

20 June 2022

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I refer to your email of 13 May 2022 in which you request the following under the Official Information Act 1982 (OIA):

Under the NZ Nuclear Free Zone, Disarmament, and Arms Control Act 1987 the Prime Minister can only grant approval to the visit of a foreign warship or aircraft when they are satisfied that the ship is not carrying any nuclear weapons or uses nuclear propulsion.

I understand that MFAT is the agency responsible for creating submissions to advise Prime Ministers when they come to make these decisions.

I would like to request copies of the submissions prepared for the Prime Minister by MFAT for their approval of the following eight visits of foreign warships to New Zealand:

ONE: Indian Navy INS Tabar, July 2006

TWO: Indian Navy INS Sumitra, November 2016

THREE: United States Navy USS Sampson, November 2016

FOUR: People's Liberation Army Navy CNS Yancheng, November 2016

FIVE: People's Liberation Army Navy CNS Hengyang, CNS Yulin and CNS Honghu, June 2017

SIX: People's Liberation Army Navy CNS Qi Jiguang, October 2019

SEVEN: Royal Canadian Navy HMCS Calgary, August 2021

EIGHT: United States Navy USS Howard, November 2021

And MFAT's submission for the Prime Minister's approval of this visit of a foreign military aircraft:

People's Liberation Army Air Force Ilyushin IL-76, touched down 9 or 10 June 2018, in New Zealand participating in NZDF exercise Skytrain18

The information relevant to your request is attached. We have withheld some information 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; and
- 9(2)(a): to protect individuals' privacy.

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

Please note that we may publish this letter (with your personal details redacted) and enclosed documents on the Ministry's website.

If you have any questions about this decision, you can contact us by email at: 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 or freephone 0800 802 602.

Nāku noa, nā



Julie-Anne Lee
for Secretary of Foreign Affairs and Trade

CONFIDENTIAL

UNCLASSIFIED

Dunlop
9/6/22

Document One



13 June 2006

59/205/20

Minister of Foreign Affairs

For action by 14 June 2006

PROPOSED VISIT BY INDIAN NAVAL VESSEL : TABAR**Submission:** Issues**Purpose:** To seek the Prime Minister's approval for the entry into New Zealand's internal waters of the Indian Navy ship TABAR, 2-6 July 2006.**Comments:** The Prime Minister's approval is required pursuant to S.9 of the New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987.**Recommended Referrals**

Prime Minister

For approval by 16 June 2006

Minister for Disarmament and Arms Control

For information by 16 June 2006

Minister of Defence

For information by 16 June 2006

Contacts

Caroline McDonald

Director, Disarmament Division

s9(2)(a)

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Deborah Reedy

Disarmament Division

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Minister's Office Comments

Signed / Noted / Referred / Agreed / Approved

Date: ___/___/___

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UNCLASSIFIED

9/6/22

9/6/22

PROPOSED VISIT BY INDIAN NAVAL VESSEL : TABAR**Key Points**

- The Indian High Commission has requested permission for the Indian missile frigate TABAR to visit Auckland from 2-7 July 2006.
- Given the type of ship, the purpose of the voyage and what is known about the nuclear policies of India, officials consider that the likelihood of this ship carrying a nuclear explosive device is nil.
- Approval was granted for two Indian naval vessels to visit New Zealand in 2001 but the visit was later cancelled by the Indian authorities.

Recommendations

It is recommended that you:

- 1 Refer a copy of this submission and its attached draft determination to the Prime Minister for her approval; and Yes / No
- 2 Refer a copy of this submission to the Minister for Disarmament and Arms Control and the Minister of Defence for their information. Yes / No

Caroline McDonald
for Secretary of Foreign Affairs and Trade

9/6/22

9/6/22

PROPOSED VISIT BY INDIAN NAVAL VESSEL : TABAR**Report**

The Indian High Commission has sought diplomatic clearance for an Indian Navy vessel TABAR to visit Auckland from 2-7 July 2006.

2 The TABAR is a "foreign warship" as that term is used in the Nuclear Free Zone Act. As such, its entry into New Zealand's internal waters requires the approval of the Prime Minister pursuant to S.9 of the Act. Under the Act the Prime Minister must be satisfied that this vessel will not be carrying a nuclear explosive device on entry into New Zealand's internal waters.

Type of Ship

3 The TABAR is described by the Indian High Commission as a "missile frigate". According to Jane's Fighting Ships, it was commissioned in 2003, has dimensions of 124.8m x 15.2m x 4.2m and displacement of 3,780 tons (fully loaded). It is equipped with 8 surface-surface missiles which carry warheads weighing up to 450 kg and 24 surface-air missiles which carry warheads weighing up to 70 kg. The High Commission has stated that there are no nuclear weapons or warheads onboard. As well as missiles, the TABAR has a mixture of conventional weaponry including guns, torpedos, mortars etc. It will be carrying a KA-31 helicopter. It has a crew of 390 (40 officers).

India's Nuclear Policies

4 India has developed a nuclear weapons programme since the 1970s, with a "peaceful" nuclear explosion conducted in 1974. It has not signed the Nuclear Non-Proliferation Treaty, and in 1998 it carried out a series of nuclear test explosions. In 1999 India promoted a nuclear policy which noted its aspiration to have a "triad" of nuclear forces, based on land, air and sea (submarines). This doctrine is still in the process of being implemented, and in particular India does not yet have a capability to deliver nuclear weapons from sea-based platforms.

5 Current information suggests that India's capabilities for delivering nuclear weapons are limited to aircraft and a small number of Prithvi-1 missiles which are under the control of the Indian army.

New Zealand's Strategic and Security Interests

6 New Zealand does not, at present, have a formal defence relationship with India, although the New Zealand frigate TE MANA is currently calling in India, and the Chief of Navy Rear Admiral David Ledson has recently visited India. India is a member of the ASEAN Regional Forum (ARF) and we engage in security dialogue with them in that context. Our political and economic relations with India have strengthened steadily over recent years.

Conclusion

7 Given what is known about India's nuclear policies, it is officials' judgement that the TABAR will not be carrying any nuclear explosive device when it visits New Zealand.

Consultation with EAB

8 EAB has been consulted in the preparation of this submission.

9/6/22



NEW ZEALAND
FOREIGN AFFAIRS & TRADE



13 October 2016

Minister of Foreign Affairs

For action by

20 October 2016

NUCLEAR FREE ZONE ACT: REQUEST FOR VISIT BY INDIAN NAVAL VESSEL: INS SUMITRA: 17-22 NOVEMBER 2016

SUBMISSION Issue

PURPOSE

This submission recommends that the Prime Minister grant approval under Section 9 of the New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act 1987, for the entry into New Zealand's internal waters of the Indian Navy patrol vessel INS SUMITRA, which proposes to visit Auckland from 17 to 22 November 2016. It also recommends that the Prime Minister grant approval under Section 10 of the Act for any landing in New Zealand of foreign military aircraft carried by the INS SUMITRA during its proposed visit.

Recommended referrals

Prime Minister

For approval by

28 October 2016

Minister of Defence

For information by

28 October 2016

Contact details

NAME	ROLE	DIVISION	WORK PHONE	MOBILE PHONE
Bede Corry	Deputy Chief Executive	OCE	s9(2)(a)	s9(2)(a)
Heath Fisher	Divisional Manager	ISED	s9(2)(a)	s9(2)(a)
Peter Noble	Adviser	ISED	s9(2)(a)	s9(2)(a)
	Counterproliferation and Export Controls			

Minister's Office comments

Signed / Referred

Date: ____ / ____ / ____

PROPOSED VISIT BY INDIAN SHIP: NOVEMBER 2016

Key points

- India has sought permission for the Indian Navy patrol vessel INS SUMITRA to visit Auckland from 17 to 22 November 2016. The INS SUMITRA will be carrying an embarked helicopter.
- Section 9 of the New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act 1987 (the Act) requires the Prime Minister's approval for the entry into New Zealand internal waters of all foreign warships. Section 10 of the Act requires the Prime Minister's approval for any foreign military aircraft, which would include military aircraft carried on board any warship, to land in New Zealand.
- The Act requires that, in considering whether to grant these approvals, the Prime Minister shall 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.
- More specifically, Section 9 provides that the Prime Minister may only grant that approval "if the Prime Minister is satisfied that the warship will not be carrying any nuclear explosive device upon its entry into the internal waters of New Zealand."
- Similarly, under Section 10, the Prime Minister may only grant approval to the landing in New Zealand by any foreign military aircraft "if the Prime Minister is satisfied that the foreign military aircraft will not be carrying any nuclear explosive device when it lands in New Zealand".
- India is a nuclear weapons state. It is not a party to the Treaty on the Non-Proliferation of Nuclear Weapons 1968 (NPT).
- Having considered all relevant information available, officials are satisfied that the INS SUMITRA, including any embarked helicopter, will not be carrying any nuclear explosive device when it visits New Zealand.
- Officials are satisfied that the INS SUMITRA is not nuclear powered.

PROPOSED VISIT BY INDIAN SHIP: NOVEMBER 2016

- Based on the assessment carried out by officials, taking into account all available relevant information, it is recommended that the Prime Minister give approval under Section 9 of the Act for the INS SUMITRA to enter New Zealand's internal waters from 17 to 22 November 2016, and give approval under Section 10 of the Act for the landing in New Zealand of any military aircraft carried by the INS SUMITRA during this period.

Recommendations

It is recommended that you:

- 1 **refer** a copy of this submission and its attached determination to the Prime Minister for his consideration; and Yes / No
- 2 **refer** a copy of this submission to the Minister of Defence as this is a military visit. Yes / No

Bede Corry
for Secretary of Foreign Affairs and Trade

PROPOSED VISIT BY INDIAN SHIP: NOVEMBER 2016

Report

1. India has sought diplomatic clearance for the Indian Navy patrol vessel INS SUMITRA to visit Auckland from 17 to 22 November 2016 for the Royal New Zealand Navy's 75th anniversary celebrations. The INS SUMITRA will be carrying an embarked helicopter.

2. INS SUMITRA is a 'foreign warship' as defined in Section 2 of the New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act 1987 ("the Act"). As such its entry into New Zealand's internal waters requires the approval of the Prime Minister under Section 9 of the Act. Section 10 of the Act requires the Prime Minister's approval for any foreign military aircraft (which would include aircraft such as helicopters carried on foreign warships) to land in New Zealand.

3. Under Sections 9 and 10 of the Act, in considering whether to approve the entry of a warship or the landing of a foreign military aircraft the Prime Minister "shall 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." More specifically, under Section 9, the Prime Minister may only grant approval for the entry into New Zealand by foreign warships "if the Prime Minister is satisfied that the warships will not be carrying any nuclear explosive device on entry into New Zealand's internal waters."

