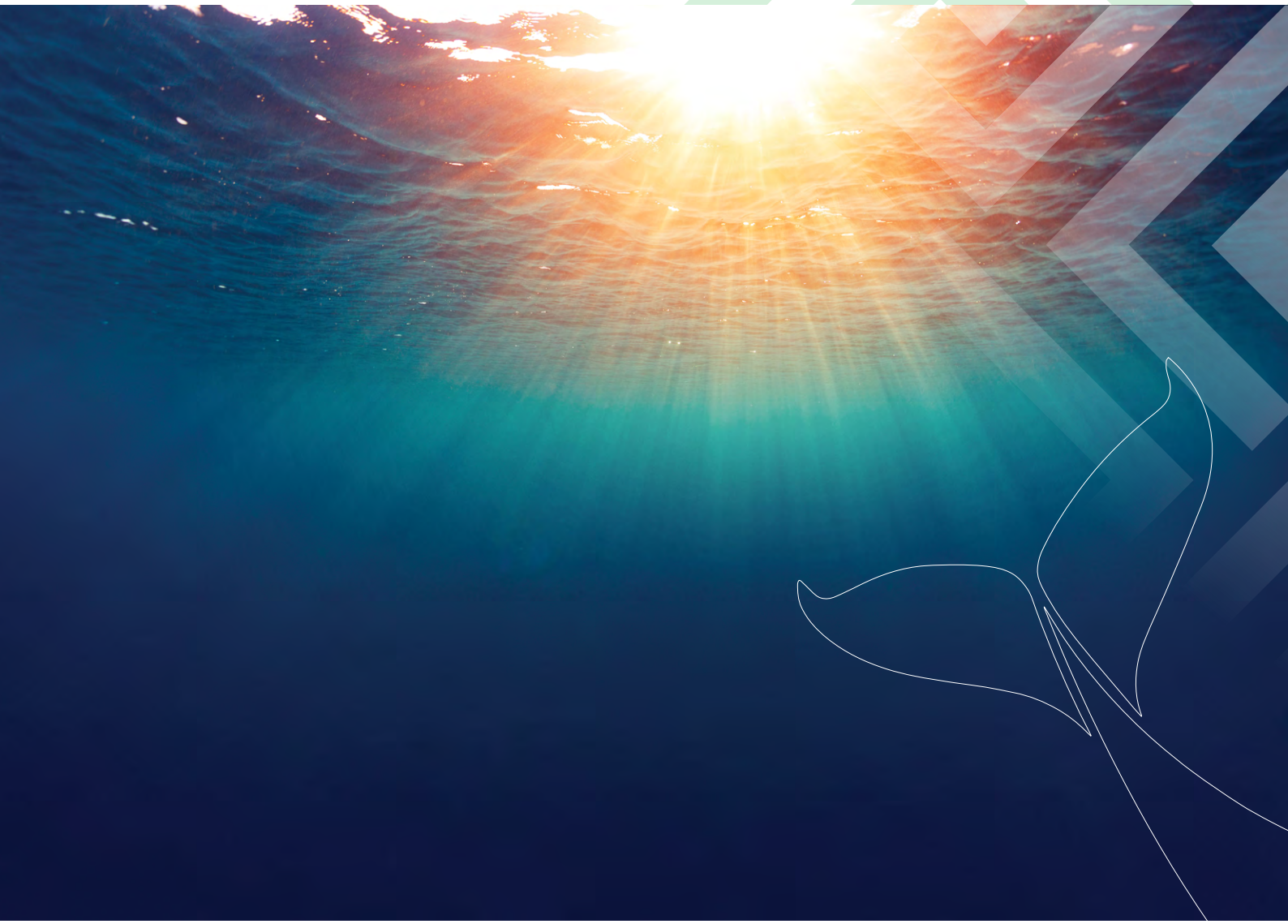
Guide to New Zealand's Maritime Security Arrangements

April 2026

Guidance Document



Te Kāwanatanga o Aotearoa
New Zealand Government

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Introduction: The need for a guide

> New Zealand's maritime security is delivered by multiple agencies who come together under the Maritime Security Oversight Committee (MSOC).

Its Maritime Security Strategy provides direction by setting out a vision for a sector that contributes to New Zealand's national security through a common approach, coordinated investment and effective resource prioritisation.

This Guide supports that common approach by providing ready access to maritime security related knowledge in support of New Zealanders who have a role to play in securing New Zealand's maritime future and in calling maritime security agencies to account for their statutory maritime security responsibilities as *kaitiaki o te Moana* or guardians of our maritime domain. It is designed to be read in conjunction with the Strategy so does not repeat the Strategy's content.

The Guide is a multi-agency document coordinated by the MSOC Secretariat which is housed within the Ministry for Cities, Environment, Regions and Transport (MCERT).

Guide contents

The Guide starts with an overview and a graphic showing New Zealand's maritime domain and Area of Interest aimed at giving readers an idea of the scale of New Zealand's maritime security task. At approximately 40mkm^2 it is 1/12th of the Earth's surface[1] which by way of comparison is 10 times larger than the Arabian or South China Seas.

The Guide then focuses on each of the Strategy's maritime security issues and interests with introductory and key information on each issue presented to support understanding.

Thereafter, annexes summarise relevant information on:

- Annex A: The Maritime Powers Act 2022
- Annex B: New Zealand's maritime security related international arrangements
- Annex C: Legislation summary depicted against New Zealand's maritime zones.

The Guide ends with a glossary.



1. 510 million square kilometres

Recent highlights

Refreshing the Strategy

The five-year refresh of the Maritime Security Strategy was completed in 2024 and was an opportunity to reflect the approach of the 2023 National Security Strategy with more emphasis on the rules-based international system's importance for a trade-based nation like New Zealand; highlighting the economic opportunities the sea provides (with the total New Zealand maritime economy valued at 1.7% of GDP); and improving guidance on kaitiakitanga – stewardship and protection of our maritime domain for future generations.

Triennial Maritime Security Symposium

In 2024 in cooperation with the Victoria University Centre for Strategic Studies, we co-hosted the triennial New Zealand Maritime Security Symposium where globally renowned speakers came together to explore the opportunities and challenges facing New Zealand's maritime security as part of our regular engagement with the New Zealand public.

Systems investment

Budget 24 funded the national Data Fusion System which included:

- A new all of government Common Operating Picture provided through Starboard Maritime Intelligence, which delivers world leading vessel tracking.
- Joining the European Union led system to IORIS gives us secure information exchange with 50 maritime countries across the Indo-Pacific so we are better able to share information essential to our co-operative efforts to counter harm at sea.
- Refreshing the terrestrial Automatic Identification System (AIS) receivers on the North and South Island coasts and an upgrade to be able to transmit AIS messages to support mariner decision making.

Managing new technology

As with all parts of New Zealand's government and civil society, the sector is attempting to manage the arrival of new technology. Key to that in 2024 was the creation of one-stop guidance for operators of uncrewed or autonomous surface vessels. It was disseminated to all overseas posts in New Zealand with our expectation that all operators comply with New Zealand regulations.

Maritime Security Assessment and Response

Every two years an assessment of the five year outlook for key maritime security threats and opportunities is conducted. This triggers a review of the maritime security sector's priorities which is published to further support New Zealand's democratic fabric by supporting agency accountability to the public.

Critical Underwater Infrastructure Threat Assessment and Response

Also every two years, a threat assessment of New Zealand's Critical Underwater Infrastructure (CUI) is conducted to inform a review of the resilience and security of our CUI.

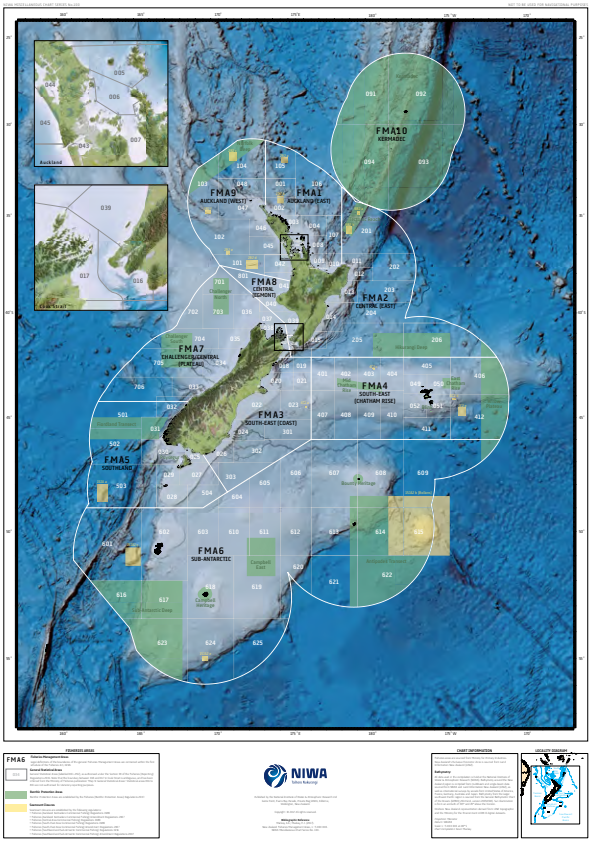
Other resources

Other information sources that readers may wish to explore include:

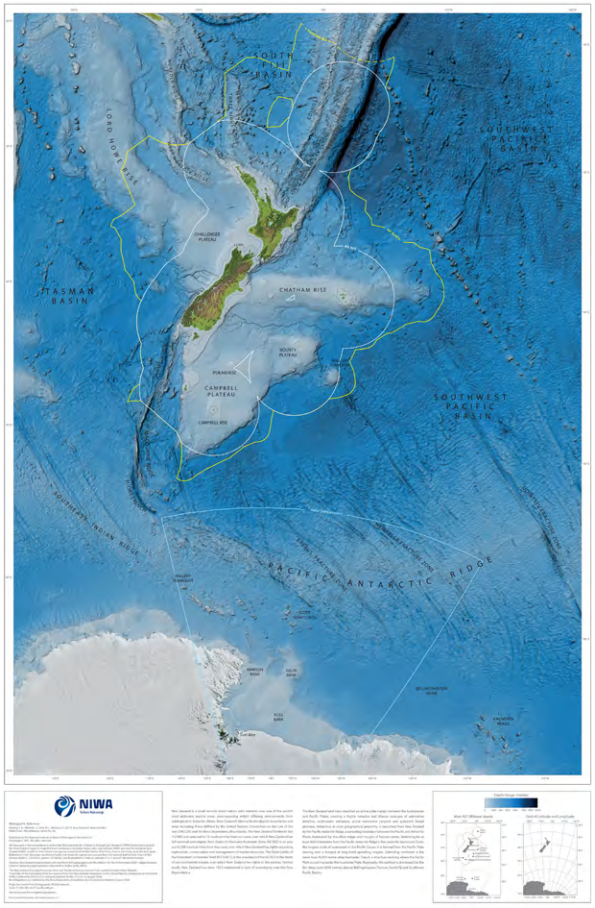
NIWA has a wide selection of charts and maps of New Zealand's maritime Area of Interest including these 2 examples at: https://niwa.co.nz/publications/posters

The **Routledge** Handbook of Maritime Regulation and Enforcement is a handy reference for those needing to go deeper than the high level overview given in this Guide: https://www.routledge.com/Routledge-Handbook-of-Maritime-Regulation-and-Enforcement/Warner-Kaye/p/book/9781138614390

New Zealand Fisheries Management Areas



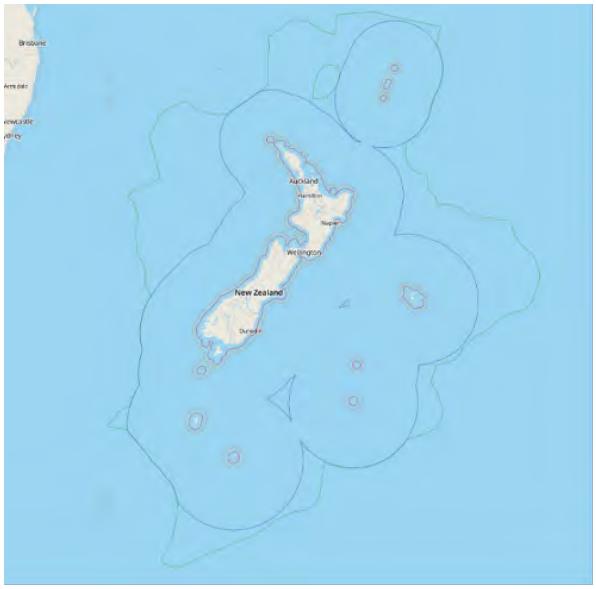
New Zealand's Marine Realm



LINZ data service (Maritime boundaries) includes publicly available interactive maps showing the New Zealand territorial limit of 12 nm, contiguous zone at 24 nm, EEZ at 200 nm, and the margins of the continental shelf, which in places extend to about 600 nm.

Browse GIS data | LINZ Data Service

New Zealand's Marine Realm



Section 1
Overview





Maritime Security Strategic Coordination Agency (SCA)

The MSOC Secretariat within the Ministry for Cities, Environment, Regions and Transport (MCERT) is the SCA for maritime security. Its role is to convene and integrate across government to build strategic, whole-of-system approaches.

As the SCA, the MSOC Secretariat:

- Supports the lead Minister's oversight (Minister of Transport), including through the delivery of strategic advice representing whole-of-system integrated thinking across relevant intelligence, policy and risk assessments
- Develops approaches setting out the national strategic direction and work programme including implementing the Maritime Security Strategy and action plans with all key stakeholders, maintaining/refreshing them over time
- Identifies and addresses gaps and issues in the cross-government work programme – for example, issues or problems that fall outside existing agency roles or responsibilities
- Ensures the system is convened and working effectively together in relation to this issue and that there is an appropriate forum for regular engagement by relevant agencies.

MCERT chairs the Maritime Security Oversight Committee (MSOC) which is the national security committee responsible for overseeing maritime security in New Zealand as described in the Strategy.

To do these tasks, MSOC has a 3-person Secretariat based at MCERT.

Contact them via MSOCSecretariat@mcert.govt.nz or MSOCSecretariat@transport.govt.nz

National Maritime Coordination Centre (NMCC)

Functions

The NMCC has three key functions:

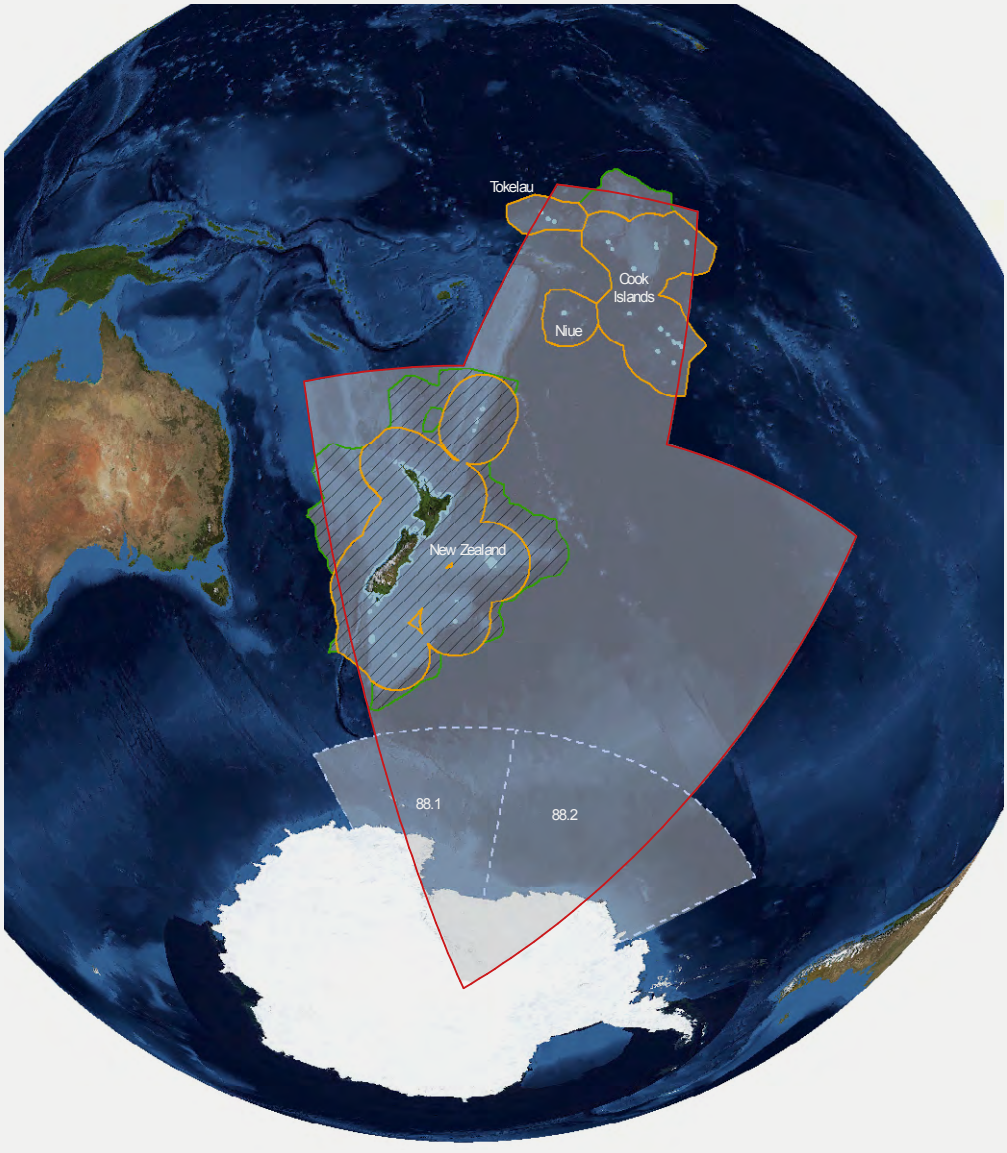
- Coordinate the provision of a maritime Common Operating Picture compiled from multiple sources (both open and classified), to participating agencies. An implied function is that the NMCC will provide maritime intelligence support to planning and MDA. The NMCC will track Vessels of Interest and provide indications and warning of activity of concern in New Zealand's Area of Interest.
- Coordinate tasking of available maritime patrol assets, using a transparent process for the planning and prioritization of asset tasking. An implied function is that the NMCC will be involved in and support maritime patrol and surveillance planning and operations support.
- Identify gaps and related issues with respect to effective maritime patrol and surveillance.

