For approval by  
For information by

15 November 2024  
15 November 2024

### Contact details

NAME	ROLE	DIVISION	WORK PHONE
Daniel Snelson	Counter Proliferation Adviser	International Security and Disarmament Division	s9(2)(a)
John Borrie	Unit Manager	International Security and Disarmament Division	

### Minister's Office to complete

Approved

Noted

Referred

Needs amendment

Declined

Withdrawn

Overtaken by events

See Minister's notes

**Comments**

## Approval for Visit by French Navy Vessel - VENDEMIARE

### Key points

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- France has sought permission for the French Navy vessel VENDEMIARE to make a routine port call to Auckland from 22 to 26 November 2024. The VENDEMIARE last visited New Zealand in 2023.
- Under the New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act 1987 (the Act) the Prime Minister is required to approve the entry of foreign warships into New Zealand's internal waters. The Prime Minister is required by Section 9 of the Act to be satisfied that a warship will not be carrying any nuclear explosive device.
- Having considered all available information, officials conclude the VENDEMIARE will not be carrying any nuclear explosive device when it visits New Zealand. The Act also states entry into New Zealand's internal waters by any ship whose propulsion is wholly or partly dependent on nuclear power is prohibited. Officials conclude the VENDEMIARE is not nuclear powered.
- Based on the officials' assessment and considering all available information, it is recommended the Prime Minister give approval under Section 9 of the Act for the VENDEMIARE to enter New Zealand's internal waters from 22 to 26 November 2024, or at any time within the five days preceding or ten days following these dates.

Taha Macpherson  
for Secretary of Foreign Affairs and Trade

### Recommendations

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It is recommended that you:

Approval for Visit by French Navy Vessel - VENDEMIARE

- |   |  |                 |
|---|--|-----------------|
| 1 | <b>Refer</b> a copy of this submission and its attached determination to the Prime Minister; and | <b>Yes / No</b> |
| 2 | <b>Refer</b> a copy of this submission to the Minister of Defence.                               | <b>Yes / No</b> |

Rt Hon Winston Peters  
Minister of Foreign Affairs

Date:        /        /

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## Approval for Visit by French Navy Vessel - VENDEMIARE

### Report

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1. France has sought diplomatic clearance for the French Navy vessel VENDEMIARE to make a routine port call to Auckland from 22 to 26 November 2024.
2. Under Section 9 of the New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 (the Act), the Prime Minister's approval is required for the entry of foreign warships into New Zealand's internal waters. Before giving approval, the Prime Minister is required by Section 9 to be satisfied the foreign warship will not be carrying any nuclear explosive device when it visits. The Prime Minister is to have regard to all relevant information and advice, including that concerning the strategic and security interests of New Zealand.

### Type of ship

3. The VENDEMIARE is a Floréal class patrol frigate designed to operate in the offshore zone on low-intensity operations. It is stationed in Nouméa as a part of the French naval presence in the region. The VENDEMIARE is armed with surface-to-air missiles and anti-surface and anti-air guns. It is powered by four diesel engines<sup>1</sup>. The VENDEMIARE is equipped to carry a Panther or Super Puma helicopter, neither of which are designed to carry nuclear weapons. As this is a routine call, the helicopter will not be used except in an emergency.



### Purpose of visit

4. The purpose of the proposed visit is to undertake a routine port call in Auckland.

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<sup>1</sup> Janes Fighting Ships 2023 – 2024, Alex Pape. © 2023 Jane's Group UK Limited. France > Frigates, pp 258.

## Approval for Visit by French Navy Vessel - VENDEMIARE

### French Nuclear Policy

5. France is one of five nuclear weapon states recognised by the Treaty on the Non-Proliferation of Nuclear Weapons. France's strategic nuclear weapons are deployed on four Le Triomphant-class nuclear-powered ballistic missile submarines based near Brest.
6. The airborne component of the French nuclear forces consists of land- and carrier-based aircraft. Most aircraft are based at Saint-Dizier Airbase in mainland France. One squadron of 10 Dassault Rafale M aircraft are deployed on the nuclear-powered aircraft carrier CHARLES DE GAULLE<sup>2</sup>.
7. French military ships currently stationed in the Pacific, including the VENDEMIARE, are not designed or equipped to carry nuclear weapons.

### New Zealand's strategic and security interests

8. French warships based in the South Pacific regularly visit New Zealand for exercises, maintenance, and representational activities.
9. France and New Zealand enjoy deep and enduring cultural and historical links, shared values, and a common interest in the stability and prosperity of the Pacific region. Mutual interests in the Pacific include cooperation on maritime surveillance, joint defence exercises, disaster relief and development.<sup>s6(a)</sup>  
. The visit of VENDEMIARE would contribute to the further development of this relationship.

### Precedents

10. The VENDEMIARE regularly visits New Zealand and last did so in 2023.

### Conclusion

11. France's policy is to deploy its nuclear warheads on ballistic missile submarines and specially modified combat aircraft. Given this type of ship, and the purpose of this visit, officials conclude the VENDEMIARE will not be carrying any nuclear explosive device when it visits New Zealand. The VENDEMIARE is not nuclear powered.