4. Similarly, under Section 10, the Prime Minister may only grant approval to the landing in New Zealand by any foreign military aircraft "if the Prime Minister is satisfied that the foreign military aircraft will not be carrying any nuclear explosive device when it lands in New Zealand."

5. Section 11 of the Act also states that entry into the internal waters of New Zealand by any ship whose propulsion is wholly or partly dependent on nuclear power is prohibited.

6. New Zealand does not require any state seeking permission for a foreign warship visit to make a declaration on nuclear armament or propulsion. Accordingly, New Zealand's approach since the inception of the Act has been to not ask the sending state whether their ships were nuclear armed or propelled. The Minister of Foreign Affairs publicly restated this approach on 14 June 2016. Likewise, nor is any declaration sought with respect to the nuclear status of any foreign military aircraft. In providing advice to the Prime Minister in relation to the Prime Minister's decision-making role under Sections 9 and 10 of the Act, officials draw on all available relevant information bearing on the question of the nuclear weapons status of a specific foreign warship or military aircraft.

Type of Ship

7. According to Jane's Fighting Ships 2015-2016, the SUMITRA is an offshore patrol vessel, displacing 2200 tonnes; the last of four such Saryu-class vessels built in India for its navy since 2009.

PROPOSED VISIT BY INDIAN SHIP: NOVEMBER 2016

8. The SUMITRA is lightly armed. It carries a 76mm main gun for surface engagements and use in the anti-air role. Two 30mm guns are carried for close in engagements.

9. The SUMITRA will have a Chetak helicopter embarked. The Chetak is a light helicopter of French origin (Alouette III) manufactured in India. Its primary role is as a general utility transport, but it can be fitted with torpedoes and a cabin-mounted machine gun.

10. The SUMITRA is powered by is powered by two diesel engines.

Purpose of Visit

11. The purpose of the visit of the SUMITRA is to participate in the RNZN International Fleet Review. The review will be one of the culminating events of the range of activities taking place during 2016 to mark the RNZN's 75th Anniversary.

India's Nuclear Policy

12. India has developed a nuclear weapons programme since the 1970s, with the first "peaceful" nuclear explosion conducted in 1974. It has not signed the Nuclear Non-Proliferation Treaty, and in 1998 it carried out a test series of nuclear weapons explosions.

13. s6(a)

In 1999 India promoted a nuclear policy which noted its aspiration to have a "triad" of nuclear forces, based on land, air and sea.

14. The country's nuclear weapons remain under the control of the civilian Nuclear Command Authority (NCA). India does not maintain a constituted nuclear force on a permanent heightened state of alert. India has a 'no first use' nuclear weapons policy. It has espoused a strong non-proliferation approach with respect to its nuclear technology.

15. India is currently developing its sea-based nuclear capabilities. These consist of a nuclear-powered ballistic missile submarines (SSBN), a ship-launched ballistic missile and a submarine-launched cruise missile. The INS ARIHANT, India's first SSBN, has cleared all trials and is waiting for clearance from the Indian Navy to be officially inducted into the force.

16. India is also developing a cruise missile, the Nirbhay. Media reports indicate that it will be capable of air or submarine launch, with some reports stating it will be able to be armed with either conventional or nuclear warheads. It is possible it will replace the Dhanush missile (see below) once operational.

17. India's ship-launched missile is the Dhanush, a 400-km short-range ballistic missile which has been launched from the back of two specially configured Sukanya-class patrol vessels (Subhadra and Suvarna). The Dhanush is launched from an obvious platform placed on the flight deck. The Dhanush can be either conventionally or nuclear armed. s6(a)

PROPOSED VISIT BY INDIAN SHIP: NOVEMBER 2016

s6(a)

The last (and successful) test of the Dhanush took place in November 2015. It is not known if the Dhanush is operational, s6(a)

18. Officials assess that the Dhanush would not be on board the class of vessel visiting New Zealand.

New Zealand's strategic and security interests

19. New Zealand and India have a warm and diverse relationship founded on historic ties and shared Commonwealth heritage. India's place in the world and its relationship with New Zealand has been transformed. New Zealand places high priority on the relationship with India and is seeking to develop it further.

20. The relationship has accelerated in recent years with stronger engagement across a wide spectrum. There has been particularly strong growth in the commercial arena with increases in trade flows, tourism and education. People-to-people links have expanded too. There are over 100,000 New Zealanders of Indian origin. s6(a)

21. New Zealand is committed to achieving a stable and prosperous Asia-Pacific region, and sees India as a key partner in this. New Zealand is seeking to engage more deeply with India on regional and global issues that will impact on New Zealand's security, s6(a)

During New Zealand's term on the UN Security Council we have worked closely with India on terrorism sanctions and peacekeeping policy. A New Zealand Defence Adviser is now accredited (from Canberra) to India. Other military linkages are centred on defence courses and education exchanges, as well as mutual participation in a number of regional security fora.

22. The visit of the INS SUMITRA is another positive step in moving our political and security relationship forward, and takes place in the context of the intention to conduct more RNZN visits to India.

Precedents

20. The last Indian Navy visit to New Zealand was by the frigate INS TABAR in 2006.

Conclusion

21. Given the type of ship, the purpose of the ship's voyage and what is known about India's nuclear policies, officials are satisfied the INS SUMITRA, including any embarked

PROPOSED VISIT BY INDIAN SHIP: NOVEMBER 2016

helicopter, will not be carrying any nuclear explosive device when it visits New Zealand. The ship is not nuclear powered.

Recommendation

22. It is recommended that:

(1) pursuant to Section 9 of the Act, the Prime Minister give approval for INS SUMITRA to enter New Zealand's internal waters from 17 to 22 November 2016, or at any time within the five days beforehand or following these dates; and

(2) pursuant to Section 10 of the Act, the Prime Minister give approval for any aircraft carried by the INS SUMITRA to land in New Zealand over the aforementioned period.

23. A draft determination is attached for the Prime Minister's signature.

Released under the Official Information Act



26 August 2016

Minister of Foreign Affairs

For action by 9 September 2016

NUCLEAR FREE ZONE ACT: REQUEST FOR VISIT BY UNITED STATES NAVY SHIP: USS SAMPSON: 17-23 NOVEMBER 2016

SUBMISSION Issue

PURPOSE

This submission recommends that the Prime Minister grant approval under Section 9 of the New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act 1987, for the entry into New Zealand's internal waters of the United States Navy ship USS SAMPSON, which proposes to visit Auckland from 17 to 23 November 2016. It also recommends that the Prime Minister grant approval under Section 10 of the Act for any landing in New Zealand of foreign military aircraft carried by the USS SAMPSON during its proposed visit.

Recommended referrals

Prime Minister

For approval by 16 September 2016

Minister of Defence

For information by 16 September 2016

Contact details

NAME	ROLE	DIVISION	WORK PHONE	MOBILE PHONE
Bede Corry	Deputy Chief Executive	OCE	s9(2)(a)	s9(2)(a)
Heath Fisher	Divisional Manager	ISED	s9(2)(a)	s9(2)(a)
Peter Noble	Adviser Counterproliferation and Export Controls	ISED	s9(2)(a)	s9(2)(a)

Minister's Office comments

Signed / Referred

Date: ____ / ____ / ____

PROPOSED VISIT BY US NAVY SHIP: USS SAMPSON

Key points

- The United States has sought permission for the US Navy (USN) destroyer USS SAMPSON to visit Auckland from 17 to 23 November 2016.
- Section 9 of the New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act 1987 (the Act) requires the Prime Minister's approval for the entry into New Zealand internal waters of all foreign warships. Section 10 of the Act requires the Prime Minister's approval for any foreign military aircraft, which would include military aircraft carried on board any warship, to land in New Zealand.
- The Act requires that, in considering whether to grant these approvals, the Prime Minister shall 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.
- More specifically, Section 9 provides that the Prime Minister may only grant that approval "if the Prime Minister is satisfied that the warship will not be carrying any nuclear explosive device upon its entry into the internal waters of New Zealand." Similarly, under Section 10, the Prime Minister may only grant approval to the landing in New Zealand by any foreign military aircraft "if the Prime Minister is satisfied that the foreign military aircraft will not be carrying any nuclear explosive device when it lands in New Zealand".
- The US Government publicly describes its nuclear weapon policy in relation to the USN as being limited to strategic nuclear weapons being carried on its ballistic missile submarines. USN surface ships and naval aircraft have not carried tactical nuclear weapons since 1992.
- Having considered all relevant information available, officials are satisfied that the USS SAMPSON, including any embarked helicopters, will not be carrying any nuclear explosive device when it visits New Zealand.
- Section 11 of the Act also provides that entry into the internal waters of New Zealand by any ship whose propulsion is wholly or partly dependent on nuclear power is prohibited.
- Having considered all relevant information available, officials are satisfied that the USS SAMPSON is not nuclear powered and that it utilizes gas turbine propulsion.

PROPOSED VISIT BY US NAVY SHIP: USS SAMPSON

- Accordingly, based on the assessment carried out by officials, taking into account all available relevant information, it is recommended that the Prime Minister give approval under Section 9 of the Act for USS SAMPSON to enter New Zealand's internal waters from 17 to 23 November 2016, and give approval under Section 10 of the Act for the landing in New Zealand of any military aircraft carried by the USS SAMPSON during this period.