Enablers

The following activities carried out by the NMCC enable it to fulfil its three primary functions:

- Facilitating interagency cooperation and interoperability, including planning, communications and operating procedures.
- Deriving maximum benefit from each surveillance and patrol activity.
- Investigating new and emerging technologies and information sources for their relevance to maritime patrol.
- Facilitating wider participation by government agencies in coordinated tasking and access to information.
- Facilitating the effective and efficient flow of relevant maritime related information and intelligence between stakeholders.
- Providing advice on MDA, maritime patrol and surveillance and related issues.

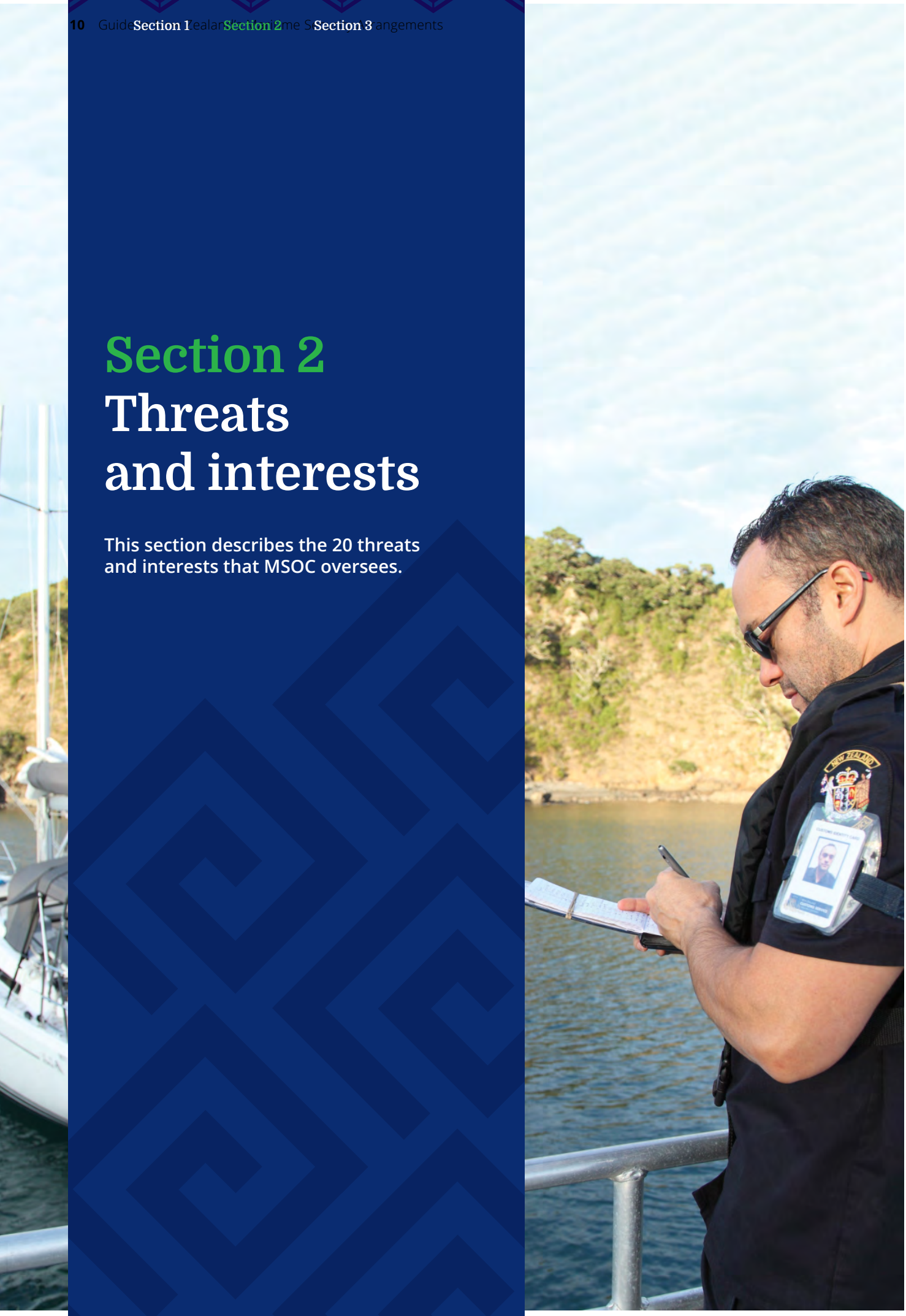
New Zealand's maritime domain and Area of Interest[2]



2. Produced by Geospatial New Zealand (GNZ) 09 Feb 2021 (GNZ-21-7373-U). Crown copyright 2021 New Zealand Defence Force.

Section 2
Threats and interests

This section describes the 20 threats and interests that MSOC oversees.



Prohibited imports and exports

Key points

Smuggling is the deliberate movement of goods into sovereign territory with the intention of avoiding law enforcement or the payment of due revenues.

It can be driven by financial gain or ideology.

Methods range from highly sophisticated concealments and supply networks established by Transnational, Serious and Organised Crime (TSOC) groups, through to individuals ordering illicit goods/products online or smuggling goods in person.

It involves a wide range of goods and has adverse impacts on many different aspects of New Zealand. Successful smuggling impacts the economy, environment, individuals, social and cultural aspects of New Zealand. It also has regional impacts.

Smuggling enables a range of risk to be introduced to New Zealand including transnational organised crime and the movement of illicit and controlled goods, terrorism, biosecurity and others. Proceeds from smuggling may also be used to finance further criminal activity both by organised crime groups and/or individuals in New Zealand and overseas.

Threat Snapshot – August 2020 *MV Zhi Yu Yun 368* at sea transfer with Fishing Vessel *Coralynne* – 2 tonnes cocaine

The National Maritime Coordination Centre observed the *MV Zhi Yu Yun 368* reporting its AIS position inside the NZ EEZ near the Kermadec Islands. As the vessel came from an area known for drug trafficking and was showing suspicious behaviour, NMCC alerted New Zealand and overseas partners.

Based on this, Australia tracked and intercepted a daughter ship, the *FV Coralynne*, that rendezvoused with *MV Zhi Yu Yun 368*. This resulted in the seizure of 1,890kgs of cocaine.



FV Coralynne and Australia Border Force boarding party

February 2023
Operation Hydros – 3.2 tonnes cocaine



NZ Customs, NZDF, NMCC, the New Zealand intelligence community and regional partners played a significant role in supporting NZ Police in the seizure of 3.2 tonnes of cocaine from the high seas adjacent to the NZ EEZ in vicinity of the Kermadec Islands.

NMCC coordinated the identification and monitoring of the target vessel, airborne surveillance and the recovery of the cocaine at sea. NZDF carried out high tempo P-3K2 Orion patrols and deployed offshore support vessel *HMNZS Manawanui* at short notice. They also used UNCLASSIFIED space-based sensors to carry out surveillance of the area.

Context

Smuggling occurs when individuals or companies deliberately attempt to circumvent the law and Customs revenue at the border for profit or personal gain. The primary driver of smuggling is the cost differential between the price of goods overseas and their selling price domestically, whether or not the goods are licit or illicit. It happens where goods are hard to get locally, and there is a market for them and the opportunity to make a profit.

TSOC groups are heavily involved in smuggling and have become more connected globally and more sophisticated in their smuggling ventures. The size and scale, together with the complexity of concealment has increased globally. New Zealand sees the impact of this sophistication as record frequency and volumes of illicit drugs and goods subject to tax, such as tobacco, are being seized in New Zealand.

Interceptions of smuggling both to and from New Zealand happen multiple times a day through various supply chains and import streams, ranging from prescription medicines and weapons being sent via mail, undeclared cash being carried by passengers and multiple kilograms of illicit drugs concealed in air and sea cargo.

Individuals and/or organised crime groups increasingly take advantage of emerging technology, increasing trade and travel, and online marketplaces to hide their identity and conceal illicit goods to prevent disruption and detection by authorities.

In the future, there are several factors that are likely to increase the level of risk of smuggling in New Zealand, including:

- new legislation and taxes on goods, affecting supply and domestic price
- increasing demand for illicit goods
- smugglers using technology and other new practices to avoid detection
- increasing overall volume of trade, enabling the concealment of illicit goods amongst legitimate cargo

Drivers

Individuals and organised crime groups identify market gaps or opportunities and exploit these to make a profit. Goods smuggled across the border are usually restricted in their supply through regulation (e.g. firearms), face high duties or excise (e.g. tobacco and cigarettes) or are highly desirable (e.g. flora and fauna). Other goods, like objectionable material and illicit goods, are prohibited.

These factors increase the price of the goods in the domestic market, hence their profitability once smuggled into New Zealand. One example is a NZ$4,500 wholesale kilogram of methamphetamine in China, which can be sold in the New Zealand market for as high as NZ$160,000, representing a 3,500% increase in profit onshore in New Zealand.

Since 2018, an increasing domestic demand, coupled with a globally high price has been recognised as a significant opportunity for criminals to profit in the New Zealand market. This has seen the rise of syndicates in the Americas attempting to carve out a section of the New Zealand market. Credible intelligence states that members of Mexican organised crime groups are targeting New Zealand with imports of methamphetamine and cocaine, attracted by very high street prices when compared with other countries. Increased interest is concerning because of the risk of drug-related harm and because Mexican organised crime groups routinely operate with a level of violence which is foreign to New Zealand.

Southeast Asian criminal groups also continue to collaborate extensively across the globe to arrange shipments of hundreds of kilos of drugs to New Zealand. There is a need to prevent these groups and other large scale and highly organised groups from becoming entrenched in New Zealand and facilitating large scale drug smuggling.

Globalisation of the supply chain and the prominence of e-commerce has resulted in a globalised network of goods being shipped and transhipped[3] across different countries. Organised crime groups seek to exploit this by attempting to infiltrate the supply chain at various stages, hiding goods in legitimate cargo without the exporter's knowledge, and removing them at its destination

Gang deportees from Australia have established new gang chapters in New Zealand (e.g. Comancheros MC) as well as contributing to the expansion of already existing gangs. The expansion of gangs in New Zealand is almost certain to drive an increase in illicit importations.

Potential consequences for New Zealand

Smuggling impacts New Zealand's key national security objectives including:

Ensuring public safety: Smuggling enables the consumption and use of prohibited and restricted items which may pose dangers to public health (e.g. illicit drugs, firearms and tobacco).

Preserving sovereignty and territorial integrity: Smuggling, both to and from New Zealand, undermines the security of trade and controls at the border.

Sustaining economic prosperity: Commodities smuggled in to avoid taxes, including PAYE, damage New Zealand businesses and affect Crown revenue. Foreign pests, diseases and organisms damage New Zealand's primary industries.

Maintaining democratic institutions and national values: Smuggling involves the movement of goods that are designated as prohibited, protected or subject to tax to prevent harm to New Zealand. Organised crime groups look to infiltrate the legitimate supply chain and those involved to facilitate smuggling.

Protecting the natural environment: Smuggling of unintroduced pests and disease to New Zealand will have impacts on wildlife and the natural environment.

3. Transfer of (cargo) from one ship or other form of transport to another.

Legislation

The Customs and Excise Act 2018 is the main legislative framework for managing the risk of smuggling as it sets out the obligations of persons who cross the border and those who cause or allow goods, persons, or craft to cross the border. The legislation also sets out the powers of New Zealand Customs in relation to goods, persons and craft. The legislation has been recently updated in 2018 to reflect the changing environment that New Zealand Customs now operates in.

The Customs and Excise Act is applied with other legislation targeting specific goods that are prohibited, restricted or subject to tax. It is enforced by New Zealand Customs at the border. Other relevant legislation includes the Misuse of Drugs Act 1975, Films, Videos and Publications Classification Act 1993, Arms Act 1983 and the Biosecurity Act 1993.

Risk reduction, readiness, response and recovery

Risk reduction

- Support for demand reduction initiatives and regulation changes.
- Capacity building in the Pacific and Southeast Asia to develop institutional capability and resilience to address regional smuggling.

Readiness

- Intelligence-led risk management practices and ongoing refinement of targeting profiles to proactively identify risk.
- Enhanced information sharing and a focus on access to information as early as possible.
- Establishing better intervention and deterrence mechanisms offshore to prevent risk manifestation in New Zealand.

Response

Disrupting the trade in illicit goods at the border and offshore, supported by inter-agency efforts to target key offenders and recover proceeds of crime.

Recovery

Adapting border controls, profiling mechanisms and legislative settings to the changing environment.

Stakeholder coordination

No single agency is responsible for managing the full spectrum of smuggling activities due to the range of illegal goods involved. Clear mandates are given to agencies who take leading roles in the targeting of different smuggling risks. New Zealand Customs is the lead agency for illicit drugs, weapons and tax avoidance at the border; Immigration New Zealand is the lead agency for immigration risk; and Ministry for Primary Industries is the lead agency for biosecurity risks occurring at the border.

Multi-agency cooperation and information sharing is essential in proactively identifying risky passengers and goods. Memoranda of understanding and information sharing agreements between agencies facilitate the transfer of knowledge and data. The establishment of multi-agency groups such as the **Joint Border Analytics team** and the **Collaborative Passenger Targeting** team in the **Integrated Targeting Operations Centre**, along with the **National Maritime Coordination Centre** ensures continual development of communication and targeting.

Cooperation and communication with domestic exporters, importers and travellers also supports data collection and procedures that protect our borders. Customs Controlled Areas at airports and other entry points help protect against trade-based fraud and tax avoidance.

Internationally, New Zealand Customs is represented at the **World Customs Organization** and engages in developing international standards to prevent smuggling and fraudulent activity. Overseas liaison officers in key countries of trade and border protection importance for New Zealand assist in gathering intelligence and working with overseas law enforcement to identify vulnerabilities in the supply chain and prevent risk and harm from reaching New Zealand.

Policy / Strategy[4]	
Lead	**Support**
NZ Customs	NZ Police, NZIC, MFAT, DPMC, MOD
Intelligence[5]	
Lead	**Support**
NZ Customs	NZIC, NZ Police, NDIB, MBIE, NZDF, MNZ, GNZ, NMCC, ITOC
Operational Delivery[6]	
Lead	**Support**
NZ Customs	NZ Police, NMCC, MNZ, ITOC

Public information management

Public information management is led by Customs supported by other agencies as appropriate.

4. Agency responsible for administering the most relevant legislation and providing policy advice to Ministers.
5. Agency responsible for ensuring that the National Security System and lead agency is across relevant threats, hazards and levels of risk.
6. Agency responsible for leading and coordinating the operational (on the ground) response.

Prevention and Response to a Maritime Mass Arrival

Introduction

A mass arrival is when a group of more than 30 people cross an international border without valid travel documentation or do not fulfil the administrative requirements (including security checks and visa requirements) for leaving the country or entering the country of destination, also known as *irregular migration*.

Key points

The Immigration Act 2009 includes specific provisions to deal with an arrival of more than 30 irregular migrants.

An arrival of more than 30 irregular migrants at the same time or in proximity is most likely by sea.