### Recommendation

12. Based on the officials' assessment, it is recommended that, pursuant to Section 9 of the Act, the Prime Minister give approval for the VENDEMIARE to enter New Zealand's internal waters from 22 to 26 November 2024, or at any time within the five days preceding or ten days following these dates.
13. A draft determination is attached for the Prime Minister's signature.

### Resourcing

14. There are no expected financial or staffing implications. This is not expected to require reprioritisation of other work.

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<sup>2</sup> Kristensen, H. and Korda, M. (2024) 'World Nuclear Forces', in Barlow, K., Batho, J. and Feenstra, J., *et al*, (eds) *SIPRI Yearbook 2024: Armaments, Disarmament and International Security*, Oxford University Press, pp. 309-311.

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Official Information Act 1982

Minister's Office to complete

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Approved

Noted

Referred

Needs amendment

Declined

Withdrawn

Overtaken by events

See Minister's notes

**Comments**



**RT HON CHRISTOPHER LUXON  
PRIME MINISTER**

November 2024

**APPROVAL UNDER SECTION 9 OF THE NEW ZEALAND NUCLEAR FREE ZONE,  
DISARMAMENT AND ARMS CONTROL ACT 1987**

I, Christopher Mark Luxon, Prime Minister of New Zealand, acting pursuant to Section 9 of the 1987 Act in the context of a request for approval for the entry to New Zealand internal waters of the French Naval vessel VENDEMIARE over the period 22 to 26 November 2024;

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 certify that I am satisfied:

the French Naval vessel VENDEMIARE is not wholly or partly nuclear powered and will not be carrying any nuclear explosive device on entry into the internal waters of New Zealand.

And on this basis hereby:

approve, pursuant to Section 9 of the 1987 Act, the entry into the internal waters of New Zealand the French Naval vessel VENDEMIARE between 22 and 26 November 2024, or at any time within the five days preceding or ten days following these dates.

Rt Hon Christopher Luxon  
**PRIME MINISTER**

## Informal Note — Southern Ocean Maritime Surveillance

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- This note outlines planned maritime surveillance in the Southern Ocean for the 2024/25 season; reports on surveillance activities conducted in the 2023/24 season; <sup>s6(a), s9(2)</sup>  
<sub>(f)(iv)</sub>
- The Minister of Defence and Minister of Fisheries will similarly be provided with this information by their agencies.

### Background

- New Zealand's annual maritime surveillance programme in the Southern Ocean, <sup>s6(a)</sup> is a multi-agency operation to promote and protect New Zealand's interests in the region by:
  - maintaining New Zealand's influence in the governance of the Southern Ocean;
  - supporting international sustainable fisheries management under the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR);
  - detecting and deterring Illegal, Unreported, and Unregulated (IUU) fishing activities in the Ross Sea region; and
  - maintaining broader maritime domain awareness
- Monitoring and surveillance is carried out through airborne patrols. <sup>s6(a)</sup>

### Projected fishing activity in the Ross Sea region for the 2024/25 season

- 27 vessels flagged to 1 CCAMLR members<sup>1</sup> have notified to participate in the Ross Sea exploratory toothfish fisheries in the 2024/25 season, which is set to commence on 1 December 2024. This includes two Russian vessels.
- Three New Zealand vessels have notified to fish, and these have participated in the fishery for a number of years (two vessels from Sanford Ltd and one from Talley's Ltd).
- The CCAMLR meeting that decides the Conservation Measures applicable to the Ross Sea region fisheries for 2024/25 has just concluded. While ongoing obstruction by Russia and China made decision-making difficult, agreement was reached on science-based Conservation Measures and catch limits for the Ross Sea region toothfish fisheries.

s6(a)

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<sup>1</sup> Australia, Chile, France, Japan, Republic of Korea, Namibia, New Zealand, Russia, Spain, Ukraine, United Kingdom

s6(a)

## Report on surveillance activities in 2023/24

s6(a)

- The patrols delivered a valuable deterrence effect, and underscored the importance of continued surveillance <sup>s6(a)</sup> as part of our effort to deter IUU fishing activity, in support of the CCAMLR management regime.

s6(a)

## Communications

- Contingency media points are included in Annex One.
- Agencies will consider making proactive messaging after the patrols are complete, depending on the outcome of the operations.

Climate, Antarctic, and Environment Division  
Ministry of Foreign Affairs and Trade  
4 November 2024

## Annex One: Contingency Media Points

- New Zealand has conducted naval and aerial maritime surveillance in the Southern Ocean for a number of years.
- The aim is to detect, deter and disrupt illegal, unreported and unregulated (IUU) fishing.
- The Southern Ocean is important to New Zealand, and we're playing our part to ensure that fishing is conducted within the rules established by the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR).
- New Zealand has played a major role in deterring illegal fishing in this region. Our surveillance of the fishery has seen increased compliance of the licensed fishing fleet with CCAMLR rules, and delivers a crucial deterrence effect against unlicensed operators.
- s9(2)(g)(i)
  
- *[If required]* Defence is currently working on an updated Defence Capability Plan, which includes consideration of capabilities to operate in the Southern Ocean.

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