Recommendations

It is recommended that you:

- 1 **refer** a copy of this submission and its attached determination to the Prime Minister for his consideration; and Yes / No
- 2 **refer** a copy of this submission to the Minister of Defence for his information. Yes / No

Bede Corry
for Secretary of Foreign Affairs and Trade

PROPOSED VISIT BY US NAVY SHIP: USS SAMPSON

Report

1. The United States has sought diplomatic clearance for the US Navy (USN) destroyer USS SAMPSON to visit Auckland, New Zealand from 17 to 23 November 2016 for the Royal New Zealand Navy's 75th anniversary celebrations.
2. USS SAMPSON is a 'foreign warship' as defined in section 2 of the New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act 1987 ("the Act"). As such its entry into New Zealand's internal waters requires the approval of the Prime Minister under Section 9 of the Act. Section 10 of the Act requires the Prime Minister's approval for any foreign military aircraft (which would include aircraft such as helicopters carried on foreign warships) to land in New Zealand. Copies of Sections 9 and 10 are attached for reference purposes at Annex A.
3. Under Sections 9 and 10 of the Act, in considering whether to approve the entry of a warship or the landing of a foreign military aircraft the Prime Minister "shall 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." More specifically, under Section 9, the Prime Minister may only grant approval for the entry into New Zealand by foreign warships "if the Prime Minister is satisfied that the warships will not be carrying any nuclear explosive device on entry into New Zealand's internal waters." Similarly, under section 10, the Prime Minister may only grant approval to the landing in New Zealand by any foreign military aircraft "if the Prime Minister is satisfied that the foreign military aircraft will not be carrying any nuclear explosive device when it lands in New Zealand." Section 11 of the Act also states that entry into the internal waters of New Zealand by any ship whose propulsion is wholly or partly dependent on nuclear power is prohibited.
4. New Zealand does not require any state seeking permission for a foreign warship visit to make a declaration on nuclear armament or propulsion. Accordingly, New Zealand's approach since the inception of the Act has been to not ask the sending state whether their ships were nuclear armed or propelled. The Minister of Foreign Affairs publicly restated this approach on 14 June 2016. Likewise, nor is any declaration sought with respect to the nuclear status of any foreign military aircraft. In providing advice to the Prime Minister in relation to the Prime Minister's decision-making role under Sections 9 and 10 of the Act, officials draw on all available relevant information bearing on the question of the nuclear weapons status of a specific foreign warship or military aircraft.

Type of Ship

5. According to the US Navy website¹ and Janes Fighting Ships 2015-2016², the USS SAMPSON is an Arleigh Burke class (DDG 51) destroyer, with a displacement of 9,425 tonnes. There are currently 62 operational DDG 51s in the USN. They are the standard workhorse of the USN, providing multi-mission capabilities, and they are able to operate independently or as part of naval task groups.

¹ http://www.navy.mil/navydata/fact_display.asp?cid=4200&tid=900&ct=4

² Janes Fighting Ships 2015-2016

PROPOSED VISIT BY US NAVY SHIP: USS SAMPSON

6. USS SAMPSON has Anti-Air Warfare (AAW), Anti-Submarine Warfare (ASW), Anti-Surface Warfare (ASUW) and Ballistic Missile Defence (BMD) capabilities.

7. SM2 (Standard Missile) and SM6 missiles are carried for AAW. These can also be used for BMD against ballistic missiles at (comparatively) short range when in their terminal phase upon re-entry. For close range AAW engagements Evolved Sea Sparrow missiles and Phalanx 20mm Gatling guns are employed. Anti-submarine torpedoes can be launched from standard torpedo tubes, by missile or from embarked helicopters. For ASUW and shore bombardment the USS SAMPSON has a 5 inch naval gun. Conventionally armed Tomahawk cruise missiles are carried for land attack missions.

8. USS SAMPSON is able to carry two Sikorsky SH-60R multipurpose helicopters. Their primary role is anti-submarine and anti-surface warfare, for which they can carry antisubmarine torpedoes and short range Hellfire missiles respectively. Door mounted machine guns can also be fitted. Other helicopter roles include transport/insertion, boarding, search and rescue, medical evacuation, and replenishment.

Propulsion

9. The US Navy website and Janes Fighting Ships 2015-2016 state the USS SAMPSON is not nuclear powered. The DDG 51 class utilizes gas turbine propulsion, employing four General Electric LM 2500 gas turbines. This is consistent with the fact that the USN fleet now restricts nuclear propulsion to two classes of ship; aircraft carriers and submarines. The remaining ships in the USN fleet (including the DDG 51) are conventionally powered.

Purpose of Visit

10. The purpose of the visit of the USS SAMPSON is to participate in the RNZN International Naval Fleet Review. The Review will be one of the culminating events of the range of activities taking place during 2016 to mark the RNZN's 75th Anniversary.

United States' Nuclear Policies

11. For nearly 50 years the the United States has maintained a policy of neither confirming nor denying (NCND) the presence or absence of its nuclear weapons anywhere. US Ambassador to New Zealand, Mark Gilbert, reaffirmed on 30 May 2016 that the NCND policy would remain in place if the USN sends a ship to the Navy's 75th anniversary in November – "It is a policy we have had for many decades, it is a policy we will strictly stick to." ³

³ <http://www.newshub.co.nz/politics/us-will-refuse-to-confirm-or-deny-if-nukes-on-ship-visiting-nz-2016053010#ixzz4BgX3Zgo0>

PROPOSED VISIT BY US NAVY SHIP: USS SAMPSON

12. However, since the end of the Cold War, there have been a number of significant developments in US nuclear policy which has seen the US destroy about 90% of its non-strategic nuclear weapons (also known as tactical nuclear weapons) and devalue them in its military posture. Of most relevance:

- on 27 September 1991 President George H.W. Bush directed that tactical nuclear weapons be removed from US surface ships, attack submarines and naval aircraft (deployed at sea or land based); and
- on 2 July 1992 President George H.W. Bush, announced that the US drawdown of tactical nuclear weapons from these platforms was complete.⁴

13. Accordingly, it is widely accepted within the international community that US surface ships and naval aircraft are no longer nuclear armed. A special report published in 2012 by the Federation of American Scientists on Non-Strategic Nuclear Weapons⁵ confirms this assessment.

14. The US continues to deploy strategic nuclear weapons on USN ballistic missile submarines⁶. US attack submarines until recently retained nuclear-equipped sea-launched cruise missiles (TLAM-N). However, the US Department of Defence's Nuclear Posture Review Report of April 2010⁷ determined that the US would retire the TLAM-N system from its attack submarines. Withdrawal was completed by 2013⁸. The Stockholm International Peace Research Institute's 2015 Yearbook⁹ and the Bulletin of Atomic Scientists¹⁰ both note that the only tactical nuclear weapons in the US inventory are now B61 nuclear bombs (which as noted above are no longer carried by US naval aircraft).

15. Accordingly, on the basis of publicly available information which a number of expert international sources have acknowledged as reliable, MFAT officials are satisfied that no USN surface ship carries nuclear weapons. There is also no material information available from non-public sources that would suggest any different determination.

New Zealand's strategic and security interests

16. New Zealand's relationship with the United States has strengthened considerably in the last 15 years. Our engagements alongside the United States in Afghanistan, the Asia-Pacific, the Middle East, and now through the UN Security Council, have s6(a)

⁴ These announcements are widely quoted. For example in Department of the Navy OPNAVINST 5721.1E, N312 of 29 March 1993. See also Federation of American Scientists, Special Report No 3, May 2012 – "Non-Strategic Nuclear Weapons", page 12

⁵ Federation of American Scientists, Special Report No 3, May 2012 – "Non-Strategic Nuclear Weapons"

⁶ Department of Defence, Nuclear Posture Review Report, April 2010, page 19

⁷ Department of Defence, Nuclear Posture Review Report, April 2010, pages 27 and 28

⁸ SECNAV Instruction 8120.1 of 18 February 2010 refers to TLAM-N, whereas SECNAV Instruction 8120.1A of 15 February 2013 does not. See also Federation of American Scientists, Special Report No 3, May 2012 – "Non-Strategic Nuclear Weapons", page 12

⁹ The Stockholm International Peace Research Institute Yearbook 2015, Chapter 11.1

¹⁰ Hans M. Kristensen & Robert S. Norris (2016) United States nuclear forces, 2016, Bulletin of the Atomic Scientists, 72:2, 63-73

PROPOSED VISIT BY US NAVY SHIP: USS SAMPSON

s6(a) re-established New Zealand as a strategic partner as expressed in the Wellington Declaration of November 2010.

17. The defence relationship is now increasingly mature and assured. It takes place in the context of our independent foreign policy, and reflects New Zealand values, interests and size. Senior level defence engagement between New Zealand and the US has increased through active defence training and exchanges above and beyond operational deployments. Building on the foundations of the Washington Declaration of June 2012, New Zealand-US defence engagement continues to grow in scope and frequency. The 2016 Defence White Paper states that the bilateral defence relationship with the United States is one of New Zealand's highest priorities.

18. Both the RNZN and the NZDF more broadly play a key role in strengthening New Zealand's wider international relations. We seek close working relationships with defence forces in the region and leverage these to deliver shared security objectives in our region and further afield. Major defence diplomacy events, such as the International Naval Review, provide an important platform to strengthen our existing connections and build regional cooperation. Having a wide range of nations represented at the International Naval Review supports our international defence relationship architecture and reinforces New Zealand's active role in global security affairs.

19. The visit of a US Navy ship would be a natural and welcome addition to the many navies from around the globe attending the International Naval Review. It would usefully signal that despite differences in the past, New Zealand and the United States share a long-standing historical connection which we are seeking to celebrate at the International Naval Review.

20. Growing cooperation, an increasingly mature defence relationship s6(a) mean that it is in New Zealand's foreign policy and security interests to approve this US navy ship visit.

Precedents

21. No US naval ship of any type, including the US Coast Guard, has visited New Zealand since the enactment of the 1987 Act.

Consultation

22. The New Zealand Defence Force, the Ministry of Defence, and the National Assessments Bureau have been consulted.

PROPOSED VISIT BY US NAVY SHIP: USS SAMPSON

Conclusion

23. Given the type of ship, and the range of information which is publicly available from a variety of US and independent sources (and which is consistent in its assessment), officials are satisfied that the USS SAMPSON, including any embarked helicopters, will not be carrying any nuclear explosive device when it visits New Zealand. The USS SAMPSON is not nuclear powered - it utilizes a gas turbine propulsion system.

Recommendation

24. Accordingly, it is recommended that:

(1) pursuant to Section 9 of the Act, the Prime Minister give approval for USS SAMPSON to enter New Zealand's internal waters from 17 to 23 November 2016, or at any time within five days beforehand or following these dates; and

(2) pursuant to Section 10 of the Act, the Prime Minister give approval for any aircraft carried by the USS SAMPSON to land in New Zealand over the aforementioned period.

25. A draft determination is attached for the Prime Minister's signature.

Released under the Official Information Act

PROPOSED VISIT BY US NAVY SHIP: USS SAMPSON

Annex A

New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act 1987: Sections 9 and 10

9 Entry into internal waters of New Zealand

(1) When the Prime Minister is considering whether to grant approval to the entry of foreign warships into the internal waters of New Zealand, the Prime Minister shall 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.

(2) The Prime Minister may only grant approval for the entry into the internal waters of New Zealand by foreign warships if the Prime Minister is satisfied that the warships will not be carrying any nuclear explosive device upon their entry into the internal waters of New Zealand.

10 Landing in New Zealand

(1) When the Prime Minister is considering whether to grant approval to the landing in New Zealand of foreign military aircraft, the Prime Minister shall 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.