Such an arrival would put significant pressure on Aotearoa New Zealand's resources and infrastructure. There is also the risk of migrant casualties due to unsafe conditions onboard or drowning. A successful attempt could also mean more mass arrival attempts and risk of more loss of life at sea.

Prevention

Internationally there has been an immense shift in the migration landscape. Unprecedented numbers of individuals and their families are seeking pathways to emigrate for many reasons, with some choosing irregular means.

People smugglers exploit this gap in supply and demand, offering their services for a hefty profit. People smuggling affects almost all countries in the world, as origin, transit or destination countries. The organisation of smuggling activities is varied—from self organised ventures, to those operating within a small network in one or two countries, and those that undertake activities as part of complex multinational syndicates.

New Zealand takes a multi-faceted approach to the prevention of a mass arrival, using four pillars of prevention:

1. **Engage:** establish relationships which support New Zealand's long and short-term detection, deterrence and disruption efforts.
2. **Detect:** ensure New Zealand capacities, capabilities and networks exist to receive early warning of certain indicators and inform strategic and operational decision-making.
3. **Deter:** ensure New Zealand policies and arrangements are effective at undermining the people smuggling business model and disincentivise the targeting of New Zealand.
4. **Disrupt:** New Zealand has effective capacities, capabilities and networks which provide New Zealand with a range of realistic and legitimate options to disrupt potential mass arrivals.

Our prevention approach ensures that New Zealand has the right capabilities, deterrence policies, relationships, early warning systems, and appropriate disruption arrangements in place, in order to prevent a maritime mass arrival.

New Zealand works closely with our international partners to respond to people smuggling.

The Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime is a regional forum aimed at supporting collaboration, dialogue and policy development relating to irregular migration in the Asia-Pacific region. New Zealand is an active participating member of the Bali Process, alongside more than 45 member states and international organisations. New Zealand also co-chairs with Vietnam the Working Group on Disruption of Criminal Networks Involved in People Smuggling and Trafficking in Persons (Disruption Working Group) which focuses on concrete, action-oriented activities for enhancing coordination to disrupt and dismantle criminal networks involved in People Smuggling and Trafficking in Persons in the Asia-Pacific region.

MBIE's Irregular Migration Liaison Officers (IMLOs) contribute to New Zealand's broader efforts to prevent and respond to people smuggling. Working across government and with international partners, their primary role is to prevent and disrupt people smuggling and trafficking in persons networks targeting New Zealand. IMLOs are based in Sri Lanka, Malaysia, Indonesia, and Thailand.

Response

A response to a maritime mass arrival is likely to be of the scale and complexity required to justify activation of the National Security System. As the lead agency, MBIE, is responsible for leading the AoG response to a maritime mass arrival, through the Mass Arrival Response Plan (MARP). Around 30 different government agencies and non-government organisations will be involved or consulted in a response.

The priorities in a response are:

- The health and safety of New Zealanders is protected
- The health and safety of irregular migrants is protected
- The biosecurity of New Zealand is protected
- New Zealand's sovereignty and law is upheld
- Criminal prosecutions targeting organisers and facilitators are pursued
- New Zealand meets its international legal and treaty obligations

Context

The facilitation of irregular migration is often people smuggling, which is a transnational serious organised crime (TSOC). As such, this issue is covered by the TSOC Strategy and the Maritime Security Strategy.

Aotearoa New Zealand has been targeted unsuccessfully by maritime people smuggling ventures in the past. To date, no maritime mass arrival attempt has successfully reached Aotearoa New Zealand.

In Canada in 2010, a test venture of 76 passengers was quickly followed by a vessel carrying 492, which overwhelmed the Canadian system.

Drivers

International or internal **conflict** causes displacement and leads to political and economic instability, further driving migrants to seek opportunities in safer and more prosperous destination countries.

Income disparity and rising unemployment in source countries are driving individuals to seek **economic security** perceived to be on offer in destination countries.

An increasing desire for a **higher standard of living** and **better governance** will lead individuals to seek education opportunities to enhance social mobility in countries with good governance and transparent institutions, such as New Zealand.

New technology, such as social media and encrypted messaging applications are **increasingly connecting** potential passengers with people smuggling enterprises.

Climate change (sea-level rise, salinisation of agricultural land, water scarcity) or climate events (flooding, storms) is expected to lead to displaced persons pursuing survival and livelihoods elsewhere.

Legal aspects

For the purposes of managing a mass arrival, the **Immigration Act 2009** defines mass arrival as a group of more than 30 individuals who arrive irregularly on one or more crafts, and who intended to arrive as a group. The Immigration Act allows Immigration New Zealand to seek a warrant of commitment to detain members of a mass arrival group to manage it in a safe and secure manner. Legislation is being progressed through Parliament which, if passed, would:

a) extend the timeframe for a warrant of commitment to ensure the orderly management of a mass arrival group
b) clarify requirements for entry permission; and
c) consistent with international law, extend powers to interdict vessels and gather evidence of migrant smuggling offences.

People smuggling is a crime under **section 98C of the Crimes Act 1961**. The penalty is imprisonment for a term not exceeding 20 years, a fine not exceeding $500,000, or both. New Zealand is also party to a number of international conventions and agreements that reflect our commitment to preventing and prosecuting people smuggling. These conventions and agreements include the United Nations Convention against Transnational Organised Crime (UNTOC) and its protocols, United Nations Action for Cooperation against Trafficking in Persons (UN-ACT), and the Bali Process.

Risk reduction, readiness, response and recovery

Risk reduction

New Zealand aims to prevent a mass arrival through strong relationships with key source and transit countries, improving migrants' access to information about regular pathways into New Zealand, strengthening capacity and capability overseas to prevent people smuggling, and building the capability of offshore law enforcement agencies to detect, investigate and prosecute migrant smugglers.

Readiness

Development, maintenance and exercising of the Mass Arrivals Response Plan (MARP) to ensure that New Zealand is prepared to respond to a mass arrival event.

Response

The MARP details how a mass arrival will be managed using an AoG approach, led by MBIE.

Recovery

The final phase of the MARP is likely to be the longest duration – determination and investigation. This considers both the processing of irregular migrants and prosecution of people smugglers.

Stakeholder coordination

The Mass Arrivals Coordination Group meets quarterly, incorporating relevant agencies, to ensure alignment between policy, prevention, and response.

Prevention

Policy / Strategy[7]	
Lead	**Support**
MBIE (INZ)	DPMC, MOD, NZDF, MFAT, NZ Customs, NZIC, NZ Police, MOH
Intelligence[8]	
Lead	**Support**
MBIE	NZIC, MFAT, NZ Police, NZ Customs, NZDF, GNZ, NMCC, MOH
Operational Delivery[9]	
Lead	**Support**
MBIE (INZ)	MFAT, NZDF, NZ Customs, NZ Police, NMCC, RCCNZ, MNZ

Response

Policy / Strategy	
Lead	**Support**
MBIE (INZ)	DPMC, MOD, NZDF, MFAT, NZ Customs, NZIC, MOH
Intelligence	
Lead	**Support**
MBIE	NZIC, MFAT, NZ Police, NZ Customs, NZDF, GNZ, NMCC, MOH
Operational Delivery	
Lead	**Support**
MBIE (INZ)	NZDF, NZ Customs, NZ Police, NMCC, RCCNZ, MOD, Health, MPI, Justice, Corrections, MSD, Oranga Tamariki, MFAT, MNZ

7. Agency responsible for administering the most relevant legislation and providing policy advice to the Executive Branch.
8. Agency responsible for ensuring that the National security System and lead agency is across relevant threats, hazards and levels of risk.
9. Agency responsible for leading and coordinating the operational (on the ground) response.

Biosecurity

Introduction

A biosecurity threat is a pest, animal or plant disease, or other organism that could negatively impact New Zealand's economy, environment, or sociocultural values.

Key points

New Zealand is currently free from a number of specific pests and diseases of international concern. Our export trade benefits significantly because trading partners recognise New Zealand's aquaculture, animal, plant and forestry products pose no risk to their own biosecurity status.

New Zealand has a comprehensive system for biosecurity risk assessment, border protection, pest and disease surveillance, and responses to new incursions and established pests. These measures involve government, industry and the wider public.

The movement of goods and people, the biosecurity systems of key trading partners, as well as climate and natural factors have a significant impact on the biosecurity risk to New Zealand. There are significant biosecurity risks posed by pest and disease spread associated with vessels that are non-compliant with onboard pest management, biofouling and ballast water regulations.

Drivers

The movement of goods and people internationally are the primary human-mediated pathways for pest and disease spread, with illegal or non-compliant activities posing the highest risk. Increasing volumes of trade and tourism increase New Zealand's exposure to human sources of biosecurity risk, including accidental and unanticipated spread.

Biosecurity systems and primary industries in countries New Zealand is most connected with vary greatly. The performance, resourcing, practices, and priorities of these systems and industries affect the spread of pests and diseases globally and can heighten the risk of unwanted organisms entering pathways to New Zealand.

Globally, changes to climate and natural environments are increasing pest and disease spread via natural and human-mediated pathways. These changes affect all aspects of pest and disease lifecycles and can also increase the susceptibility of crops and livestock to the spread of these organisms. Climate changes increase the range of species that could viably establish in New Zealand and the areas of New Zealand that could be affected by introduced pests or diseases.

Potential consequences for New Zealand

New Zealand enjoys significant export trade benefits because trading partners recognise that its aquaculture, animal, plant, and forestry products pose no risk to their biosecurity status. Due to the absence of many pests and diseases, New Zealand production quality is higher, costs are lower, and it is easier to gain higher financial return for origin-accredited produce.

Some organisms will have little impact if they arrive and persist in New Zealand. Other organisms will not be capable of surviving and populating in New Zealand habitats, or existing management systems for other pests eliminate any impact. But impacts will be felt if production losses are incurred, new regimes for control must be implemented, conservation values are damaged, or human health is affected. The Ministry for Primary Industries (MPI) also maintains assurances to trading partners, and these may be affected if unwanted organisms of concern to trading partners establish.

A biosecurity response to a new pest or disease may incur high operational costs and additional consequential impacts that the pest itself might not otherwise have caused directly. There have been some recent examples in New Zealand of the impact of invasive aquatic pests due to non-compliance with biofouling or ballast water regulations, including the invasive seaweed Caulerpa and the Golden Clam in freshwater waterways.

Specific irreversible consequences of incursions can include accelerated loss of a threatened native species.

Legal aspects

Legislation: The following Acts empower the Director-General, Chief Technical Officers, warranted inspectors and other officials to manage biosecurity threats:

- **The Biosecurity Act 1993:** provides the legal framework for MPI and others to help keep harmful organisms out of New Zealand and respond if any do make it into the country.
- **Hazardous Substances and New Organisms Act 1996:** to protect the environment, and the health and safety of people and communities by preventing or managing the adverse effects of hazardous substances and new organisms.
- **Resource Management Act 1991:** sets out how New Zealand should manage its environment.

Also relating to biosecurity is the Marine Protection Rules Part 300. The purpose of this rule is to prevent, minimise and ultimately eliminate the risk to the environment, human health, property, and resources arising from the transfer of harmful aquatic organisms and pathogens through the control and management of ships' ballast water and sediment. Part 300 gives effect to the provisions of the International Convention for the Control and Management of Ships' Ballast Water and Sediments 2004.

The Ministry for Primary Industries also maintains assurances to trading partners, and these may be affected if unwanted organisms of concern to trading partners establish

Risk reduction, readiness, response and recovery

Risk reduction

Activities to reduce the chance of arrival or establishment of risk organisms. Government agencies work together with international trading partners, the private sector and travellers to keep biosecurity risks offshore. At the border, MPI has oversight of passengers and import pathways, taking the necessary steps to minimise risk. Within New Zealand, research, industry biosecurity measures, education, and social marketing all reduce the establishment, spread or impacts of pests and diseases.

Readiness

Activities to ensure New Zealand is ready to manage a biosecurity response. These include developing readiness and response plans, running response exercises, and building the required capacity and capability across the system. It also includes surveillance to detect risk organisms, and changes in the extent of established pests.

Response

Investigation and identification (if possible) of suspected risk organisms. Options to respond to a pest/disease post-border include, eradication, slowing spread, standing down, self-managed, and long-term management. Responses are evaluated with lessons fed back into the system.

Recovery

Activities that help individuals and communities recover from a significant biosecurity incursion. This includes tax relief, welfare measures, grants to rural support trusts, and/or restoration of market access. It may also include long-term changes to land use or production systems.

Stakeholder coordination

Policy / Strategy[10]	
Lead	**Support**
MPI	DPMC, MOD, MFAT, MFE, MNZ
Intelligence[11]	
Lead	**Support**
MPI	NZIC, NZ Police, NZ Customs, NZDF, GNZ, NMCC, MNZ
Operational Delivery[12]	
Lead	**Support**
MPI	NZDF, NZ Police, EPA, MNZ, NMCC, MNZ

Public information management

In a major event, MPI communications will work with relevant agencies, e.g. Customs and Police, to coordinate all-of-government communications.

10. Agency responsible for administering the most relevant legislation and providing policy advice to Ministers.
11. Agency responsible for ensuring that the National Security System and lead agency is across relevant threats, hazards and levels of risk.
12. Agency responsible for leading and coordinating the operational (on the ground) response.

Illegal, unregulated and unreported fishing

Introduction

IUU fishing comes in several forms and is defined in different ways in various contexts. The definition in the International Plan of Action to Prevent, Deter and Eliminate IUU Fishing (2001) is a commonly used reference point:

Illegal fishing refers to activities conducted:

- by national or foreign vessels in waters under the jurisdiction of a State without permission of that State or in contravention of its laws and regulations.
- by vessels flying the flag of States that are Parties to a relevant regional fisheries management organisation (RFMO) or Regional Fisheries Body (RFB), that operate in contravention of the conservation and management measures adopted by the organisation and by the States which are bound, or relevant provisions of the applicable international law.
- in violation of national laws or international obligations, including those undertaken by cooperating States of a relevant RFMO/RFB.

An example of New Zealand preventing illegal activity involves the 'IUU Listing' of a Philippines flagged vessel which was detected for unauthorized fishing in the high seas of the Western Central Pacific. New Zealand is leading the way in the Pacific region for the detection and deterrence on this type of offending.



Unregulated fishing refers to:

- Activities in the area of application of a relevant RFMO that are conducted by vessels without nationality or by those flying the flag of a State not party to that RFMO or by a fishing entity in a manner that is not consistent with or contravenes the Communication and Management Measures (CMMs) of that RFMO.
- In areas or for fish stocks in relation to which there are no applicable CMMs and where such fishing activities are conducted in a manner inconsistent with State responsibilities for the conservation of living and marine resources under international law.

Unreported fishing refers to:

- Activities, which have not been reported or have been misreported to the relevant national authority in contravention of national laws and regulations.
- Activities that have been undertaken in the area of competence of a relevant RFMO/RFB and has not been reported or have been misreported in contravention of the reporting procedures of that RFMO/RFB.

Key points

The multifaceted nature of IUU fishing, its varying drivers, and the complexity of jurisdictional arrangements and the ability for IUU operators to exploit weaknesses in regulatory and compliance systems necessitates collective engagement by flag states, coastal states, port states, RFMO/RFBs, and market states.

New Zealand contributes to global efforts to tackle IUU fishing within a multilateral framework of binding and non-binding international instruments, regional legal structures, and domestic law. In this context, New Zealand's efforts to combat IUU take place in the performance of distinct roles:

- As a state participant in rule-making bodies such as the United Nations General Assembly; Food and Agriculture Organization (FAO); World Trade Organization (WTO); and relevant RFMOs. We also cooperate with other countries in the development and sharing of best practices (e.g., in APEC and OECD) and intelligence and wider information (e.g., Interpol);
- As a state engaged in Pacific regional cooperation and development, including through the Pacific Islands Forum (PIF) and its Forum Fisheries Agency (FFA).
- As a **coastal state**, responsible for regulating, monitoring and enforcing domestic fisheries law within our waters and ensuring the integrity of our EEZ against IUU fishing undertaken by foreign flagged vessels.
- As a **flag state**, responsible for exercising control over ships entitled to fly the New Zealand flag, and ensuring they comply with relevant international rules, including the conservation and management measures of relevant RFMO/RFBs.
- In exercising control of New Zealand nationals who are in charge of New Zealand and foreign flagged vessels.
- As a **port state,** reviewing and verifying the compliance with international fisheries regulations of non-New Zealand / foreign vessels seeking entry to port.