(2) The Prime Minister may only grant approval to the landing in New Zealand by any foreign military aircraft if the Prime Minister is satisfied that the foreign military aircraft will not be carrying any nuclear explosive device when it lands in New Zealand.

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



27 October 2016

➤ Minister of Foreign Affairs

For action by 3 November 2016

NUCLEAR FREE ZONE ACT: REQUEST FOR VISIT BY CHINESE NAVAL VESSEL: YAN CHENG: 12-21 NOVEMBER 2016

SUBMISSION Issue

PURPOSE

This submission recommends that the Prime Minister grant approval under Section 9 of the New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act 1987, for the entry into New Zealand's internal waters of the Chinese Navy frigate YAN CHENG, which proposes to visit Auckland from 12 to 21 November 2016. It also recommends that the Prime Minister grant approval under Section 10 of the Act for any landing in New Zealand of foreign military aircraft carried by the YAN CHENG during its proposed visit.

Recommended referrals

Prime Minister	For approval by	7 November 2016
Minister of Defence	For information by	7 November 2016

Contact details

NAME	ROLE	DIVISION	WORK PHONE	MOBILE PHONE
Bede Corry	Deputy Chief Executive	OCE	s9(2)(a)	s9(2)(a)
Heath Fisher	Divisional Manager	ISED	s9(2)(a)	s9(2)(a)
Peter Noble	Adviser Counterproliferation and Export Controls	ISED	s9(2)(a)	s9(2)(a)

Minister's Office comments

Signed / Referred

Date: ____ / ____ / ____

NUCLEAR FREE ZONE ACT: REQUEST FOR VISIT BY CHINESE NAVAL VESSEL: NOVEMBER 2016

Key points

- China has sought permission for the Chinese Navy frigate YAN CHENG to visit Auckland from 12 to 21 November 2016. The YAN CHENG will be carrying an embarked helicopter.
- Section 9 of the New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act 1987 (the Act) requires the Prime Minister's approval for the entry into New Zealand internal waters of all foreign warships. Section 10 of the Act requires the Prime Minister's approval for any foreign military aircraft, which would include military aircraft carried on board any warship, to land in New Zealand.
- The Act requires that, in considering whether to grant these approvals, the Prime Minister shall 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.
- More specifically, Section 9 provides that the Prime Minister may only grant that approval "if the Prime Minister is satisfied that the warship will not be carrying any nuclear explosive device upon its entry into the internal waters of New Zealand."
- Similarly, under Section 10, the Prime Minister may only grant approval to the landing in New Zealand by any foreign military aircraft "if the Prime Minister is satisfied that the foreign military aircraft will not be carrying any nuclear explosive device when it lands in New Zealand".
- China is a nuclear weapons state. It is a party to the Treaty on the Non-Proliferation of Nuclear Weapons 1968 (NPT).
- Having considered all relevant information available, officials are satisfied that the YAN CHENG, including any embarked helicopter, will not be carrying any nuclear explosive device when it visits New Zealand.
- Officials are satisfied that the YAN CHENG is not nuclear powered.
- Based on the assessment carried out by officials, taking into account all available relevant information, it is recommended that the Prime Minister give approval under Section 9 of the Act for the YAN CHENG to enter New Zealand's internal waters from 12 to 21 November 2016, and give approval under Section 10 of the Act for the landing in New Zealand of any military aircraft carried by the YAN CHENG during this period.

NUCLEAR FREE ZONE ACT: REQUEST FOR VISIT BY CHINESE NAVAL VESSEL: NOVEMBER 2016

Recommendations

It is recommended that you:

- 1 **refer** a copy of this submission and its attached determination to the Yes / No Prime Minister for his consideration; and
- 2 **refer** a copy of this submission to the Minister of Defence as this is a Yes / No military visit.

Bede Corry
for Secretary of Foreign Affairs and Trade

NUCLEAR FREE ZONE ACT: REQUEST FOR VISIT BY CHINESE NAVAL VESSEL: NOVEMBER 2016

Report

1. China has sought diplomatic clearance for the Chinese Navy frigate YAN CHENG to visit Auckland from 17 to 22 November 2016 for the Royal New Zealand Navy's 75th anniversary celebrations. The YAN CHENG will be carrying an embarked helicopter.
2. YAN CHENG is a 'foreign warship' as defined in Section 2 of the New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act 1987 ("the Act"). As such its entry into New Zealand's internal waters requires the approval of the Prime Minister under Section 9 of the Act. Section 10 of the Act requires the Prime Minister's approval for any foreign military aircraft (which would include aircraft such as helicopters carried on foreign warships) to land in New Zealand.
3. Under Sections 9 and 10 of the Act, in considering whether to approve the entry of a warship or the landing of a foreign military aircraft the Prime Minister "shall 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." More specifically, under Section 9, the Prime Minister may only grant approval for the entry into New Zealand by foreign warships "if the Prime Minister is satisfied that the warships will not be carrying any nuclear explosive device on entry into New Zealand's internal waters."
4. Similarly, under Section 10, the Prime Minister may only grant approval to the landing in New Zealand by any foreign military aircraft "if the Prime Minister is satisfied that the foreign military aircraft will not be carrying any nuclear explosive device when it lands in New Zealand."
5. Section 11 of the Act also states that entry into the internal waters of New Zealand by any ship whose propulsion is wholly or partly dependent on nuclear power is prohibited.
6. New Zealand does not require any state seeking permission for a foreign warship visit to make a declaration on nuclear armament or propulsion. Accordingly, New Zealand's approach since the inception of the Act has been to not ask the sending state whether their ships were nuclear armed or propelled. The Minister of Foreign Affairs publicly restated this approach on 14 June 2016. Likewise, nor is any declaration sought with respect to the nuclear status of any foreign military aircraft. In providing advice to the Prime Minister in relation to the Prime Minister's decision-making role under Sections 9 and 10 of the Act, officials draw on all available relevant information bearing on the question of the nuclear weapons status of a specific foreign warship or military aircraft.

Type of Ship

NUCLEAR FREE ZONE ACT: REQUEST FOR VISIT BY CHINESE NAVAL VESSEL: NOVEMBER 2016

7. According to Jane's Fighting Ships 2015-2016, the YAN CHENG is a multi-role frigate, displacing 4000 tonnes; one of a class of 24 such Type 054A-class vessels built in China for its navy since 2007. The Type 054A has stealth features, including a sloped hull design, radar absorbent materials, and a clean profile.

8. The YAN CHENG is equipped with vertically launched medium range air defence missiles and anti-submarine missiles. It carries two triple anti-submarine torpedo launchers and two anti-submarine rocket launchers. The YAN CHEN has a 76mm dual-purpose main gun for surface engagements and use in the anti-air role. Two 30mm guns are carried for close in engagements. It is armed with eight C-803 conventionally armed cruise missiles for anti-surface/land attack engagements.

9. The YAN CHENG will have a Harbin Z-9C helicopter embarked. The Z-9C is the naval version of a medium multi-purpose light helicopter, of French origin, manufactured in China for military use. Its primary roles are antisubmarine warfare, surface search and rescue, as well as general utility transport.

10. The YAN CHENG is powered by four diesel engines.

Purpose of Visit

11. The purpose of the visit of the YAN CHENG is to participate in the RNZN International Fleet Review. The review will be one of the culminating events of the range of activities taking place during 2016 to mark the RNZN's 75th Anniversary.

China's Nuclear Policy

12. China is a nuclear weapons state. It is a party to the Treaty on the Non-Proliferation of Nuclear Weapons 1968 (NPT). Its nuclear policy includes a pledge of no first use and a pledge not to use them against non-nuclear countries or in nuclear weapon free zones. s6(a)

13. During the past decade China has fielded a more diverse and capable nuclear arsenal. s6(a)

14. s6(a)

New Zealand's strategic and security interests

NUCLEAR FREE ZONE ACT: REQUEST FOR VISIT BY CHINESE NAVAL VESSEL: NOVEMBER 2016

15. s6(a)

16. s6(a)

17. The visit of the YAN CHENG contributes to the further development of our political and security relationship with China.

Precedents

18. The last Chinese Navy visit to New Zealand was by a Task Group consisting of the destroyer QINGDAO, frigate LINYI and replenishment vessel HONGZEHU in 2013.

Conclusion

19. Given the type of ship, the purpose of the ship's voyage and what is known about China's nuclear policies, officials are satisfied the YAN CHENG, including any embarked helicopter, will not be carrying any nuclear explosive device when it visits New Zealand. The ship is not nuclear powered.

Recommendation

20. It is recommended that:

(1) pursuant to Section 9 of the Act, the Prime Minister give approval for YAN CHENG to enter New Zealand's internal waters from 12 to 21 November 2016, or at any time within the five days beforehand or following these dates; and

(2) pursuant to Section 10 of the Act, the Prime Minister give approval for any aircraft carried by the YAN CHENG to land in New Zealand over the aforementioned period.

21. A draft determination is attached for the Prime Minister's signature.



NEW ZEALAND
FOREIGN AFFAIRS & TRADE



2 June 2017

► Minister of Foreign Affairs

For referral by

6 June 2017

NUCLEAR FREE ZONE ACT: APPROVAL FOR VISIT BY PEOPLE'S LIBERATION ARMY NAVY TASK GROUP

BRIEFING General purpose

PURPOSE This briefing recommends approval for the visit of three Chinese naval vessels over the period 15 to 19 June 2017.

Recommended referrals

Prime Minister

For approval by

9 June 2017

Minister of Defence

For information by

9 June 2017

Contact details

NAME	ROLE	DIVISION	WORK PHONE	MOBILE PHONE
Heath Fisher	Divisional Manager	International Security and Disarmament	s9(2)(a)	s6(a)
Peter Noble	Adviser Counterproliferation	International Security and Disarmament	s6(a)	

Minister's Office comments

NUCLEAR FREE ZONE ACT: APPROVAL FOR VISIT BY PEOPLE'S LIBERATION ARMY NAVY TASK GROUP

Key points

- China has sought permission for the People's Liberation Army Navy frigates HENGYANG and YULIN and the replenishment ship HONGHU to visit Auckland from 15 to 19 June 2017. Between them the vessels will be carrying two embarked helicopters.
- On average New Zealand receives six diplomatic clearance requests a year for warship visits. Under the New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act 1987 the Prime Minister is required to approve their entry into New Zealand internal waters. His approval is also required for any embarked aircraft (helicopters). The Ministry provides the Prime Minister with advice on these issues through you.
- The Act requires that the Prime Minister shall have regard to all relevant information and advice that may be available, including information and advice concerning the strategic and security interests of New Zealand.
- The Prime Minister must be satisfied that the warship/s and any embarked aircraft will not be carrying any nuclear explosive device.
- Having considered all relevant information available, officials are satisfied that the HENGYANG, YULIN and HONGHU, including embarked helicopters, will not be carrying any nuclear explosive device when they visit New Zealand.
- The Act also states that entry into the internal waters of New Zealand by any ship whose propulsion is wholly or partly dependent on nuclear power is prohibited. Officials are satisfied that the HENGYANG, YULIN and HONGHU are not nuclear powered.
- Based on the assessment carried out by officials, taking into account all available relevant information, it is recommended that the Prime Minister give approval under Section 9 of the Act for the HENGYANG, YULIN and HONGHU to enter New Zealand's internal waters from 15 to 19 June 2017, and give approval under Section 10 of the Act for the landing in New Zealand of any military aircraft carried by these vessels during this period.

Heath Fisher
for Secretary of Foreign Affairs and Trade

NUCLEAR FREE ZONE ACT: APPROVAL FOR VISIT BY PEOPLE'S LIBERATION ARMY NAVY TASK GROUP

Recommendations

It is recommended that you:

- | | | |
|---|--|----------|
| 1 | Refer a copy of this submission and its attached determination to the Prime Minister for his consideration; and | Yes / No |
| 2 | Refer a copy of this submission to the Minister of Defence for his information. | Yes / No |

Hon Gerry Brownlee
Minister of Foreign Affairs

NUCLEAR FREE ZONE ACT: APPROVAL FOR VISIT BY PEOPLE'S LIBERATION ARMY NAVY TASK GROUP

Report

1. China has sought diplomatic clearance for the People's Liberation Army Navy 25th Escort Task Group consisting of the frigates HENGYANG and YULIN and the replenishment ship HONGHU to visit Auckland from 15 to 19 June 2017. Between them the vessels will be carrying two embarked helicopters.

2. New Zealand does not require any state seeking permission for a foreign warship visit to make a declaration on nuclear armament or propulsion. Accordingly, New Zealand's approach since the inception of the New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act 1987 ("the Act") has been to not ask the sending state whether their ships were nuclear armed or propelled. Likewise, nor is any declaration sought with respect to the nuclear status of any foreign military aircraft. In providing advice to the Prime Minister in relation to the Prime Minister's decision-making role under Sections 9 and 10 of the Act, officials draw on all available relevant information bearing on the question of the nuclear weapons status of a specific foreign warship or military aircraft.

Type of Ships

3. According to Jane's Fighting Ships 2015-2016, the HENGYANG and YULIN are modern multi-role frigates, displacing 4000 tonnes and powered by four diesel engines. They belong to a class of 24 such Type 054A vessels built in China for its Navy since 2007.

4. The HENGYANG and YULIN are equipped with vertically launched medium range air defence missiles and anti-submarine missiles. They carry two triple anti-submarine torpedo launchers and two anti-submarine rocket launchers. Each has a 76mm dual-purpose main gun for surface engagements and use in the anti-air role. Two 30mm guns are carried for close in engagements. They are also armed with eight C-803 conventionally armed cruise missiles for anti-surface/land attack engagements.

5. Type 054A frigates can embark a Harbin Z-9C helicopter. The Z-9C is the naval version of a medium multi-purpose helicopter, of French origin, manufactured in China for military use. Its primary roles are antisubmarine warfare, surface search and rescue, as well as general utility transport.

6. The HONGHU is a modern replenishment ship displacing 23,400 tonnes and powered by two diesel engines. It is one of eight of the Type 903/903A class of replenishment ships built in China for the Navy since 2004 and its primary role is the replenishment of ships at sea with fuel, stores and ammunition. The HONGHU carries four twin 37mm cannon for close in defence. It is able to embark either a Harbin Z-9C helicopter or a larger Z-8 helicopter. The latter is also based on a French design (the

NUCLEAR FREE ZONE ACT: APPROVAL FOR VISIT BY PEOPLE'S LIBERATION ARMY NAVY TASK GROUP

Super Frelon) and is used for ship to ship airborne replenishment and search and rescue when embarked in this type of vessel.

Purpose of Visit

7. The purpose of the Task Group visit is to make a military diplomacy call to Auckland, including a range of engagements with the Royal New Zealand Navy.

China's Nuclear Policy

8. China is a nuclear weapons state. It is a party to the Treaty on the Non-Proliferation of Nuclear Weapons 1968. Its nuclear policy includes a pledge of no first use and a pledge not to use them against non-nuclear countries or in nuclear weapon free zones. s6(a)

9. s6(a)

10. s6(a)

New Zealand's strategic and security interests

11. s6(a)

12. s6(a)

13. The visit of the Task Group contributes to the further development of our political and security relationship with China.

NUCLEAR FREE ZONE ACT: APPROVAL FOR VISIT BY PEOPLE'S LIBERATION ARMY NAVY TASK GROUP

Precedents

14. Recent Chinese Navy visits to New Zealand have been; the training ship ZHENG HE in December 2016; the Type 054A frigate YAN CHENG in November 2016; and a Task Group consisting of the destroyer QINGDAO, frigate LINYI and replenishment vessel HONGZEHU in 2013.

Conclusion

15. Given s6(a)

the type of ships and the purpose of their voyage, officials are satisfied the HENGYANG, YULIN and HONGHU, including embarked helicopters, will not be carrying any nuclear explosive device when they visit New Zealand. The ships are not nuclear powered.

Recommendation

16. It is recommended that:

(1) pursuant to Section 9 of the Act, the Prime Minister give approval for HENGYANG, YULIN and HONGHU to enter New Zealand's internal waters from 15 to 19 June 2017, or at any time within the three days beforehand or following these dates; and

(2) pursuant to Section 10 of the Act, the Prime Minister give approval for any embarked aircraft carried by the HENGYANG, YULIN and HONGHU to land in New Zealand over the aforementioned period.

17. A draft determination is attached for the Prime Minister's signature.



27 September 2019

► Minister of Foreign Affairs

For referral by 4 October 2019

NUCLEAR FREE ZONE ACT: APPROVAL FOR VISIT BY CHINESE NAVY TRAINING VESSEL: QI JIGUANG

BRIEFING General purpose

PURPOSE This submission recommends that the Prime Minister grant approval under Section 9 of the New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act 1987, for the entry into New Zealand's internal waters of the Chinese Navy training ship QI JIGUANG, which proposes to visit from 26 to 30 October 2019.

Recommended referrals

Prime Minister
Minister of Defence

For approval by
For information by

9 October 2019
9 October 2019

Contact details

NAME	ROLE	DIVISION	WORK PHONE	MOBILE PHONE
Cecile Hillyer	Divisional Manager	International Security and Disarmament	s9(2)(a)	s9(2)(a)
Peter Noble	Adviser Counterproliferation and Export Controls	International Security and Disarmament	s9(2)(a)	s9(2)(a)

Minister's Office comments

NUCLEAR FREE ZONE ACT: APPROVAL FOR VISIT BY BY CHINESE NAVY TRAINING VESSEL: QI JIGUANG

Key points

- The People's Republic of China has sought permission for the Chinese Navy training vessel QI JIGUANG to visit Wellington from 26 to 30 October 2019.
- 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.
- China is a nuclear weapons state. It is a party to the Treaty on the Non-Proliferation of Nuclear Weapons 1968 (NPT).
- Having considered all relevant information available, officials conclude that QI JIGUANG will not be carrying any nuclear explosive device when it visits New Zealand.
- The Act also states that entry into the internal waters of New Zealand by any ship whose propulsion is wholly or partly dependent on nuclear power is prohibited. The QI JIGUANG is not nuclear powered.
- It is recommended that the Prime Minister give approval under Section 9 of the Act for the QI JIGUANG to enter New Zealand's internal waters from 26 to 30 October 2019.

Bede Corry
for Secretary of Foreign Affairs and Trade

NUCLEAR FREE ZONE ACT: APPROVAL FOR VISIT BY BY CHINESE NAVY TRAINING VESSEL: QI JIGUANG

Recommendations

It is recommended that you:

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

Rt Hon Winston Peters
Minister of Foreign Affairs

NUCLEAR FREE ZONE ACT: APPROVAL FOR VISIT BY BY CHINESE NAVY TRAINING VESSEL: QI JIGUANG

Report

1. China has sought diplomatic clearance for the People's Liberation Army Navy training vessel QI JIGUANG to visit Wellington from 26 to 30 October 2019.
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 that 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.
3. Section 11 of the Act also states that entry into the internal waters of New Zealand by any ship whose propulsion is wholly or partly dependent on nuclear power is prohibited.

Type of Ship

4. Commissioned in 2017, the QI JIGUANG is a purpose built training ship with a displacement of 10,907 tonnes. It will be carrying a total of 538 officers, naval students and sailors when it visits Wellington. The ship does not have an embarked helicopter, but has a landing platform for helicopter use.
5. The QI JIGUANG is lightly armed with a 76 mm gun and two 30 mm guns.



INTS-32-1711

NUCLEAR FREE ZONE ACT: APPROVAL FOR VISIT BY BY CHINESE NAVY TRAINING VESSEL: QI JIGUANG

Purpose of Visit

6. The purpose of the visit to Wellington is for military diplomacy and representational purposes.

China's Nuclear Policy

7. China is a nuclear weapons state. It is a party to the Treaty on the Non-Proliferation of Nuclear Weapons 1968. Its nuclear policy includes a pledge of no first use and a pledge not to use nuclear weapons against non-nuclear countries or in nuclear weapon free zones. s6(a)

It is estimated currently to have 290 warheads, more than the United Kingdom, just below France and significantly below the United States and Russia.

8. s6(a)

9. s6(a)

New Zealand's strategic and security interests

10. s6(a)

11. Our interactions in the defence sphere are part of the broader relationship with China. s6(a)

Precedents

12. The Chinese Navy 25th Escort Task Group consisting of the frigates HENGYANG and YULIN together with the replenishment ship HONGHU visited

NUCLEAR FREE ZONE ACT: APPROVAL FOR VISIT BY BY CHINESE NAVY TRAINING VESSEL: QI JIGUANG

Auckland from 15 to 19 June 2017. The ZHENG HE Navy training vessel visited in December 2016.

Conclusion

13. Given s6(a)

the type of ship and the purpose of the visit, officials conclude the QI JIGUANG will not be carrying any nuclear explosive device when it visits New Zealand. The ship is not nuclear powered.

Recommendation

14. It is recommended that pursuant to Section 9 of the Act, the Prime Minister give approval for QI JIGUANG to enter New Zealand's internal waters from 26 to 30 October 2019 or at any time within the five days beforehand or following these dates.