Context

IUU fishing is considered an environmental crime. It can severely damage ecosystems through unsustainable exploitation of fish stocks and non-fish bycatch. In some cases, the use of destructive fishing gear and methods can also destroy habitats. IUU fishing causes economic harm to legal fishers and supporting industries such as fish processors, port facilities and transportation through increased costs, loss of revenue and ultimately unemployment. This harm extends to coastal States through diminished economic rent from their fisheries resources with reduced income from vessel licensing and permitting, levies, taxes and landing charges. This is most acutely felt in regions such as in the Pacific where fisheries are a key pillar for economic resilience and prosperity.

IUU fishing, left unchecked, undermines legitimate fisheries management and governance frameworks, eventually eroding trust in systems and the governing authorities. Global studies have drawn links between IUU fishing and associated crime such as trafficking in drugs, firearms and humans; tax evasion; racketeering; fraud and money laundering.

The size of the problem

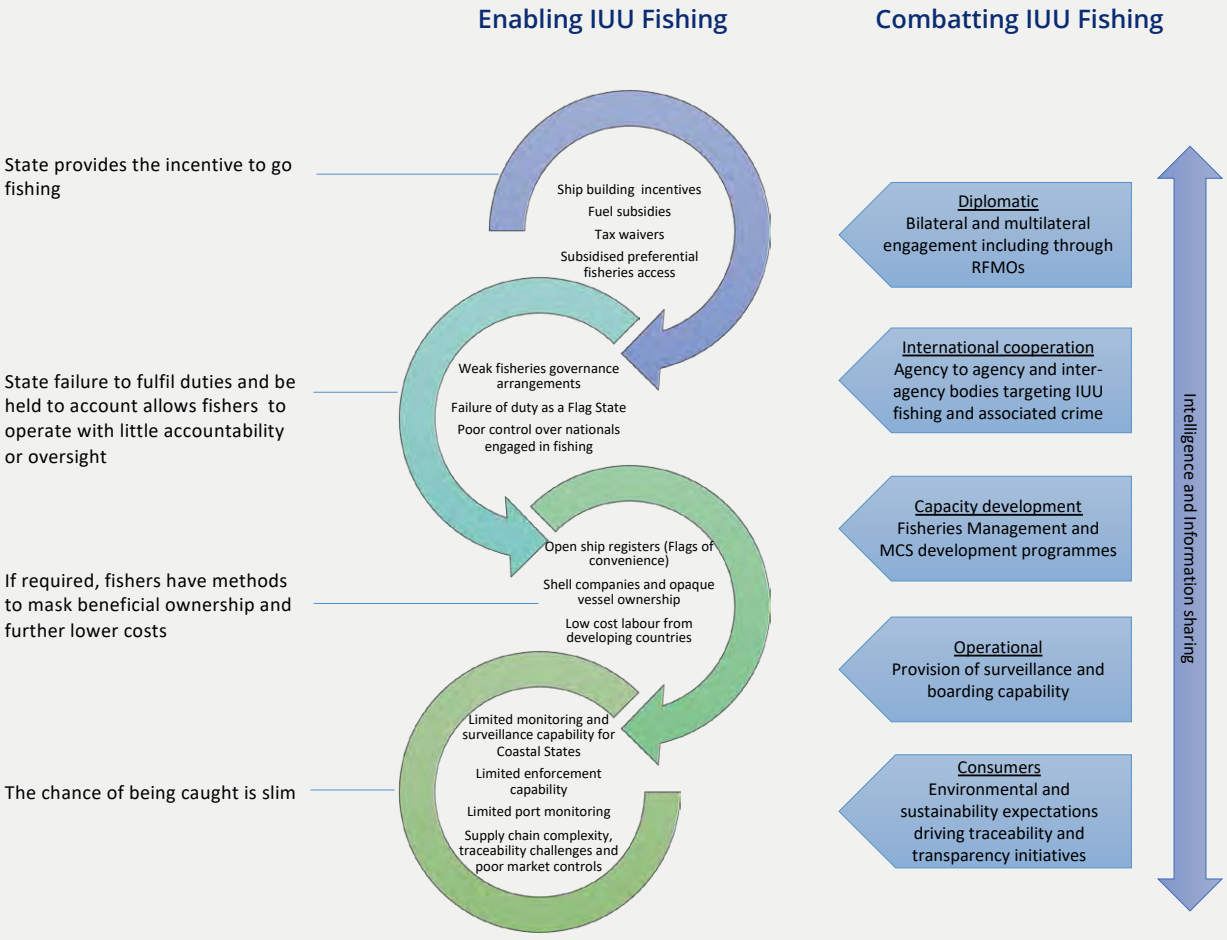
Estimation is difficult but the most comprehensive study to date (2009) estimates the total global value of IUU fishing losses at between $USD10 – 23.5 billion annually, representing between 11 and 26 million tonnes of fish.

In New Zealand's maritime Area of Interest, the Forum Fisheries Agency (FFA) released the findings of an IUU quantification study of the critically important Pacific tuna fishery. This study estimated the annual value lost to IUU fishing was $USD333 million during 2017–2019. Of note, this represented a drop from an estimate of $USD616 million in the previous study covering 2010-2015. While partly attributed to improved data collection and quality, the FFA noted the important role strong regional monitoring, control and surveillance cooperation has had on this reduction.

Drivers

The drivers of IUU fishing are both multifaceted and inter-related involving the commercial imperatives of a fishing industry in maximising profit and minimising costs and the role of the State in its capacity as a flag, coastal, port and/or market state.

Figure 1: The key role of a state in both enabling and combatting IUU fishing



Legal aspects

Key binding international instruments

The **United Nations Convention on the Law of the Sea** (UNCLOS) is the overarching legal framework for law of the sea. Importantly it:

- guarantees coastal states sovereign rights to the fisheries resources within their exclusive economic zones (EEZs) from 12nm up to 200nm from the coast.
- guarantees to all states the freedom of fishing in the high seas (all areas beyond the national jurisdiction of coastal states);
- requires states to cooperate to ensure the conservation of the living resource of the high seas; and
- requires states to exercise control over ships entitled to fly their flag.

As a result, while coastal states may regulate fishing in their EEZs, and enforce their national laws to prevent IUU fishing in their EEZs, fisheries regulation and the prevention of IUU in the high seas is considerably more complicated.

A framework of international and regional bodies, international and regional law, and international and regional guidance has evolved around the sustainable use of fisheries resources in both the high seas and EEZs of coastal states.

Central to this framework are regional fisheries management organisations (RFMOs) and similar regional arrangements. RFMOs are multilateral bodies made up of states that share an interest in managing and conserving fish species or fish stocks in a particular region. However, RFMOs can only bind those who choose to become parties to the relevant treaty establishing the RFMO. Non-parties are not bound by the conservation and management measures adopted by the RFMO. Two international treaties seek to address this problem.

The **FAO Compliance Agreement 1993** (Compliance Agreement) strengthens the high seas fishing provisions in UNCLOS by increasing flag state responsibility for fishing vessels that operate in the high seas. It requires states to satisfy themselves that they can exercise effective control over all vessels fishing in the high seas before authorising them to do so

The **United Nations Fish Stocks Agreement 1995** (UNFSA) enhances the influence and responsibility of RFMOs. It provides that a party to the UNFSA:

- must cooperate to establish a new RFMO where there is no existing RFMO regulating a particular high seas fishery.
- must join a relevant RFMO or agree to apply the CMMs of that RFMO if it wishes vessels flying its flag to participate in a regulated fishery.
- is prohibited from accessing fisheries regulated by an RFMO if it refuses to join the RFMO or otherwise refuses to apply its CMMs; and
- consents to the boarding and inspection of vessels flying its flag by parties to the RFMO when they are participating in the fishery.

Collectively, the framework of UNCLOS, the Compliance Agreement, and the UNFSA mean that RFMOs have legal competence to regulate their fisheries in a manner enforceable against all vessels flying the flag of a party to the UNFSA, whether or not that party is also member of the relevant RFMO.

The **Port State Measures Agreement 2009** (PSMA) supplements the agreements above and was the first international agreement designed specifically to prevent, deter and eliminate IUU fishing. The PSMA requires port states (states which receive foreign flagged vessels into their ports) to take risk-based measures to deter IUU fishing One of the key strengths of the PSMA is through information exchange amongst the parties which have ratified the Agreement. Currently, the FAO is developing the Global Information Exchange System (GIES) to allow all parties to readily exchange port inspection reports and any associated information on non-compliance.

The PSMA ultimately seeks to ensure that vessels which engage in IUU fishing are denied port access or services wherever they may go. In doing so, it serves two purposes: it provides a further layer of inspection and checks for vessels; and it fills an enforcement gap in relation to vessels flagged to states that are not parties to relevant RFMOs or the UNFSA.

Domestic implementation

New Zealand's high seas fishing regime is set out in **Part 6A of the Fisheries Act 1996**, which implements the United Nations Fish Stocks Agreement 1995 and the FAO Compliance Agreement 1993 and provides the framework for implementing CMMs adopted by RFMOs.

New Zealand's flag state duties

All NZ flagged vessels fishing on the high seas must have a permit. A high seas permit issued to a vessel operator contains conditions implementing the rules of RFMOs. The binding provisions range from data collection, carrying of observers, reporting to satellite monitoring systems, protected species bycatch mitigation and the tacit acceptance of other relevant states wishing to board and inspect the vessel on the high seas. Breaches of the high seas fishing permit can attract a maximum fine of $100,000 and may result in permits not being granted to that operator for up to 3 years. Fishing on the high seas without a permit attracts a maximum fine of up to $250,000.

In addition to the high seas fishing permit, New Zealand flagged vessels fishing in the Convention Area regulated by CCAMLR require a permit issued under the **Antarctic Marine Living Resources Act 1981**.

Control of New Zealand nationals

Section 113A of the Fisheries Act 1996 provides for the prosecution of New Zealand nationals should they be found to have been in the control of a vessel that has fished illegally in another jurisdiction. Under **section 113E**, New Zealand nationals can also be prosecuted for fishing illegally on the high seas using a foreign flagged vessel. This gives the regulator, MPI, 'global reach' to act against a New Zealand national regardless of where in the world the offending took place.

New Zealand EEZ and IUU Fishing

Part 5 "foreign licensed access" and **Part 6** "fishery access" **of the Fisheries Act 1996** sets out the provisions by which fishing can occur in the NZ EEZ. This includes the requirements for licensing and permitting of fishing vessels and fish carriers including both the taking and possession of fish in the EEZ. Unlicensed, illegal fishing by a foreign-flagged vessel can attract a maximum fine of $500,000. Fishing in breach of foreign license conditions or without a fishing permit can result in a fine of up to $250,000 whilst breaches of fishing permit conditions attract a maximum of $100,000.

Risk reduction, readiness, response, and recovery

New Zealand's multifaceted approach to combating IUU, as captured in Figure 1, seeks to reduce the overall risk of IUU and meet our needs for readiness, response and recovery.

This begins with negotiating and continually improving robust international instruments, binding and non-binding. Implementation of these instruments through domestic policy and legislation, and then enabling operational elements to discharge both our international obligations and domestic controls.

In closing the net further on global IUU fishing, New Zealand also works closely to support other countries to enhance their readiness and response to IUU fishing and where they have been particularly effected, their recovery from the effects of IUU fishing.

International activity

New Zealand is a member of three RFMOs:

Western and Central Pacific Fisheries Commission (WCPFC) which is responsible for the management of highly migratory fish stocks in the EEZs and high seas of the western and central Pacific region (home to 50 percent of global tuna stocks). It sets CMMs for the shared management of four key tuna species (skipjack, yellowfin, bigeye and albacore) in the Convention Area, and it manages Pacific bluefin tuna, swordfish and sharks and considers the impact of fishing on non-fish species, including seabirds.

South Pacific Regional Fisheries Management Organisation (SPRFMO) which is responsible for the management of non-highly migratory fisheries (i.e., non-tuna) and the safeguarding of marine ecosystems in the high seas of the South Pacific (not areas of national jurisdiction or EEZs). It sets CMMs for species such as orange roughly, toothfish, alfonsino and bluenose, as well as jack mackerel and jumbo flying squid. Some of these high-seas stocks straddle the EEZs of coastal States, including New Zealand, so require compatible management measures in both areas.

Commission on the Conservation of Southern Bluefin Tuna (CCSBT) is responsible for the management of southern bluefin tuna throughout its global distribution, including New Zealand's EEZ.

New Zealand is also member of the **Commission for the Conservation of Antarctic Marine Living Resources** (CCAMLR). CCAMLR is not an RFMO though performs similar functions within the Antarctic Treaty System and is sometimes referred to as a RFB. It is responsible for setting rules for the conservation, including rational use, of Antarctic marine living resources. The main fisheries in the Convention Area are toothfish and krill.

New Zealand is part of the **Quadrilateral Defence Relationship** (QUADs) which also includes the United States, Australia and France. The QUADs meet annually with the FFA to plan at the operational and strategic level what activities will be undertaken in support of Pacific Island countries in their key objective of combating IUU fishing.

Stakeholder coordination

Policy / Strategy[13]	
Lead	**Support**
MPI	DPMC, MOD, MFAT, DOC
Intelligence[14]	
Lead	**Support**
MPI	NZIC, NZ Police, NZ Customs, NZDF, GNZ
Operational Delivery[15]	
Lead	**Support**
MPI	NZDF, MNZ, NMCC

New Zealand's activity to combat IUU is guided by the New Zealand Plan of Action to Prevent, Deter and Eliminate Illegal Unregulated and Unreported Fishing and the Maritime Security Strategy. Efforts are coordinated across agencies, including the Ministry for Primary Industries, the Ministry of Foreign Affairs and Trade, the Ministry of Defence, the National Maritime Coordination Centre, the New Zealand Defence Force, and the Department of Conservation:

- The **Ministry for Primary Industries** (MPI):
  - leads on the regulation of all fishing activities within New Zealand waters and by New Zealand flagged vessels and nationals beyond the EEZ.
  - leads on negotiation and engagement within regional fisheries management organisations (RFMOs).
  - leads New Zealand's participation in fisheries issues in multilateral and regional fora such as the FAO, OECD, and APEC.
  - provides subject matter expertise in the planning and execution of Pacific and Southern Ocean fisheries patrolling; and
  - maintains situational awareness of adjacent high seas to detect any IUU fishing by foreign flagged vessels.

13. Agency responsible for administering the most relevant legislation and providing policy advice to Ministers.
14. Agency responsible for ensuring that the National Security System and lead agency is across relevant threats, hazards and levels of risk.
15. Agency responsible for leading and coordinating the operational (on the ground) response.

- The **Ministry of Foreign Affairs and Trade** (MFAT):
  - leads negotiation of new international agreements pertaining to IUU fishing.
  - leads New Zealand's participation in fisheries issues in the United Nations General Assembly.
  - leads negotiations on fisheries subsidies in the WTO.
  - leads New Zealand's participation in the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR).
  - provides New Zealand Aid funding support to build capacity for eliminating IUU in the Pacific region.
  - leads advice to government on compliance with New Zealand's obligations, and the enforcement of New Zealand's rights, under international law; and
  - supports MPI in New Zealand's participation in RFMOs.
- The **Department of Conservation** provides subject matter expertise on minimising the environmental impacts of fishing in New Zealand and international fisheries.

The New Zealand Defence Force (NZDF) provides air surveillance and naval patrols

- The **Ministry of Defence** is the principal civilian adviser on defence policy including maritime security issues. It leads on the development of defence assessments which include a review of different options for Government to achieve policy goals which may include fisheries security. And it leads on the procurement, replacement and repair of significant military capabilities which may be used to conduct maritime surveillance operations.
- The **New Zealand Defence Force** (NZDF) provides air surveillance and naval patrols throughout New Zealand's EEZ, the wider Pacific region and the Southern Ocean, to conduct resource monitoring and protection activities, support Pacific Island countries to maintain security of their respective EEZs, and support FFA member states to meet their objectives.
- The **National Maritime Coordination Centre** (NMCC) coordinates maritime patrol tasking for civilian agencies. The NMCC is co-located at Headquarters Joint Forces New Zealand and reports to MSOC for operational and strategic oversight.

P8-A aircraft



Courtesy of NZDF

Illegal or poorly regulated exploitation of non-living resources

Introduction

The illegal or poorly regulated exploitation of non-living resources within New Zealand's maritime Area of Interest may pose an increased threat to New Zealand's national interests as the exploitation of these resources becomes more viable.

This includes illegal exploitation of oil, gas, mineral and other non-living resources on the seabed and subsoil within NZ's EEZ and continental shelf as well as those of the Realm of New Zealand.[16] New Zealand's maritime Area of Interest includes the Ross Sea and parts of the Southern Ocean.

Key points

Existing activities to exploit oil, gas, minerals, and other non-living resources in New Zealand's EEZ and continental shelf are well managed under existing regulatory frameworks.