15. A draft determination is attached for the Prime Minister's signature.



6 July 2021

Minister of Foreign Affairs

For approval by

12 July 2021

Nuclear Free Zone Act: Request for visit by Canadian Navy ship HMCS Calgary, 5-9 August 2021

BRIEFING Decision Submission

PURPOSE This submission recommends that the Prime Minister grant approval under Section 9 of the *New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act 1987*, for the entry into New Zealand's internal waters of the Canadian Navy ship HMCS Calgary, which proposes to visit Auckland from 5 to 9 August 2021.

Tukunga tūtohua – Recommended referrals

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

Taipitopito whakapā – Contact details

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

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

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

Comments

Nuclear Free Zone Act: Request for visit by Canadian Navy ship HMCS Calgary, 5-9 August 2021

Pito matua – Key points

- Canada has requested permission for Her Majesty's Canadian Ship (HMCS) Calgary to visit Auckland from 5 to 9 August 2021.
- Section 9 of the *New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act 1987* (the Act) requires the Prime Minister's approval for the entry into New Zealand internal waters of all foreign warships. Section 10 of the Act requires the Prime Minister's approval for any foreign military aircraft, which would include military aircraft carried on board any warship, to land in New Zealand.
- The Act requires that, in considering whether to grant these approvals, the Prime Minister shall 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.
- More specifically, Section 9 provides that the Prime Minister may only grant that approval "if the Prime Minister is satisfied that the warship will not be carrying any nuclear explosive device upon its entry into the internal waters of New Zealand." Similarly, under Section 10, the Prime Minister may only grant approval to the landing in New Zealand by any foreign military aircraft "if the Prime Minister is satisfied that the foreign military aircraft will not be carrying any nuclear explosive device when it lands in New Zealand".
- Canada does not have nuclear weapons or possess any relevant delivery systems. Canada is a non-nuclear weapon state party to the *Treaty on the Non-Proliferation of Nuclear Weapons*, and has ratified the *Comprehensive Nuclear-Test-Ban Treaty*. Having considered all relevant information available, officials conclude that the HMCS Calgary, and its embarked helicopter, will not be carrying any nuclear explosive device when visiting New Zealand.
- Section 11 of the Act also provides that entry into the internal waters of New Zealand by any ship whose propulsion is wholly or partly dependent on nuclear power is prohibited. Having considered all relevant information available, officials conclude that the HMCS Calgary is not nuclear powered and that it utilises diesel engine and gas turbine propulsion.
- The joint submission to the Minister of Foreign Affairs and the Minister of Defence of 20 May 2021 "Recommencing Visits by Foreign Military Ships to New Zealand" laid out the health measures that would apply to this visit. Although naval vessels are exempted from the requirements of the *Maritime Border Order*, the Ministry will apply like requirements as conditions of the diplomatic clearance, namely:
 - all personnel on board will be vaccinated for COVID-19;
 - the ship will have been at sea for more than 14 days;
 - personnel will have undergone on-board COVID-19 tests; and
 - personnel will undergo a COVID-19 test and health screening prior to disembarking.

Ben King
Acting Secretary of Foreign Affairs and Trade

Nuclear Free Zone Act: Request for visit by Canadian Navy ship HMCS
Calgary, 5-9 August 2021

Tūtohu – Recommendations

It is recommended that you:

- | | | |
|---|---|-----------------|
| 1 | Refer a copy of this submission and its attached determination to the Prime Minister for her consideration; and | Yes / No |
| 2 | Refer copies of this submission to the Minister of Defence, Associate Minister of Foreign Affairs, and Minister of Disarmament and Arms Control for their information. | Yes / No |

Hon Nanaia Mahuta
Minister of Foreign Affairs / Minita Take Aorere

Date: / /

Released under the Official Information Act

Nuclear Free Zone Act: Request for visit by Canadian Navy ship HMCS Calgary, 5-9 August 2021

Pūrongo – Report

1. Canada has sought diplomatic clearance for the Canadian Navy frigate HMCS Calgary to visit Auckland, New Zealand from 5 to 9 August 2021 following an exercise in Australia.
2. HMCS Calgary is a 'foreign warship' as defined in section 2 of the New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act 1987 ("the Act"). As such its entry into New Zealand's internal waters requires the approval of the Prime Minister under Section 9 of the Act. Section 10 of the Act requires the Prime Minister's approval for any foreign military aircraft (which would include aircraft such as helicopters carried on foreign warships) to land in New Zealand.
3. Under Sections 9 and 10 of the Act, in considering whether to approve the entry of a warship or the landing of a foreign military aircraft the Prime Minister "shall 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."
4. More specifically, under Section 9, the Prime Minister may only grant approval for the entry into New Zealand by foreign warships "if the Prime Minister is satisfied that the warships will not be carrying any nuclear explosive device on entry into New Zealand's internal waters."
5. Similarly, under section 10, the Prime Minister may only grant approval to the landing in New Zealand by any foreign military aircraft "if the Prime Minister is satisfied that the foreign military aircraft will not be carrying any nuclear explosive device when it lands in New Zealand."
6. In providing advice to the Prime Minister in relation to the Prime Minister's decision-making role under Sections 9 and 10 of the Act, officials draw on all available relevant information bearing on the question of the nuclear weapons status of a specific foreign warship or military aircraft.
7. Section 11 of the Act also states that entry into the internal waters of New Zealand by any ship whose propulsion is wholly or partly dependent on nuclear power is prohibited.
8. New Zealand does not require any state seeking permission for a foreign warship visit to make a declaration on nuclear armament or propulsion (nor is any declaration sought with respect to the nuclear status of any foreign military aircraft). Accordingly, New Zealand's approach since the inception of the Act has been to not ask the sending state whether their ships were nuclear armed or propelled. The then Minister of Foreign Affairs publicly restated this approach on 14 June 2016.

Type of Ship

9. According to open-source information and *Janes Fighting Ships 2015-2016*, the HMCS Calgary is a Halifax class frigate, with a displacement of 4,795 tonnes. There are currently 12 operational Halifax class frigates in the Canadian Navy. They are a general-purpose warship with a focus on anti-submarine warfare, though also have anti-air and anti-surface warfare capabilities.
10. For close range anti-air engagements Evolved Sea Sparrow missiles and a Phalanx 20mm cannon are employed. Anti-submarine torpedoes can be launched from standard torpedo

Nuclear Free Zone Act: Request for visit by Canadian Navy ship HMCS Calgary, 5-9 August 2021

tubes, or from an embarked helicopter. For surface warfare the HMCS Calgary has a 57mm main gun and Harpoon anti-ship missiles.

11. HMCS Calgary is able to carry one CH-148 Cyclone helicopter. Its primary role is anti-submarine warfare, for which it can carry anti-submarine torpedoes. Other helicopter roles include transport, boarding, search and rescue, medical evacuation, and replenishment.



Propulsion

12. Open-source reporting and *Janes Fighting Ships 2015-2016* state the HMCS Calgary is not nuclear powered. The Halifax class utilises gas turbine and diesel engine propulsion, employing two General Electric LM 2500 gas turbines and one diesel engine.

Canadian Nuclear Policy

13. Although Canada is a member of NATO it does not possess nuclear weapons or their means of delivery. As a non-nuclear weapon state party to the Treaty on the Non-Proliferation of Nuclear Weapons Canada is prohibited from having nuclear weapons. Canada has also ratified the *Comprehensive Nuclear-Test-Ban Treaty*. Canada and New Zealand work together on a number of nuclear disarmament and non-proliferation initiatives, most recently as members of the ministerial-level Stockholm Initiative on Nuclear Disarmament.

Purpose of Visit

14. The purpose of the visit of the HMCS Calgary is to conduct military diplomacy activities and joint exercises with the RNZN upon completion of training activities in Australia. The visit will support the introduction into service of HMNZS Aotearoa and participate in air operations exercises, including P3 Orion aircraft and helicopter sorties.

New Zealand's Strategic and Security Interests

15. Canada is one of New Zealand's closest partners, s6(a)
s6(a) Our shared parliamentary, legal, social and defence traditions are reflected in our instinctive like-mindedness across most trade, security, defence, and multilateral

Nuclear Free Zone Act: Request for visit by Canadian Navy ship HMCS Calgary, 5-9 August 2021

interests. Canada, a CPTPP member, is New Zealand's 14th largest trading partner. It is also a top-10 source of investment into New Zealand, particularly in energy, and a significant destination for New Zealand Foreign Direct Investment. The relationship benefits from strong personal relationships at the highest levels.

16. Canada remains one of New Zealand's key defence, security and intelligence partners. New Zealand and Canada have historically cooperated on some of the toughest security issues facing the international system, including both contributing to the D-ISIS coalition. s6(a) our shared security interests are important to both countries, and the defence relationship continues to be boosted by improved contact and engagement by officials and personnel. Prior to the COVID-19 pandemic, there had been a significant uptick in bilateral defence and intelligence cooperation, including though courses, joint exercises and many visits in both directions.
17. Thanks to Canada's assistance, extensive upgrades to the Anzac class frigates – core components of New Zealand's defence capability – have continued despite COVID-19 related disruptions. HMNZS Te Kaha recently returned from an extensive upgrade programme in Canada, and HMNZS Te Mana is currently undergoing the same upgrade. To date, Canada has facilitated the entry of over 300 NZDF personnel to support sea trials and prepare for the ships' return to New Zealand. Canada also facilitated COVID vaccinations for a large number of NZDF personnel in Canada following a local outbreak. At the conclusion of the upgrades, Te Kaha and Te Mana will have significant commonalities with Canada's Halifax class frigates, enabling greater interoperability with New Zealand's key defence partners.
18. Ship visits present opportunities for increasing interoperability and building trust and understanding. The visit by HMCS Calgary will thus add to the strong bilateral defence relationship, as well as contribute to our wider interests of contributing to strategic alignment across the Indo-Pacific with key security partners.

COVID-19 Control Measures

19. Foreign military vessels are exempt from the requirements of the *Maritime Border Order* (MBO), but the diplomatic clearance will stipulate conditions that replicate those of the MBO. This will include the requirement to have been at sea for at least 14 days with no external contact, to undergo a COVID-19 test and return a negative result prior to disembarking, and to pass medical screening.
20. Canada has advised that all personnel on board will have been vaccinated prior to the arrival in New Zealand of the HMCS Calgary. Further, the vessel has on-board testing capacity and tests will also be conducted before arrival in New Zealand.
21. Upon approval of this visit, the Canadian Defence Attaché will liaise directly with the Ministry of Health and border officials to ensure adherence to all applicable health control measures.