Agencies have a good understanding of their respective roles and responsibilities under existing frameworks including in relation to Compliance, Monitoring, and Enforcement (CME).

It seems likely that existing exploitation activities present the most immediate risk to New Zealand's national interest (e.g., by causing environmental damage such as oil spills). Illegal exploitation activities (e.g., illegal mineral exploitation) would be difficult to undertake given the technological challenges associated with operating in the open ocean.

Exploitation of non-living mineral resources (particularly metals) in New Zealand's maritime Areas of Interest (including in the Pacific Islands) may become more viable in the future as demand for green technology increases and land-based sources of minerals become scarcer. These activities present new and poorly understood threats to the marine environment.

Regulatory frameworks will need to be maintained, updated, or developed to manage novel risks and industries, and to ensure confidence in regulatory processes. These frameworks will also need to be supported by robust systems for conducting CME in the EEZ, continental shelf and beyond.

The Antarctic Treaty Area, including the Ross Sea, is governed by the instruments of the Antarctic Treaty System, which prohibits mineral resource activity indefinitely, other than scientific research. The Protocol on Environmental Protection designates Antarctica as a 'natural reserve, devoted to peace and science.'

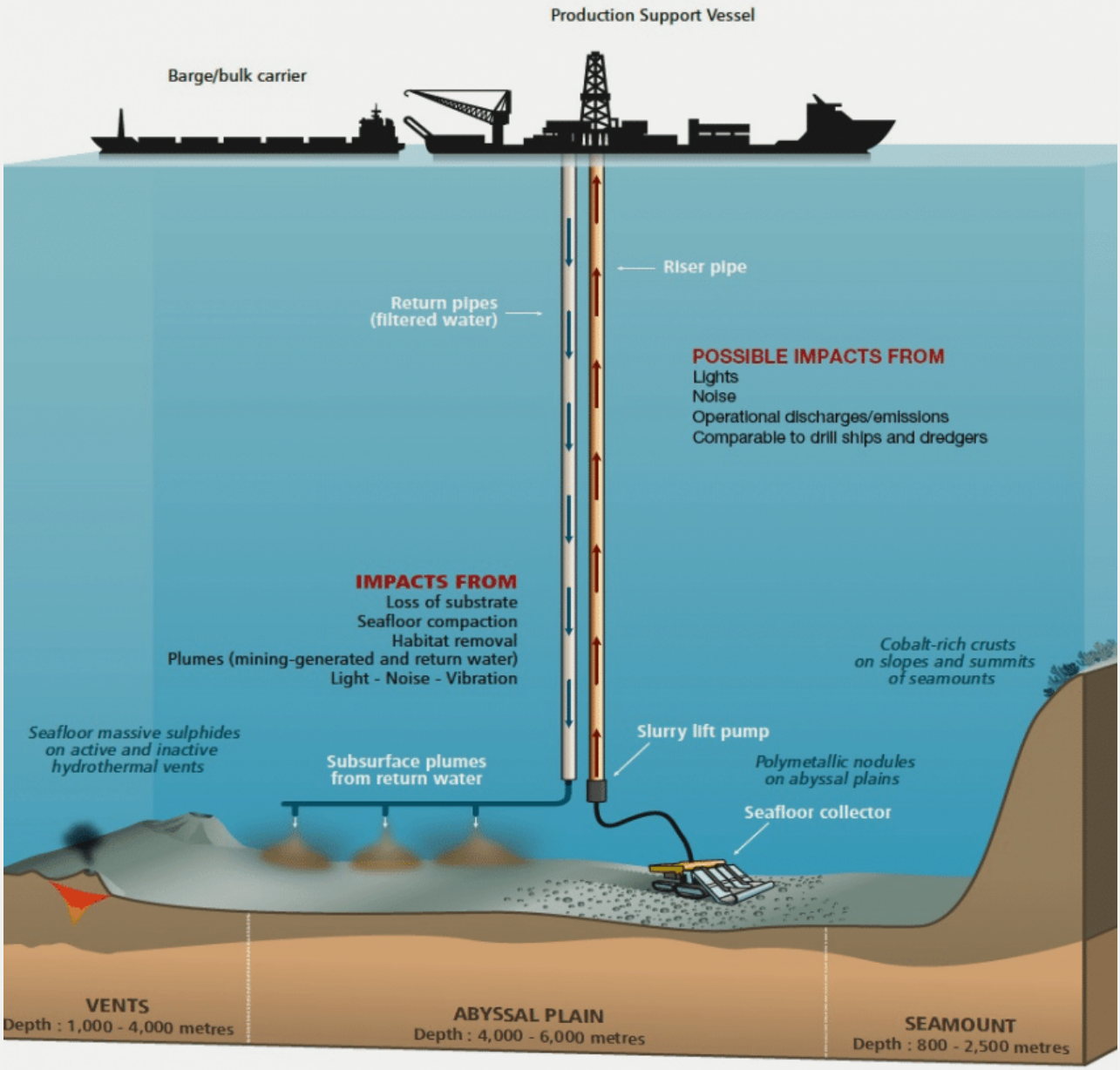
Context

The extraction/exploitation of non-living resources in New Zealand's EEZ and continental shelf is currently limited to oil and gas extraction, though two proposals to mine the seabed for mineral deposits (phosphate and iron) have been considered by the Environmental Protection Authority (EPA) to date.[17]

There is an increased interest in the exploitation of non-living resources at sea including minerals desired for 'green' technology (e.g., metals) and alternative energy sources such as gas hydrates.

16. Tokelau, Cook Islands and Niue.
17. No proposals for seabed mining have been approved in New Zealand to date. However, the proposal to mine iron sand off the coast of Taranaki was initially granted by an EPA appointed Decision-making Committee (DMC) on its second attempt (having previously been refused). The decision to grant consent was subsequently overturned by the Supreme Court, which directed the proposal back to the EPA for reconsideration. Trans-Tasman Resources Limited withdrew its EPA application in March 2024. Its iron sand mining proposal is being considered again under the new fast-track approvals process, with a decision expected early in 2026.

Ship seabed exploitation system



Exploitation of non-living resources has the potential to cause serious harm to the marine environment if these activities are not managed in a precautionary way.

Regulatory frameworks to manage exploitation of mineral resources in areas within national jurisdiction are being developed, or have been developed, in a few countries including in New Zealand and some Pacific Island countries (including the Cook Islands).

Negotiations at the International Seabed Authority (ISA) on a Mining Code to govern seabed mining in areas beyond national jurisdiction are progressing. New Zealand considers that no seabed mining should occur in the absence of a code that provides strong environmental rules backed by robust science. New Zealand supports the ISA's swift conclusion of a robust Mining Code.

There is also increased awareness and opposition to some of these proposed activities, including deep-sea mining, from NGOs and civil society. In 2023, the Government also initiated a select committee inquiry into the issue of seabed mining in New Zealand. This was completed in 2025 with no recommendations made to change the regulatory framework.

Drivers

The transition to a low carbon economy currently relies on the use of 'green' technology which often requires large amounts of metals and rare earth elements. Alternative sources for these minerals and resources will likely be required if land-based sources become scarcer or as countries seek to expand their own economies or secure supply.

Some Pacific Island states have large quantities of non-living deep-sea resources which may offer significant economic opportunities and the potential to improve living standards.

In New Zealand, drivers are less immediate but there are a few areas where mineral extraction has been proposed and may be targeted in the future.

Potential consequences for New Zealand

For existing activities (oil and gas extraction) the potential consequences associated with poor/illegal practice and regulation are well documented (for example, the Deepwater Horizon spill in the Gulf of Mexico)

For novel and emerging industries there is the potential for serious environmental damage (with potentially flow on economic impacts on fisheries for example), and some of these effects can be difficult to predict and manage. Many of the environments in which these activities may occur are vulnerable to disturbance and may not recover for significant periods of time (or at all).

NZ may also miss out on significant economic opportunities if regulatory frameworks are inadequate, or perceived to be inadequate, in their approach to managing novel and emerging industries. For example, frameworks may not appropriately manage risks associated with novel activities or may be inflexible or inefficient in their approach to managing new industries.

Legal aspects

In New Zealand, the **Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act** (EEZ Act) regulates the environmental aspect of activities in the associated areas.

Rights to mine minerals or petroleum are also granted under the **Crown Minerals Act** (CMA) and the Continental Shelf Act 1964.

The Fast-track Approvals Act 2024 (FTAA) consolidates approval processes across multiple specified Acts, including the EEZ Act and the CMA. Approvals granted under the FTAA are managed as if issued under the specified Act.

Internationally, the **ISA** regulates deep sea mining in the Area (the seabed beyond national jurisdiction). New Zealand is engaging actively in negotiations taking place at the ISA on a regulatory framework for mineral exploitation. New Zealand considers that no seabed mining in the Area should take place until the ISA has adopted a Mining Code, supported by robust science, that ensures the effective protection of the marine environment. Countries will look to any ISA exploitation framework (once finalised) when developing their domestic regimes, as the United Nations Convention on the Law of the Sea requires that domestic rules to manage pollution from seabed activities within national jurisdiction shall be no less effective than international rules.

In the Pacific Islands, the Cook Islands has a regulatory framework for mineral exploitation in their EEZ.

The entire area south of 60 degrees South Latitude is governed by the Antarctic Treaty and the Protocol on Environmental Protection, which prohibits all activity relating to mineral resources, other than scientific research. This international law is implemented into New Zealand's legislation, and also requires formal exchange of information and environmental impact assessments for all activities in the Antarctic.

Potential judicial consequences

The EEZ Act contains offences and penalties for undertaking unauthorised activities in the EEZ – exploitation of mineral resources without a marine consent would constitute an offence under the EEZ Act and under the CMA.

Risk reduction, readiness, response, and recovery

Risk reduction

Ensuring legislative frameworks are fit for purpose

Ensuring that our own domestic frameworks are up to date with existing best practice (eg. EEZ Act). A select committee inquiry considered New Zealand's legislative settings as they relate to seabed mining, including whether any changes are needed.

Seeking to influence the development of international legislation through relevant UN bodies like the ISA. This, in turn, may influence what is translated through domestic regimes.

Supporting, on an "if asked" basis, Pacific Island countries to develop robust legal frameworks, governance structures and environmental protections (dependent on resource availability). Proactively supporting deep-sea science in the Pacific to understand effects on marine ecosystems, habitats and species. Our engagement in the Pacific is guided by the precautionary approach and a set of specific principles focused on sustainable management.

Continuing to reaffirm the prohibition on mineral resource activity in Antarctica.

EPA manages activities in the EEZ and Continental Shelf

The Environmental Protection Authority (EPA) is responsible for managing the effects of specified restricted activities (*most activities involving exploitation of non-living resources*) on the environment in the EEZ and continental shelf under the EEZ Act. The EPA considers applications for marine consents, monitors compliance, carries out enforcement, and promotes public awareness of the requirements of the EEZ Act and associated regulations.

Environmental approvals for restricted activities in the EEZ can also be sought under the FTAA. This process is administered by the EPA; however, the decision-makers are independent expert panels and purpose of the FTAA is more focussed on development of significant projects.

The EPA has a multi-disciplined team of warranted enforcement officers responsible for compliance, monitoring, and enforcement of requirements under the EEZ Act, regulations, and consent conditions. Principles for how the EPA monitors compliance are outlined in the EEZ Compliance Monitoring Policy.[18]

Some consent conditions require the EPA to review plans, results and reports that are submitted by consent holders, and either approve or decline these submitted documents.

Readiness

Monitoring of activities

Monitoring is undertaken by reviewing information that is routinely provided from offshore operators to meet their consent and regulatory requirements. The EPA uses powers under the EEZ Act to undertake inspections, periodically visiting onshore offices and heading offshore to visit structures and ships working in the EEZ.

The EPA takes a risk-based approach to determine the level of planned monitoring. The plan is reviewed regularly to re-evaluate risks and identify priority areas, where extra focus may be warranted.

Engagement with industry

The EPA promotes compliance through regular engagement with the industry and other regulators.

18. https://www.epa.govt.nz/assets/Uploads/Documents/EPA-Publications/EPA-Regulatory-Compliance-Policy.pdf

Response

The EPA is associated with the Maritime Domain Awareness Working Group (MDAWG) chaired by the National Maritime Coordination Centre (NMCC), including NZDF, Police and Customs (aircraft and surface vessels), and other relevant NZ enforcement agencies. MDAWG meetings occur monthly, which the EPA regularly attend. The response platforms are conditional upon availability, location, and prioritisation.

All offshore spill reports are directed to Maritime New Zealand's Rescue Coordination Centre (RCCNZ), which provides 24/7 coverage. If a spill is significant and ongoing, RCCNZ escalates the report to EPA's Compliance, Monitoring, and Enforcement (CME) Managers. For minor spills, the EPA receives a report, and the assigned officer follows up directly with the relevant offshore operator, and the CME regulatory process is then initiated.

Investigation

When non-compliance is detected, the EPA investigates and work with operators to ensure the environment is protected from pollution, and a return to compliance is prioritised.

Enforcement

In some situations, the EPA may use enforcement tools to direct compliance or penalise breaches. This action is taken after careful consideration of the desired outcome, and by following guidance in our compliance policy document.

Recovery

If activities result in oil spill, Maritime New Zealand (MNZ) are responsible for national response to oil spills using the three-tier response system.

WorkSafe holds responsibility for well integrity at oil and gas facilities.

EPA holds primary responsibility in the event of hazardous substance spills that do not involve oil.

Stakeholder coordination

Policy / Strategy[19]	
Lead	**Support**
MCERT (Environment)	MBIE, MFAT, MOD, EPA, NZ Police, MNZ
Intelligence[20]	
Lead	**Support**
EPA	NMCC, MFAT, MBIE, GNZ, NZ Police
Operational Delivery[21]	
Lead	**Support**
EPA	NMCC, NZ Police, NZDF, MNZ, local authorities

The table above is a guide only with each incident likely to require different agency contributions. Regardless, key entities to support any incident are the Rescue Coordination Centre with its focus on safety at sea and the National Maritime Coordination Centre for the provision of situational understanding and maritime security asset coordination. Incidents occurring outside NZ's Extended Continental Shelf are likely to also require MFAT involvement.

Public information management

In a major event, the communications teams from the EPA, MNZ, WorkSafe & the Ministry of Business Innovation and Employment are likely to work together.

19. Agency responsible for administering the most relevant legislation and providing policy advice to Ministers.
20. Agency responsible for ensuring that the National Security System and lead agency is across relevant threats, hazards and levels of risk.
21. Agency responsible for leading and coordinating the operational (on the ground) response.

Threats to protected species

Introduction

Aotearoa New Zealand is an ocean nation: our Exclusive Economic Zone (EEZ) covers more than 4 million km^2 – around 15 times the land area – and stretches from subtropical to subantarctic waters. This vast scale, combined with geographic isolation, supports exceptional biodiversity including a wide range of ecosystems. Marine habitats vary from sheltered inlets, and estuaries to reefs and the open ocean, making New Zealand a global hotspot for marine biodiversity. Of the 12,820 described marine species, over half are endemic (Gordon et al. 2010).

Protected marine species in New Zealand include seabirds, marine mammals, reptiles and a range of fish and invertebrates protected under the Wildlife Act 1953. Many of these species are classified as threatened. Some have experienced significant historical declines in abundance and distribution due to human impacts, and many continue to face pressures from activities on land and at sea.

Under the New Zealand Threat Classification System, 1,552 marine species have been assessed: 55 are classified as 'threatened' (4%), 504 are 'at risk' (32%), and 730 as 'data deficient' (47%), meaning there is insufficient information to determine their conservation status.

An important feature of New Zealand's maritime area is its offshore islands. These islands provide critical refuge for many endemic species classified as 'threatened', or 'at risk'. Having evolved in isolation, these species often cannot survive on the mainland due to introduced predators. Predator-free offshore islands are therefore essential for their persistence. Of nearly 11,000 terrestrial species assessed across the mainland and offshore islands), 811 (7%) are ranked as 'threatened' and 2,416 (22%) as 'at risk'.