Public Communications

22. There could be potential public sensitivities around the visit given the increased transmission risks associated with new variants of Covid-19 and associated public concerns. There could also be potential criticism from tourism operators and businesses as the border remains closed to many types of vessels (including cruise ships).

Nuclear Free Zone Act: Request for visit by Canadian Navy ship HMCS Calgary, 5-9 August 2021

23. A communications plan to reassure the public that strong Covid-19 preventive measures will be undertaken, and to deal with other concerns, will be developed by Defence and MFAT officials in conjunction with the Canadian High Commission before the visit is made public.

Precedents

24. The last Canadian Navy vessel to visit New Zealand was the HMCS Vancouver in 2016. Prior to that was a visit from the HMCS Winnipeg in 2005 and the HMCS Vancouver in 2001 and 1995. As with HMCS Calgary, both HMCS Vancouver and HMCS Winnipeg are Halifax frigates.

Consultation

25. The New Zealand Defence Force and the Ministry of Defence have been consulted.

Conclusion

26. Given the type of ship, and the range of information which is publicly available from a variety of Canadian and independent sources (and which is consistent in its assessment), officials conclude that the HMCS Calgary, including its embarked helicopter, will not be carrying any nuclear explosive device when it visits New Zealand. The HMCS Calgary is not nuclear powered.

Recommendation

27. Accordingly, it is recommended that:

- 27.1. pursuant to Section 9 of the Act, the Prime Minister give approval for HMCS Calgary to enter New Zealand's internal waters from 5 to 9 August 2021, or at any time within five days beforehand or following these dates; and
- 27.2. pursuant to Section 10 of the Act, the Prime Minister give approval for any aircraft carried by the HMCS Calgary to land in New Zealand over the aforementioned period.

28. A draft determination is attached for the Prime Minister's signature.



1 November 2021

Minister of Foreign Affairs

For action by

5 November 2021

Nuclear Free Zone Act: Request for visit by United States Ship Howard, 26 November – 01 December 2021

BRIEFING Overview Submission

PURPOSE To recommend the Prime Minister grant approval under Section 9 of the *New Zealand Nuclear Free Zone, Disarmament, and Arms Controls Act 1987* for the entry into Aotearoa New Zealand's internal waters of the United States Ship (USS) Howard, which proposes to visit Wellington from 26 November to 01 December 2021.

Tukunga tūtohua – Recommended referrals

Prime Minister	For approval by	10 November 2021
Minister of Defence	For information by	10 November 2021
Associate Minister of Foreign Affairs	For information by	10 November 2021
Minister for Disarmament and Arms Control	For information by	10 November 2021

Taipitopito whakapā – Contact details

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

Mate Tari Minita e whakakī – Minister's Office to complete

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

Comments

Nuclear Free Zone Act: Request for visit by United States Ship Howard, 26 November – 01 October 2021

Pito matua – Key points

- The United States has sought permission for the US Navy destroyer USS Howard to visit Wellington from 26 November to 01 December 2021.
- Section 9 of the *New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act 1987* (the Act) requires the Prime Minister's approval for the entry into Aotearoa New Zealand internal waters of all foreign warships.
- Section 9 provides that the Prime Minister may only grant that approval "if the Prime Minister is satisfied that the warship will not be carrying any nuclear explosive device upon its entry into the internal waters of New Zealand."
- The Act requires that, in considering whether to grant these approvals, the Prime Minister shall 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 Aotearoa New Zealand.
- Section 10 of the Act requires the Prime Minister's approval for any foreign military aircraft, which would include military aircraft carried on board any warship, to land in Aotearoa New Zealand. The Prime Minister has already given a category approval for 2021 for embarked helicopters on US Navy vessels.
- The US Government publicly describes its nuclear weapon policy in relation to the US Navy as being limited to strategic nuclear weapons being carried on its ballistic missile submarines, not on surface ships and naval aircraft. Navy surface ships and naval aircraft have not carried tactical nuclear weapons since 1992.
- Having considered all relevant information available, officials conclude that the USS Howard, including any embarked helicopters, will not be carrying any nuclear explosive device when it visits Aotearoa New Zealand.
- Section 11 of the Act also provides that entry into the internal waters of Aotearoa New Zealand by any ship whose propulsion is wholly or partly dependent on nuclear power is prohibited.
- Having considered all relevant information available, officials conclude that the USS Howard is not nuclear powered and that it utilises gas turbine propulsion.
- Based on the assessment carried out by officials, taking into account all available relevant information, it is recommended that the Prime Minister give approval under Section 9 of the Act for USS Howard to enter Aotearoa New Zealand's internal waters from 26 November to 01 December 2021.



Ben King
for Secretary of Foreign Affairs and Trade

Nuclear Free Zone Act: Request for visit by United States Ship Howard,
26 November – 01 October 2021

Tūtohu – Recommendations

It is recommended that you:

- | | | |
|---|--|-----------------|
| 1 | Refer a copy of this submission and its attached determination to the Prime Minister for consideration; and | Yes / No |
| 2 | Refer a copy of this submission to the Minister of Defence, Associate Minister of Foreign Affairs and Trade, and the Minister for Disarmament and Arms Control for information. | Yes / No |

Hon Nanaia Mahuta
Minister of Foreign Affairs / Minita Take Aorere

Date: / /

Released under the Official Information Act

Nuclear Free Zone Act: Request for visit by United States Ship Howard, 26 November – 01 October 2021

Pūrongo – Report

1. The United States has sought diplomatic clearance for the US Navy destroyer USS Howard to visit Wellington from 26 November to 01 December 2021.
2. USS Howard is a 'foreign warship' as defined in Section 2 of the *New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act 1987* (the Act). As such its entry into Aotearoa New Zealand's internal waters requires the approval of the Prime Minister under Section 9 of the Act.
3. Section 10 of the Act requires the Prime Minister's approval for any foreign military aircraft, which would include military aircraft carried on board any warship, to land in Aotearoa New Zealand. The Prime Minister has already given a category approval for 2021 for embarked helicopters on US Navy vessels.
4. Section 11 of the Act also states that entry into the internal waters of Aotearoa New Zealand by any ship whose propulsion is wholly or partly dependent on nuclear power is prohibited.
5. Aotearoa New Zealand does not require a state seeking permission for a foreign warship visit to make a declaration on nuclear armament or propulsion. Accordingly, Aotearoa New Zealand's approach since the inception of the Act has been to not ask the sending state whether their ships are nuclear armed or propelled. The then Minister of Foreign Affairs publicly restated this approach on 14 June 2016. Likewise, no declaration is sought with respect to the nuclear status of any foreign military aircraft. In providing advice to the Prime Minister in relation to the Prime Minister's decision-making role under Sections 9 and 10 of the Act, officials draw on all available relevant information bearing on the question of the nuclear weapons status of a specific foreign warship or military aircraft.

Type of Ship

6. According to the US Navy website and *Janes Fighting Ships 2017-2018*, the USS Howard is an Arleigh-Burke class destroyer (DDG-51), with a displacement of 9,425 tonnes. There are currently 67 operational DDG-51s in the US Navy. They are the standard workhorse of the US Navy, providing multi-mission capabilities, able to operate independently or as part of naval task groups.



Nuclear Free Zone Act: Request for visit by United States Ship Howard, 26 November – 01 October 2021

7. USS Howard has Anti-Air Warfare (AAW), Anti-Submarine Warfare (ASW), Anti-Surface Warfare (ASUW) and Ballistic Missile Defence (BMD) capabilities.
8. SM-2 (Standard Missile) missiles are carried for AAW. These can also be used for BMD against ballistic missiles at (comparatively) short range when in their terminal phase upon re-entry. For close range AAW engagements Evolved Sea Sparrow missiles and Phalanx 20mm Gatling guns are employed. ASW torpedoes can be launched from standard torpedo tubes, by missile or from embarked helicopters. For ASUW and shore bombardment the USS Howard has a 5 inch naval gun. Conventionally armed Tomahawk cruise missiles are carried for land attack missions.
9. USS Howard is able to carry two Sikorsky MH-60R Seahawk multipurpose helicopters. Their primary role is anti-submarine and anti-surface warfare, for which they can carry antisubmarine torpedoes and short range Hellfire missiles respectively. Door mounted machine guns can also be fitted. Other helicopter roles include transport/insertion, boarding, search and rescue, medical evacuation, and replenishment.

Propulsion

10. The US Navy website and *Janes Fighting Ships 2017-2018* state the USS Howard is not nuclear powered. The DDG 51 class utilises gas-turbine propulsion, employing four General Electric LM 2500 gas turbines. This is consistent with the fact that in the US Navy nuclear propulsion is restricted to only two classes of ship; aircraft carriers and submarines. The remaining ships in the fleet (including the DDG 51 class) are conventionally powered.

Purpose of Visit

11. The purpose of the USS Howard's visit is to undertake a number of representational and training activities in furtherance of the maritime bilateral security relationship with the Royal New Zealand Navy (RNZN). The visit will include a port visit and diplomatic engagement in Wellington, and interoperability activities with the NZDF while arriving in and departing from New Zealand waters.

United States' Nuclear Policy

12. For nearly 50 years the United States has maintained a policy of neither confirming nor denying the presence or absence of its nuclear weapons anywhere. This policy remains in place. However, since the end of the Cold War, there have been a number of significant developments in US nuclear policy which has seen the US destroy about 90% of its non-strategic nuclear weapons (also known as tactical nuclear weapons) and devalue them in its military posture. Of most relevance:
 - on 27 September 1991 President George H.W. Bush directed that tactical nuclear weapons be removed from US surface ships, attack submarines and naval aircraft (deployed at sea or land based);
 - on 2 July 1992 President George H.W. Bush, announced that the US drawdown of tactical nuclear weapons from these platforms was complete; and

Nuclear Free Zone Act: Request for visit by United States Ship Howard, 26 November – 01 October 2021

- in April 2010 the US Department of Defence's Nuclear Posture Review Report determined that the US would retire nuclear-equipped sea-launched cruise missiles (TLAM-N) from its attack submarines. Withdrawal was completed by 2013.
13. Accordingly, it is widely accepted within the international community that US surface ships and naval aircraft are no longer nuclear armed. A special report published in 2012 by the Federation of American Scientists on Non-Strategic Nuclear Weapons confirms this assessment. The Stockholm International Peace Research Institute's 2015 Yearbook and the Bulletin of Atomic Scientists both note that the only tactical nuclear weapons in the US armed forces' inventory are now B-61 nuclear bombs (which as noted are no longer carried by US naval aircraft).
 14. The US continues to deploy strategic nuclear weapons on US Navy ballistic missile submarines. These are the only nuclear weapons now deployed by the Navy.
 15. Accordingly, on the basis of publicly available information which a number of expert international sources have acknowledged as reliable, the Ministry of Foreign Affairs and Trade concludes that no US Navy surface ship carries nuclear weapons. There is also no material information available from non-public sources that would suggest any different determination.