Proportion of New Zealand's indigenous species found nowhere else on Earth

72% 
OF BIRDS (LAND, FRESHWATER AND MARINE)

84% 
OF VASCULAR PLANTS (LAND AND FRESHWATER)

81% 
OF INSECTS (LAND AND FRESHWATER)

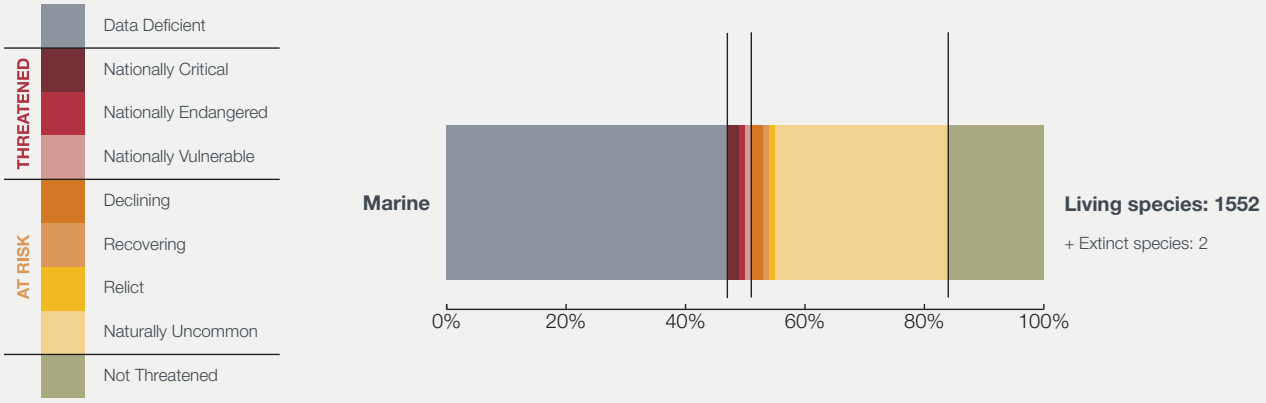
7% 
OF MARINE MAMMALS

88% 
OF FRESHWATER FISHES

100% 
OF REPTILES, FROGS, BATS (LAND AND FRESHWATER)

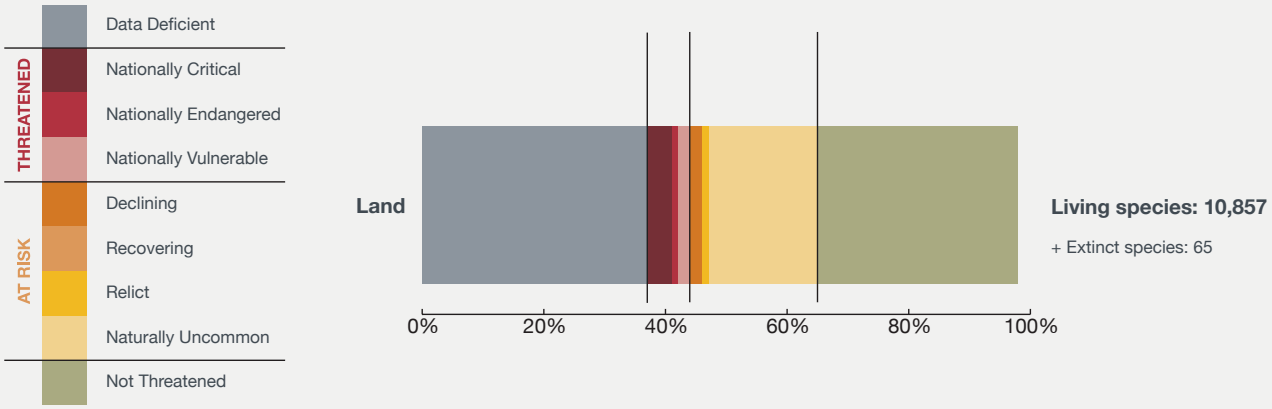
Biodiversity in Aotearoa – an overview of state, trends and pressures (doc.govt.nz). Data does not include extinct species. Sources: Macfarlane et al. (2010); Gordon (2013); NZTCS (2019)

Conservation status (NZTCS) of resident native marine species assessed under the NZTCS



Biodiversity in Aotearoa – an overview of state, trends and pressures (doc.govt.nz).
Data source: NZTCS (2019)

Conservation status (NZTCS) of resident native land species assessed under the NZTCS



Biodiversity in Aotearoa – an overview of state, trends and pressures (doc.govt.nz).
Data source NZTCS (2019)

Threats

Climate change is the most significant overarching risk to New Zealand's marine environment, but protected species face multiple pressures from activities on land and at sea. On land, introduced predators (such as rats and cats), coastal development and human disturbance (including vehicles) threaten species that must come ashore to rest, breed or raise young. Marine debris along the coast and in the ocean pose a serious threat through entanglement or ingestion, exposure to pollutants, and disease outbreaks can further impact vulnerable populations.

At sea, fishing and aquaculture activities – including incidental bycatch – remain a major cause of mortality for seabirds and marine mammals. Removal of prey species, changes to food webs, and displacement of animals can impact ecosystem function and population health. Additional threats include vessel strikes, underwater noise, tourism disturbance, structures built within the marine environment, sedimentation and pollutants from land-based run-off, and oil spills, all of which degrade habitats and food webs. The impacts of individual pressures can also act cumulatively.

The impact of these stressors is likely to be compounded by climate change, both directly (through ocean acidification, sea-level rise, and more frequent extreme weather events), and indirectly, as adaptation initiatives such as energy and food security projects may introduce new pressures if not carefully managed.

Consequences

Māori have a diverse range of rights and interests in the marine environment, including cultural and commercial rights through Treaty settlements (such as fisheries and aquaculture entitlements), and rights under the Marine and Coastal Area (Takutai Moana) Act 2011. The marine environment is central to Māori culture, and certain species have particular cultural significance, including through whakapapa connections.

New Zealand's strong connection to the ocean means coastal development and recreational use can increase pressures on protected species and their habitats.

Marine biodiversity underpins ecosystem functions and services that support economic prosperity. According to the MCERT (Environment) report *Our Marine Environment 2025*, fisheries and aquaculture directly contributed $1.1 billion to GDP, with an additional $1.1 billion generated indirectly through related industries, and supported more than 14,000 jobs. While not broken down in monetary terms, the report also recognises the importance of the broader marine economy, including shipping, marine recreation and offshore minerals, as critical contributors to national resilience and wellbeing.

However, the MCERT (Environment) report stresses that each of these sectors contributes to pressures on protected species and ecosystems. Fishing practices bring threats through bycatch and habitat damage; shipping and offshore mineral activities can disrupt marine habitats, contribute to pollution, and generate underwater noise; and marine tourism and recreation – while culturally and economically valuable – sometimes degrade sensitive coastal ecosystems and exacerbate climate-related vulnerability. These interlinked pressures underscore the need for integrated management: the sectors that deliver substantial cultural, social, and economic benefits are also vectors of risk to protected marine species and their habitats.

Legal aspects

Biodiversity, conservation and resource use legislation as listed impacts species protection:

Conservation	Invasive species management	Resource management	Environmental management
• National Parks Act 1980 • Conservation Act 1987 • Reserves Act 1977 • Marine Reserves Act 1971 • Hauraki Gulf/Tīkapa Moana Marine Protection Act 2025 • Marine Mammals Protection Act 1978 • Wildlife Act 1953 • Queen Elizabeth the Second National Trust Act 1977 • Resource Management Act 1991 – see sections 6 (a,b,c), 7 (d), 30(1)(ga) • The Trade in Endangered Species Act 1989	• Wild Animal Control Act 1977 • Biosecurity Act 1993 • Hazardous Substances and New Organisms Act 1996 • Pest control under the relevant place Act (e.g. National Parks Act, Reserves Act)	• Fisheries Act 1996 • Maritime Trans-port Act 1994 • Crown Minerals Act 1991 • Resource Management Act (1991) • Conservation and Wildlife Acts (sports fishing and game birds)	• Resource Management Act 1992 • Environment Act 1986 • Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012

There is also some special legislation that implements protection measures for marine species, for example Kaikōura (Te Tai o Marokura) Marine Management Act 2014.

Risk reduction, readiness, response and recovery

DOC has Species Recovery Plans and Threat Management Plans in place for a small number of threatened species. Species recovery plans are applied where a species requires a targeted strategy to improve its conservation status.

MPI uses risk assessment processes for protected marine species and has developed National Plans of Action for some marine species.

Spatial protection measures, such as marine mammal sanctuaries, help reduce specific threats within specific areas. Broader measures, including the Seismic Surveys Code of Conduct and bycatch reduction methods, provide additional protection for vulnerable species.

Stakeholder coordination

DOC is New Zealand's lead agency for biodiversity management and protection. It manages all indigenous terrestrial wildlife, marine mammals, and specific protected marine species under the Wildlife Act 1953. There are more than 110 predator-free islands and 18,102km^2 of marine protected areas within our territorial seas (representing 10.4% of our territorial seas). DOC primarily manages Type 1 Marine Protected Areas (MPAs), with Type 2 MPAs managed by DOC, MPI, other government agencies and regional authorities. DOC also primarily manages predator free islands, along with some under the management of local authorities and private landowners.

DOC's marine wildlife role includes recovery activities (e.g. translocating seabird chicks to establish new populations), response activities (e.g. managing stranded whales), reducing bycatch during fishing, controlling the harvest of tītī around Stewart Island, and regulating the use of feathers and other wildlife parts. Compliance and enforcement of wildlife protection rules occur at both district and national levels.

Borders and biosecurity

MPI manages accidental and deliberate pest introductions under the Biosecurity Act 1993 and the Hazardous Substances and New Organisms Act 1996 (HSNO Act). Established pests are managed nationally by MPI through National Pest Management Plans, and by DOC which focusses on wild animals (generally pest mammals) and contributes to the management of freshwater aquatic pests.

Regional Councils primarily manage pests at a regional scale through Regional Pest Management Plans and Pathway Plans under the Biosecurity Act. DOC also undertakes some regional-scale pest management and may support Council programmes in various ways. Government land managers (e.g., DOC, LINZ, NZDF, NZTA, Education, and Forestry) also manage pests on their land to protect biodiversity.

DOC is the management authority for the Convention on International Trade in Endangered Species (CITES) in New Zealand, enacted via the Trade in Endangered Species Act 1989 and Trade in Endangered Species Regulations 1991. Key activities include permitting imports and exports of endangered species and enforcement in conjunction with agencies such as Customs.

Fisheries

Fishing is managed by MPI under the Fisheries Act and Regulations, and via the Quota Management System. New Zealand fisheries management framework takes an ecosystem-based approach, considering associated and dependent species, and wider environmental effects.

Marine mammals

All marine mammals (including those in the EEZ) are protected under the Marine Mammals Protection Act 1978, administered by DOC. Protection mechanisms include permits to "take" marine mammals for research purposes, creation of marine mammal sanctuaries, and permits (and moratoria) for viewing under the Marine Mammals Protection Regulations 1992. DOC also responds to emergencies such as strandings and entanglements, and administers the Code of Conduct for Minimising Acoustic Disturbance to Marine Mammals from Seismic Survey Operations.

Wildlife

All wildlife in New Zealand (including in the EEZ) is protected under the Wildlife Act 1953, unless listed in Schedules reducing protection. Protected marine wildlife includes seabirds, turtles, sea snakes, some corals and fish species (including white shark).

Conservation Services Levy

This levy, imposed on the fishing industry, funds research to reduce fishing impacts on protected species. MPI administers the levy, while DOC manages the research.

Resource Management Act (RMA)

The Minister of Conservation develops the New Zealand Coastal Policy Statement under the RMA. Regional Councils implement it through regional coastal plans. The Minister has the functions of a regional council for the Kermadec and Subantarctic Islands, including preparing regional coastal plans for these areas. Local authorities control activities in the marine environment under the RMA, including some fishing restrictions in defined areas for biodiversity protection purposes (not for fisheries management).

Policy / Strategy[22]	
Lead	**Support**
DOC	NZ Police, MFAT, MCERT (Environment), MOD, MPI

Intelligence[23]	
Lead	**Support**
DOC	NMCC, MFAT, NZ Police, MPI, Customs

Operational Delivery[24]	
Lead	**Support**
DOC	NMCC, NZ Police, NZDF, MPI, Customs

Public information management

DOC leads information management for species protected under the legislation it administers, supported by other agencies.

22. Agency responsible for administering the most relevant legislation and providing policy advice to Ministers.
23. Agency responsible for ensuring that the National Security System and lead agency is across relevant threats, hazards and levels of risk.
24. Agency responsible for leading and coordinating the operational (on the ground) response.

Illegal activity in protected areas

Introduction

New Zealand uses a range of measures to manage marine ecosystems, habitats and species. These include marine reserves, marine parks, wildlife sanctuaries, customary management areas such as mātaitai, taiapure and rāhui, as well as fisheries closures, areas closed under regional coastal plans, seasonal closures, cable protection zones, and marine mammal sanctuaries.

In 2005, New Zealand released its Marine Protected Areas Policy and Implementation Plan (MPA Policy), which aims to "*Protect marine biodiversity by establishing a network of marine protected areas that is comprehensive and representative of New Zealand's marine habitats and ecosystems*" (Department of Conservation and Ministry of Fisheries 2005).

To support this objective, an MPA protection standard was developed to determine which management tools qualify as contributing to the MPA network. The standard defines two categories: Type 1 MPAs (marine reserves); and Type 2 MPAs (other management tools that meet the protection standard, e.g., certain fisheries closures, cable protection zones etc.).

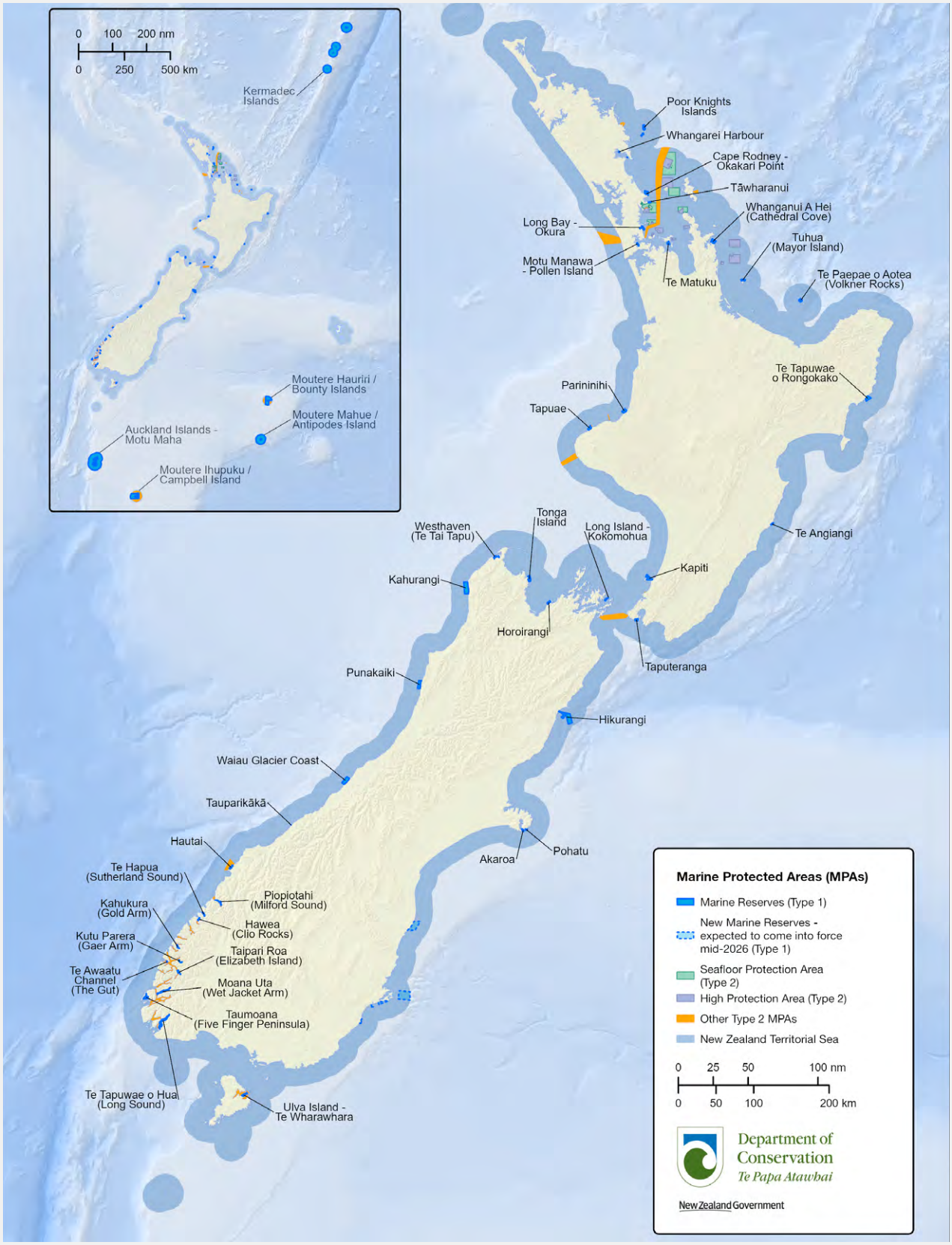
Type 1 Marine Protected Areas: Marine reserves

Marine reserves provide the highest level of marine protection and are established under the Marine Reserves Act 1971. DOC is responsible for the implementation, management and monitoring of New Zealand's 44 existing marine reserves. Six additional reserves under the South East Marine Protection (SEMP) initiative have been approved and are expected to come into force in 2026, strengthening marine protection along the southeast South Island coast.

The primary purpose of marine reserves is to maintain areas free from human-induced changes to marine habitats and life, creating reference sites for scientific research. Marine reserves may be established in areas that contain underwater scenery, natural features, or marine life of such distinctive quality, or so typical, beautiful or unique that their continued preservation is in the national interest.

In 2005, New Zealand released its Marine Protected Areas Policy and Implementation Plan (MPA Policy)

Map 1: MPAs in New Zealand, as at January 2026 (source: DOC)



Available at https://www.doc.govt.nz/globalassets/documents/conservation/marine-and-coastal/marine-protected-areas/tier-1-statistic/marine-protected-areas-tier-1-statistic-2021.pdf

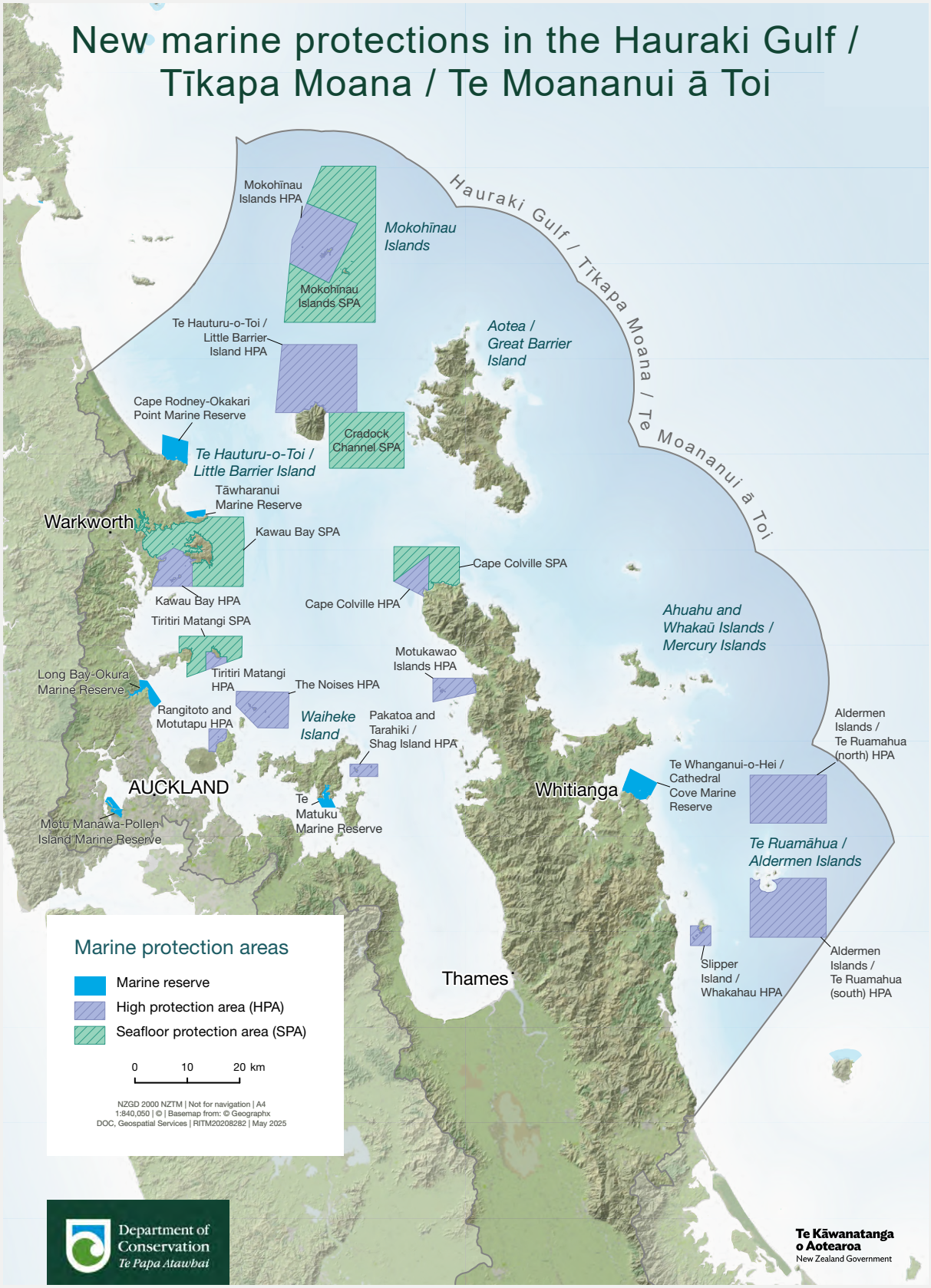
Type 2 Marine Protected Areas

Type 2 MPAs provide partial protection for marine biodiversity and, in some cases, safeguard critical marine infrastructure. They generally prohibit high-impact activities such as bottom trawling, dredging, or anchoring, while allowing some low-impact fishing methods or customary harvest. In the case of cable and pipeline protection zones, the primary purpose is to prevent damage to infrastructure essential to New Zealand's power and communications systems, although these restrictions also provide incidental biodiversity benefits.

Type 2 MPAs include:

- Areas closed under the Fisheries Act 1996 (administered by MPI FNZ) – closures designed to protect habitats or species.
- Submarine Cable and Pipeline Protection Zones under the Submarine Cables and Pipelines Protection Act 1996 (administered by MCERT) – fishing and anchoring are prohibited to safeguard infrastructure critical to New Zealand's power and communications systems and economy.
- Regional coastal plan closures – e.g., areas established under the Bay of Plenty Regional Coastal Environment Plan.
- Sugar Loaf Islands Marine Protected Area – managed for biodiversity and cultural values.
- Fiordland Marine Area – includes multiple restrictions on fishing and seabed disturbance.
- Mimiwhangata Marine Park – partial fishing restrictions to protect reef ecosystems.
- New protections under the Hauraki Gulf / Tīkapa Moana Marine Protection Act (2025):
  - High Protection Areas (HPAs) – 12 zones where all recreational and commercial fishing is prohibited, but active restoration and customary fishing are allowed.
  - Seafloor Protection Areas (SPAs) – 5 zones prohibiting bottom trawling, dredging, and seabed disturbance, while allowing low-impact methods such as line fishing, spearfishing, diving and customary harvest.

Map 2: New Marine Protected Areas in the Hauraki Gulf / Tīkapa Moana (source: DOC)



Source: DOC

Type 2 MPAs provide flexible protection tools that complement fully protected marine reserves, enabling a balance between biodiversity conservation and human activities. Together, these measures contribute to New Zealand's marine protection network and help meet national biodiversity objectives under the Marine Protected Areas Policy.

Figure 1: Cable Protection Areas

- **Area 1:** Great Barrier Island
- **Area 2:** Hauraki Gulf
- **Area 3:** Kawau Island
- **Area 4:** Whangaparoa Peninsula
- **Area 5:** Muruwai Beach
- **Area 6:** Takaroa
- **Area 7:** Cook Strait
- **Area 8:** Oaonui
- **Area 9:** Hawke's Bay
- **Area 10:** Maui A & B
- Kupe Gas Project protection Area – no number
- Maari Development Protection Area – no number
- Tui Area Development Protection Area – no number
- Pohokura Protection Area – no number

Other protection measures

A range of other protection measures are in place, such as marine mammal sanctuaries and fisheries closures, that provide some protection to biodiversity but do not meet the current standard to be reported domestically as marine protected areas. Some terrestrial protected areas, such as nature reserves, extend into the coastal and marine environment, and some wildlife sanctuaries include estuarine areas.

Consequences

The potential consequences of illegal activity in protected areas include damage to environmental and cultural values, economic or business impacts and reputational harm. Damage to iconic sites can undermine public confidence in agencies responsible for managing MPAs, particularly if there is a perception of inadequate proactive action or response. Such incidents can create reputational challenges and influence stakeholder perception of future protection measures, presenting a risk to support for implementation of new protected areas.

Undersea cables are considered critical infrastructure. Damage caused by illegal fishing or shipping activities (e.g., dragging an anchor) could significantly impact the social and economic wellbeing of New Zealand by disrupting power and communications systems.

Threat Snapshot

Illegal fishing in the Long Bay-Okura Marine Reserve

Long Bay-Okura Marine Reserve is a Type 1 MPA located in the Hauraki Gulf Marine Park, approximately 20km north of Auckland City. Established in 1995, the reserve protects a typical example of Auckland's north-eastern coastline.

Covering 980 hectares, the reserve includes a large estuarine area at its northern end, rocky reef platforms in the south, and sandy beaches. It adjoins Long Bay Regional Park and is part of the Okura Bush Scenic Reserve, providing integrated land-to-sea protection. Its proximity to the Regional Park and Sir Peter Blake Marine Education and Recreational Centre (MERC) makes it an important site for education and outreach. The reserve supports diverse marine life, including nudibranch species, and a 2011 study found snapper to be larger and more abundant inside the reserve than outside.

Marine reserves provide the highest level of protection in New Zealand's marine environment. Most are strictly 'no take' areas, prohibiting fishing, harvesting, or any attempt to do so. All natural material is protected, and it is an offence to harm or disturb marine life. Exceptions apply only through an authorised research permit or specific provisions in an Order in Council.

The Department of Conservation administers the Marine Reserves Act 1971 and leads compliance work in reserves. Police and MPI Fisheries Officers also have enforcement powers under the Act and support DOC's compliance efforts.



Long Bay-Okura is the busiest marine reserve in the country, attracting up to 1 million visitors per year due to its accessibility and proximity to Auckland. It faces constant pressures, including runoff from land, high sedimentation, adjacent housing development, pollution and introduced marine pests. Illegal harvesting of kina, marine gastropods and fishing for snapper are persistent pressures on the reserve. Offending occurs both from shore and by boat.

The reserve has been targeted by recidivist offenders taking significant amounts of fish. In 2021, DOC Warranted Officers identified an Auckland local repeatedly fishing with nets and lines in the reserve, suspected of supplying fish for illegal commercial purposes. Despite multiple interventions and having equipment and a vessel seized by DOC and other agencies, the offender persisted. He was eventually prosecuted, convicted and fined $4000, and had his fishing equipment forfeited.

Existing marine management tools in New Zealand's waters

Management Tool	Legislation	Restrictions	New Zealand waters where tool can be applied
Marine reserves	• Marine Reserves Act 1971 • Subantarctic Islands Marine Reserves Act 2014 • Fiordland (Te Moana o tawhenua) Marine Management Act 2005 • Kaikōura (Te Tai o Marokura) Marine Management Act 2014 • Hauraki Gulf / Tīkapa Moana Marine Protection Act 2025	No take or attempt to take of any marine life or natural material, no seabed disturbance, dredging, dumping, discharging, construction or species introduction. Some limited exceptions for specified natural materials may apply	Territorial Sea
High Protection Areas (HPAs	• Hauraki Gulf / Tīkapa Moana Marine Protection Act 2025	All recreational and commercial fishing prohibited; active restoration and customary fishing allowed.	Territorial Sea
Seafloor Protection Areas (SPAs)	• Hauraki Gulf / Tīkapa Moana Marine Protection Act 2025	Prohibits bottom trawling, dredging, and seabed disturbance; allows low-impact methods such as line fishing, spearfishing, diving and customary harvest.	Territorial Sea
Marine mammal sanctuaries	• Marine Mammals Protection Act 1978 • Kaikōura (Te Tai o Marokura) Marine Management Act 2014	Varies by sanctuary: restrictions on commercial operations, prohibiting certain recreational fishing methods and special regulations.	Territorial Sea and Exclusive Economic Zone
Marine parks	• Hauraki Gulf Marine Park Act 2000 and amendment 2001 • Fisheries Act 1996 • Sugar Loaf Islands Marine Protected Area Act 1991	Varies by park: fishing restrictions from full commercial bans to special fisheries regulations.	Territorial Sea and Exclusive Economic Zone

Management Tool	Legislation	Restrictions	New Zealand waters where tool can be applied
Submarine cables and pipelines protection areas	• Submarine Cables and Pipelines Protection Act 1996	No fishing or anchoring except for MPI research vessels (with contact to seabed).	Territorial Sea
Mātaitai closed areas	• Fisheries Act 1996 • Fisheries (Kaimoana Customary Fishing) Regulations 1998 • Fisheries (South Island Customary Fishing) Regulations 1999	In general, commercial fishing is prohibited, amateur regulations apply unless bylaws introduced. Tangata tiaki/kaitiaki can authorise customary food gathering.	Territorial Sea
Taiāpure – local fishery	• Fisheries Act 1996	Coastal areas of special significance to iwi/hapū for food/kaimoana) or cultural reasons. Management committee can propose regulations for the conservation and fisheries management.	Territorial Sea
Section 186 – temporary closures	• Fisheries Act 1996	Temporarily closure or restriction of fishing methods for up to two years.	Territorial Sea
Benthic protection areas (BPAs)	• Fisheries Act 1996 • Fisheries (Benthic Protection Areas) Regulations 2007	Prohibits bottom trawls and dredges; mid-water trawl nets restricted to 100 metres above the seabed.	Territorial Sea and Exclusive Economic Zone
Seamount closures	• Fisheries Act 1996 • Fisheries Regulations	Trawling prohibited.	Territorial Sea and Exclusive Economic Zone
Objectives and policies under coastal plans	• Resource Management Act 1991	Variable by plan (e.g., Motiti Protection Areas under the Bay of Plenty Regional Coastal Plan	Territorial Sea
Multiple MPAs and other protection measures within a defined area	• Fiordland (Te Moana o Atawhenua) Marine Management Act 2005 • Kaikōura (Te Tai o Marokura) Marine Management Act 2014	Special legislation combining marine reserves, marine mammal sanctuaries, Taiapure etc.	Territorial Sea

Stakeholder coordination

Advisory and management committees have been established for some protected areas, providing an important link between management agencies and local communities. These groups support agencies with advice on compliance, enforcement, scientific monitoring and education. They help integrate local knowledge and values into decision-making and foster community ownership of marine protection. Examples include the Fiordland Marine Guardians, Kaikōura Marine Guardians, Hauraki Gulf Forum and various marine reserve management committees.

Policy / Strategy[25]	
Lead	**Support**
DOC	NZ Police, MFAT, MCERT (Environment), MOD, MPI, MCERT (Transport)
Intelligence[26]	
Lead	**Support**
DOC	NMCC, MFAT, NZ Police, MPI, MNZ
Operational Delivery[27]	
Lead	**Support**
DOC	NMCC, NZDF, NZ Police, MPI, MNZ

Public information management

Responsibility for public information management varies by protection tool, with lead agencies supported by others as appropriate:

- Marine Reserves and Marine Mammal Sanctuaries – led by DOC, with support from other agencies where needed.
- Fishery Closures – led by MPI, supported by other agencies as appropriate.
- Submarine Cable and Pipeline Protection Zones – led by MCERT, with support from other agencies as appropriate.
- Areas closed under coastal plans – led by the relevant regional council, supported by other agencies as appropriate.

25. Agency responsible for administering the most relevant legislation and providing policy advice to the Executive Branch.
26. Agency responsible for ensuring that the National security System and lead agency is across relevant threats, hazards and levels of risk.
27. Agency responsible for leading and coordinating the operational (on the ground) response.

Illegal interference with offshore energy and minerals extraction

Key points

The Government of Aotearoa New Zealand is concerned with interference that:

- increases the likelihood of death or injury;
- causes damage to the marine environment; and/or
- causes an economic loss.

Introduction

The maritime sector and New Zealand's offshore marine environment are inherently hazardous.

New Zealand also has limits to how quickly search and rescue response assets can reach an offshore accident. We have limited coastal shipping traffic that can be tasked to help, and our military aircraft may already be tasked to live incidents elsewhere as part of our international commitment to service one of the world's biggest search and rescue areas.

While the likelihood of serious incidents occurring in New Zealand is considered low, we are not immune. This is why Government adopts a range of international best practice measures. For example, MBIE may specify a non-interference zone to protect offshore petroleum and minerals operations from disruption. The provision makes it an offence to damage or interfere with structures, ships, or equipment used in permitted prospecting, exploration, or mining operations, and it allows the creation of "non-interference zones" around these activities.

Drivers

There has been increasing public opposition to offshore exploration due to linkages with climate change and a heightened awareness of oil spill risks following the Gulf of Mexico Deepwater Horizon incident in 2010.