Aotearoa New Zealand's Strategic and Security Interests

16. Aotearoa New Zealand's security relationship with the United States has strengthened considerably in recent years. This is significant^{s6(a)}

Our

engagements alongside the United States in Afghanistan, the Asia-Pacific, the Middle East, through the UN Security Council, and visits by the destroyer USS Sampson in 2016 and three subsequent visits by the US Coast Guard Cutter (USCGC) Polar Star, have rebuilt working-level relationships with the United States and re-established Aotearoa New Zealand as a strategic partner as expressed in the Wellington Declaration of July 2010.
17. The defence relationship is now increasingly mature and assured. It takes place in the context of our independent foreign policy, and reflects Aotearoa New Zealand values, interests and size. Senior level defence engagement between Aotearoa 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, Aotearoa New Zealand-US defence engagement has deepened over the past decade. Close engagement with the United States, and strengthening and broadening the bilateral defence relationship, is one of Aotearoa New Zealand's key priorities.
18. More specifically, the US/Aotearoa New Zealand defence maritime relationship has grown and expanded.^{s6(b)(i)}

The United

States has long underwritten security in the Indo-Pacific, and is now taking an increasingly close interest in contributing to security in the South Pacific.

Nuclear Free Zone Act: Request for visit by United States Ship Howard, 26 November – 01 October 2021

19. s6(a)

20. We see no grounds not to approve the entry of the vessel under the Nuclear Free Zone Act. Furthermore the visit will enhance defence cooperation and visibly demonstrate the positive state of bilateral relations ahead of a potential official visit by the Prime Minister to the United States in 2022.

Media

21. s6(a)

Accordingly, officials will provide tailored communications material to Ministers ahead of the visit, to assist with the range of possible media, civil society and public interests in the visit.

Precedent

22. The US Navy destroyer USS Sampson (a vessel of the same type as the USS Howard) visited Auckland in November 2016 for the Royal New Zealand Navy's 75th anniversary celebrations, and also played a useful role in the relief effort following the Kaikoura earthquake. This was the first US Navy ship visit in over 30 years.
23. The USCGC Polar Star visited Lyttelton in February 2017, during which time it provided trained personnel to assist with fighting the major fire on the Port Hills. The USCGC Polar Star made a further visit in late 2017 and again in February 2019.
24. All these ship visits required and were given the Prime Minister's approval under the *New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act 1987*.

COVID-19 Control Measures

25. All crew are double vaccinated as per US Navy requirements.
26. The New Zealand Defence Force is working alongside the Wellington Public Health Unit and the Ministry of Health to facilitate appropriate COVID-19 control measures. These measures include:
- on-board isolation in compliance with the *Maritime Border Order*, i.e. to have been at sea for at least 14 days prior to arrival in Aotearoa New Zealand;
 - the necessity for all crew to be symptom free;

Nuclear Free Zone Act: Request for visit by United States Ship Howard, 26 November – 01 October 2021

- negative test results approved by the local health authority¹ before disembarkation is permitted; and
- that all crew must comply with Aotearoa New Zealand Alert Level requirements.

Conclusion

27. Given the type of ship, and the range of information which is publicly available from a variety of US and independent sources (and which is consistent in its assessment), officials conclude that the USS Howard, including any embarked helicopters, will not be carrying any nuclear explosive device when it visits New Zealand. The USS Howard is not nuclear powered.

Consultation

28. The New Zealand Defence Force and Ministry of Defence have been consulted. The Ministry of Health was consulted by the NZDF on the above COVID-19 control measures. NZDF also liaised with the New Zealand Customs Service and Immigration New Zealand to ensure all border requirements are met.

Recommendation

29. It is recommended that:
- 29.1. pursuant to Section 9 of the Act, the Prime Minister give approval for USS Howard to enter New Zealand's internal waters from 26 November to 01 December 2021, or at any time within ten days beforehand or following these dates; and
- 29.2. to this effect a draft determination is attached for the Prime Minister's signature.

¹ As was the case with the recent visit of HMCS Calgary, swabs will be flown off the ship prior to its arrival and tested for Covid-19 by a laboratory in Wellington.



7 May 2018

Minister of Foreign Affairs

For action by

11 May 2018

NUCLEAR FREE ZONE ACT: REQUEST FOR THE VISIT BY A CHINESE AIR FORCE TRANSPORT AIRCRAFT

BRIEFING General Purpose

PURPOSE This submission recommends that the Prime Minister grant approval, under Section 10 of the New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act 1987, for a Chinese Air Force Ilyushin 76 transport aircraft to land in New Zealand from 8 to 23 June 2018.

Recommended referrals

Prime Minister

Minister of Defence

For approval by
For information by

17 May 2018

17 May 2018

Contact details

NAME	ROLE	DIVISION	WORK PHONE	MOBILE PHONE
Heath Fisher	Divisional Manager	International Security and Disarmament	s9(2)(a)	s9(2)(a)
Peter Noble	Adviser Counterproliferation and Export Controls	International Security and Disarmament	s9(2)(a)	s9(2)(a)

Minister's Office comments

NUCLEAR FREE ZONE ACT: REQUEST FOR THE VISIT BY A CHINESE AIR FORCE TRANSPORT AIRCRAFT

Key points

- China has requested diplomatic clearance for a Chinese People's Liberation Army Air Force (PLAAF) Ilyushin 76 transport aircraft to visit New Zealand from 8 to 23 June 2018.
- Under 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. The Prime Minister is required by Section 10 of the Act to be satisfied that a foreign military aircraft will not be carrying any nuclear explosive device when it lands in New Zealand.
- This aircraft has been invited by the Royal New Zealand Airforce to participate in Exercise Skytrain and will be based at Whenuapai. As far as we are aware this is the first visit by a Chinese Air Force aircraft to New Zealand.
- The PLAAF Ilyushin 76 is a transport aircraft and is unarmed.
- Having considered all relevant information available, officials conclude that the PLAAF Ilyushin 76 transport aircraft will not be carrying any nuclear explosive device when it visits New Zealand.
- Based on the assessment carried out by officials, taking into account all available relevant information, it is recommended that the Prime Minister give approval under Section 10 of the Act for the landing in New Zealand of the PLAAF Ilyushin 76 transport aircraft from 8 to 23 June 2018.

Bede Corry
for Secretary of Foreign Affairs and Trade

NUCLEAR FREE ZONE ACT: REQUEST FOR THE VISIT BY
A CHINESE AIR FORCE TRANSPORT AIRCRAFT

Recommendations

It is recommended that you:

- | | | |
|---|--|----------|
| 1 | refer a copy of this submission and its attached determination to the Prime Minister for consideration; and | Yes / No |
| 2 | refer a copy of this submission to the Minister of Defence for information | Yes / No |

Rt Hon Winston Peters
Minister of Foreign Affairs

NUCLEAR FREE ZONE ACT: REQUEST FOR THE VISIT BY A CHINESE AIR FORCE TRANSPORT AIRCRAFT Report

1. China has sought diplomatic clearance for a Chinese People's Liberation Army Air Force (PLAAF) Ilyushin 76 transport aircraft to visit New Zealand from 8 to 23 June 2018.

2. Under Section 10 of the New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987, the Prime Minister's approval is required for foreign military aircraft to land in New Zealand. Before giving approval the Prime Minister is required by Section 10 to be satisfied that the foreign military aircraft will not be carrying any nuclear explosive device when it lands in New Zealand. 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 Aircraft

3. The Ilyushin 76 is a multi-purpose military and commercial transport aircraft designed and manufactured in Russia. It was brought into production in 1974. With a ramp for loading cargo it is able to transport and airdrop large heavy items, as well as paratroopers. A number of variants have been built since for both military and commercial use including, air to air refuelling, airborne early warning and, because it can operate from unpaved runways, for emergency response transportation. The Chinese Air Force operates over 40 of these aircraft. The Ilyushin 76 was neither designed nor configured for the carriage of nuclear weapons and is unarmed.



NUCLEAR FREE ZONE ACT: REQUEST FOR THE VISIT BY A CHINESE AIR FORCE TRANSPORT AIRCRAFT

Purpose of Visit

4. The purpose of the visit is to participate in Exercise Skytrain at the invitation of the Royal New Zealand Air Force. This annual exercise focuses on tactical low level flying, load dropping and night flying. Aircraft from foreign air forces are regular participants.

China's nuclear posture

5. China is a nuclear weapons state. It is a party to the Treaty on the Non-Proliferation of Nuclear Weapons 1968 (NPT). Its nuclear policy includes a pledge of no first use and a pledge not to use them against non-nuclear countries or in nuclear weapon free zones. China's policy is to maintain a minimum deterrent designed to ensure a survivable second strike capability. China does not normally deploy warheads but stores them separately in central storage facilities.

6. During the past decade China has fielded a more diverse and capable nuclear arsenal. This includes four ballistic missile submarines that have been recently introduced into service.

7. The PLAAF is believed to maintain a small number of nuclear gravity bombs to be delivered by the Hongzha-6 (H-6) medium-range bomber and potentially also shorter-range combat aircraft. The PLAAF has yet to deploy a nuclear armed cruise missile, although it is possible this capability is under development.

New Zealand's strategic and security interests

8. China's economic weight and rising power and influence mean its policies and actions affect not only New Zealand's peace and prosperity, but that of the wider Asia-Pacific region. China is also becoming increasingly important in global issues.

9. s6(a)

10. The visit of the Ilyushin 76 for exercise Skytrain 18 contributes to the further development of our political and security relationship with China.

NUCLEAR FREE ZONE ACT: REQUEST FOR THE VISIT BY
A CHINESE AIR FORCE TRANSPORT AIRCRAFT

Precedents

11. As far as we are aware this is the first visit to New Zealand by a PLAAF aircraft. The Chinese Navy visits New Zealand from time to time; most recently two frigates and a replenishment vessel visited in June 2017.

Conclusion

12. Given the type of aircraft, the purpose of their visit and what is known about China's nuclear policies, officials conclude that the Ilyushin 76 will not be carrying any nuclear explosive device when it lands in New Zealand.

Recommendation

13. It is recommended that pursuant to Section 10 of the Act, the Prime Minister give approval for a Ilyushin 76 transport aircraft to land in New Zealand from 8 to 23 June 2018, or at any time within five days beforehand or following these dates.

14. A draft determination is attached for the Prime Minister's signature.