Historically, incidents of offshore interference in New Zealand have been characterised as non-violent direct action undertaken by a small number of civil society groups and individuals demonstrating their opposition to offshore petroleum exploration activities in New Zealand. They are typically well-prepared and aimed at generating public awareness by staging peaceful "bearing witness" moments in port or at sea and imposing a disruption cost on the operator. They have not intended to cause harm to people or the environment. Those opposed to petroleum and minerals development have a legitimate right to protest. The maritime sector and New Zealand's offshore marine environment are inherently hazardous. Port and harbour environments have many safety hazards and risks, including high volumes of vessel traffic and the movement of heavy machinery and cargoes. Offshore, we have rough seas states and weather conditions that can turn the water very rough, very quickly. The risk of harm to people increases when vessels or people in the water are intentionally used to force another ship to change direction or to stop quickly, or if vessels are pushed beyond their permitted operating limits (for example, taken further out to sea than they are designed for or have too many people onboard).

Potential consequences for New Zealand

The factors outlined above mean that interference with permitted activities can be dangerous for everyone involved. Even if it is not the intention of peaceful protestors, maritime accidents can occur quickly and without warning, no matter how experienced or well-trained operators and other marine users are.

Historic interference incidents

2011	Protesters interfered with the seismic survey ship contracted by Petrobras, forcing the vessel to change direction and operations to stop.
2012	The Shell-chartered *Noble Discoverer* drill rig was boarded by protesters that occupied the drilling tower on the vessel for three days.
2013	A flotilla protest greeted the *Noble Bob Douglas* on arrival at the Romney-1 well site and one vessel breached the designated Non-Interference Zone for a number of days.
2017	Protesters interfered with the seismic survey vessel *Amazon Warrior*, forcing the vessel to change course, and endangering both protesters and vessel crew.
2018	Protesters boarded, in port, the seismic support vessel *Mermaid Searcher*, disrupting re-supply and maintenance activities.
2019	Protesters boarded, in port, the support vessel *Skandi Atlantic* in Timaru port, disrupting the ship leaving for Taranaki.
2020	Protesters boarded at sea, the *COSL Prospector* rig in Cook Strait en-route to Toutouwai-1 permit off the Taranaki coats. The protesters were removed and flown to the mainland.

Legal aspects

The **Crown Minerals Act 1991** in line with international best practice includes non-interference provisions. The provisions are designed to ensure lawfully permitted activities can occur without disruption or damage to structures, ships, or equipment. It is a criminal offence to breach the non-interference provisions, which can result in criminal conviction, fines and/or imprisonment.

The non-interference provisions of the CMA are broadly two-fold:

- general non-interference provisions (s.101B(1)); and
- specific provisions that enable the establishment of non-interference zones (s.101B(6).

The general provisions apply to all permitted activities. Under these provisions, it is an offence if a person intentionally engages in conduct that results in damage to, or interference with, any structure or ship that is in an offshore area and that is, or is to be used in mining operations. In general interference with any operations or activities being conducted, or any works being executed, on, by means of, or in connection with such a structure or ship.

In an offshore location and during transit the general non-interference provisions may apply to those who intentionally damage or conduct interference to rigs, support vessels and or equipment. Consideration could also be given to the normal rules of safe navigation and any other applicable legislation (such as the Maritime Security Act 2004, and Crimes Act 1961).

In a port location, support vessels and equipment are generally covered by legislation under the Maritime Security Act 2004, Trespass Act 1980, and Crimes Act 1961.

The specific provisions enable a non-interference zone (NIZ) to be established on a case-by-case basis. This zone is an exclusion area around a ship or offshore installation that mitigates the risk of possible harm to people or other vessels operating in the same offshore permitted area. It is an offence to enter a NIZ without a reasonable excuse.

A NIZ only applies to a specific permitted activity (for example, seismic surveying or an exploratory well being drilled within a specific permit area). It typically extends 500 metres out from the outer edge of the structure or ship, or the outer edge of any equipment attached to the structure or ship.

Potential judicial consequences

If groups or individuals breach the non-interference provisions, they may be liable for fines or imprisonment.[28]

Figure 1: KUPE Gas Field Unmanned Platform South Taranaki



Courtesy of Beach Energy

Risk reduction, readiness, response and recovery

Risk reduction

The aim of the reduction phase is to reduce the risk of unlawful interference with permitted offshore activities.

Risks associated with interference may be reduced by specifying non-interference zones around a ship or structure undertaking a permitted activity, where appropriate and notifying the public of these zones by publishing them in the fortnightly *New Zealand Notices to Mariners*. MBIE typically designates 500 metre zones in line with international best practice and domestic maritime safety legislation. These exclusion zones prohibit other marine users from entering within 500 metres of the permitted activity and are similar to the safety and security boundaries set around airports and industrial plants.

Readiness

Readiness involves developing operational systems and capabilities before an interference incident occurs. MBIE (with support from partner agencies) conducts seasonal planning and preparation which supports incident response.

Depending on the situation, Department of the Prime Minister and Cabinet may convene a Watch Group or an Officials' Committee for Domestic and External Security Coordination (ODESC) meeting.

28. Crown Minerals Act 1991

Response

MBIE may decide to stand up an **Incident Response Group** to plan, initiate and action an operational response. This group will only be stood up if MBIE passively receives information from the public, permit operators or partner agencies that demonstrates:

- a non-interference zone (NIZ) has been allegedly breached or will imminently be breached; and/or
- damage to, or interference with, a ship or structure has occurred or is likely to occur; and/or
- Interference with any structure, ship or equipment used for a permitted activity has occurred to the extent the activity is unable to continue.

If MBIE determines that an alleged CMA breach requires a broader and more sustained level of response support, they should bring it to the attention of the DPMC for consideration as to whether the ODESC system should be activated.

Recovery

The recovery phase focuses on what to do to after an interference incident has occurred. An operational response may have been actioned or the interference incident may have ended on its own. If there is an alleged breach of the CMA following an interference incident, an investigation under the relevant national plan (NICMA)[29] is likely to occur. Subject to the Solicitor-General's Guidelines, charges may be laid by MBIE (or Police) for a breach of section 101B of the CMA.

Stakeholder coordination

Policy / Strategy[30]	
Lead	**Support**
MBIE	NZ Police, MCERT (Environment), MFAT, DPMC, MOD, MNZ
Intelligence[31]	
Lead	**Support**
NZ Police	NMCC, NZIC, MNZ, MBIE
Operational Delivery[32]	
Lead	**Support**
NZ Police	NMCC, NZDF, NZ Police, MNZ, NZ Customs

29. National plan to manage interference with permitted offshore petroleum and minerals activities under the Crown Minerals Act 1991.
30. Agency responsible for administering the most relevant legislation and providing policy advice to the Executive Branch.
31. Agency responsible for ensuring that the National security System and lead agency is across relevant threats, hazards, and levels of risk.
32. Agency responsible for leading and coordinating the operational (on the ground) response.

Agency	Statutory function
Maritime New Zealand (including Rescue Coordination Centre New Zealand (RCC) and Maritime Pollution Response Services (MPRS))	The national regulatory, compliance and response agency for: • the safe, secure and clean operation of vessels, ships, ports, and offshore installations; and • environmental protection of coastal and inland waterways. Can comment on maritime safety, security or environmental protection issues, breaches of applicable legislation, port state control, major (Category 2) search and rescue / oil spill response operations (via RCC/ MPRS). Maritime Transport Act 1994; Maritime Security Act 2004; Health and Safety at Work Act 2015.
MCERT (Transport) / Ministry of Foreign Affairs	Continental Shelf Regulations provide for 500 metre safety zones around some of the existing offshore petroleum platforms. Continental Shelf Act 1964.
New Zealand Police	Can comment on breaches of applicable legislation, general maintenance of law and order, arrests, minor (Category 1) SAR operations and any operational response to illegal activity. Crimes Act 1961; Summary Offences Act 1981; Trespass Act 1980; Search and Surveillance Act 2012.
New Zealand Customs Service	Can comment on customs requirements and other border protection issues. Customs and Excise Act 2018.
National Maritime Coordination Centre (NMCC)	A single, independent national maritime centre that combines information management and operational activities in respect of the civil security of New Zealand's maritime areas. Coordinates operational maritime patrol activity by government agencies, including monitoring security, customs, biosecurity, protected areas, illegal fisheries harvesting or minerals mining. May task aircraft and vessel assets pre-emptively and for a response. Chairs multi-agency Maritime Domain Awareness (MDA) working group.
New Zealand Defence Force	Defence Act 1990, section 9(1).
WorkSafe New Zealand	Health and Safety at Work Act 2015 and associated regulations.
Ministry of Justice	Maritime Crimes Act 1999.
Civil Aviation Authority	Civil Aviation Rules; Civil Aviation (Offences) Regulations 2006.

Public information management

MBIE leads public information management, with support from other agencies as required.

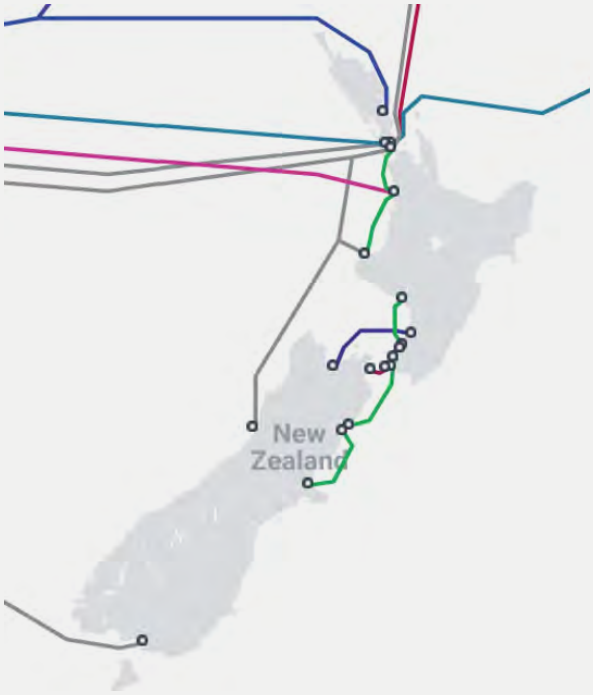
Critical Underwater Infrastructure

Introduction

Submarine telecommunications and power cables are critical to the New Zealand economy. They provide over 99% of our international internet traffic and the Cook Strait power cable provides up to 30% of the North Island's power supply.

New Zealand defines Critical Underwater Infrastructure (CUI) as submarine cables providing inter-island, inter-regional and international telecommunications, and the Cook Strait electricity cables. These are depicted in Figures 1 and 2 below.

Figure 1: New Zealand's CUI



New Zealand's CUI regime

New Zealand's CUI is privately owned, operated and funded with government's role focused on regulation and enforcement when marine activities breach regulations.

As a market-led activity, cable operation must be economically viable for potential investors. Cable installation in New Zealand is costly due to the long distances and deep water involved. Installing a new international cable today would cost an estimated $1 billion. Industry's key demand on government is providing an effective regime that protects these investments.

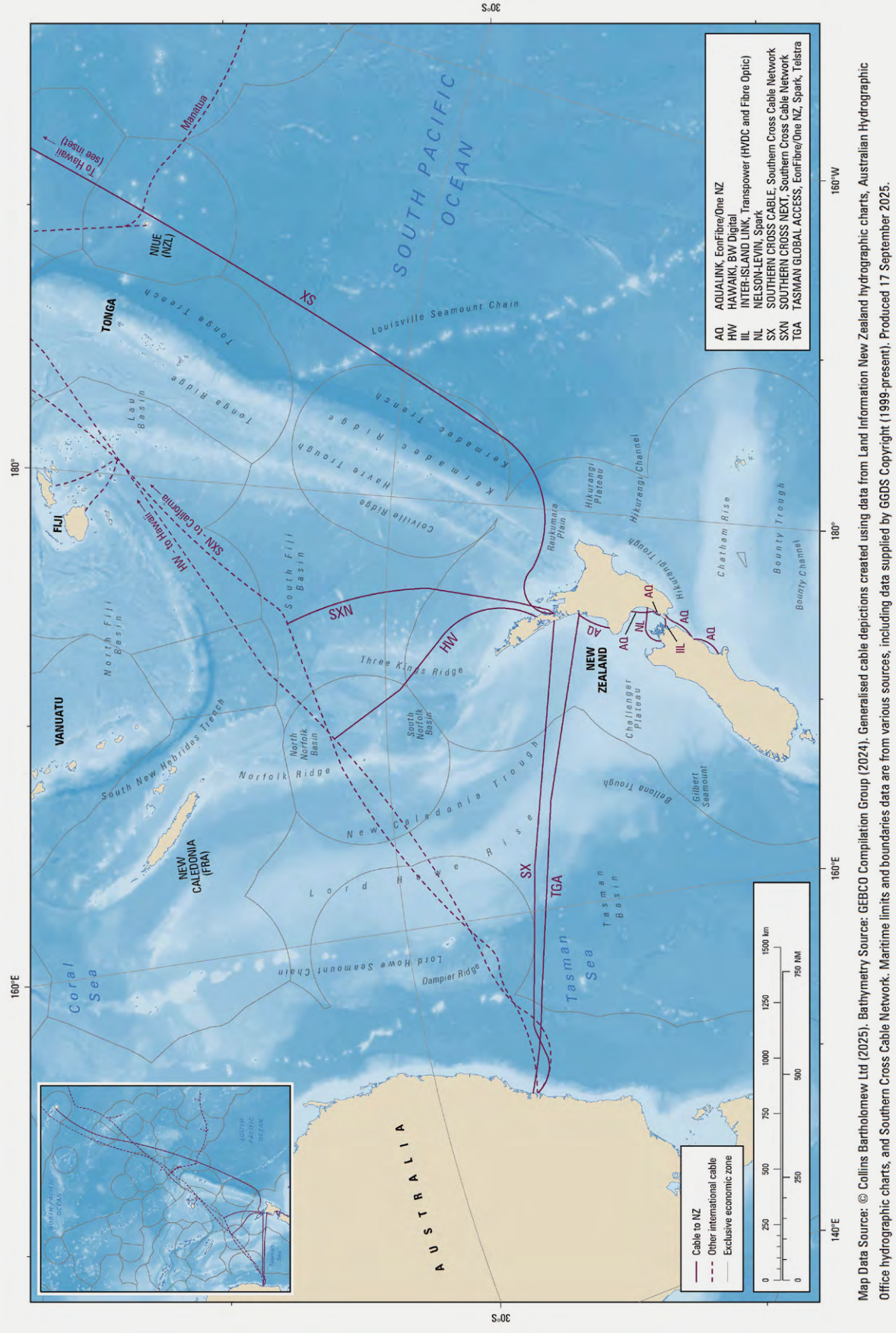
This market-led model includes collective responses to disruptions with companies cooperating during events. For example, after the 2016 Kaikōura earthquake Spark, Chorus and One NZ cooperated to restore connectivity.

> We compete fiercely at a retail level, but when we face a crisis that impacts New Zealanders like this, there is no hesitation to get in and find solutions and get things fixed. In Kaikōura, we collaborated to work out a solution as quickly and as efficiently as we could.
>
> Tony Baird, 22 February 2017 One NZ Technology Director

For telecommunications cables this cooperation extends to our wider region via the South Pacific Marine Maintenance Agreement[33] which sees a cable repair ship either laying cable or on standby to respond to cable breaks from its home port in Fiji (see Figure 5, below).

33. A service agreement between 16 cable operators in the Pacific region.

Figure 2: Chart showing New Zealand's CUI and their international connections



Map Data Source: © Collins Bartholomew Ltd (2025). Bathymetry Source: GEBCO Compilation Group (2024). Generalised cable depictions created using data from Land Information New Zealand hydrographic charts, Australian Hydrographic Office hydrographic charts, and Southern Cross Cable Network. Maritime limits and boundaries data are from various sources, including data supplied by GGDS Copyright (1999-present). Produced 17 September 2025.

Table 1: Agency CUI roles and responsibilities

Responsibility	Agency	Legislation
Authorising Protection Areas	MCERT (Transport)	Submarine Cables and Pipelines Protection Act 1996
Submarine Cables and Pipelines Protection Act 1996 prosecutions	MCERT (Transport)	Submarine Cables and Pipelines Protection Act 1996 & Crimes Act 1961
Foreign Investment approval	LINZ	Overseas Investment Act 2005
Telecommunications security	NCSC	The Telecommunications (Interception Capability and Security) Act 2013
Placing, removing or maintaining a cable in the EEZ	EPA	EEZ and Marine Activities Act 2005 (via the Permitted Activity Regulations 2013)
CUI industry relationships	MBIE	N/A
Cable Protection Officer designation / surveillance equipment approval / vessel warnings	MNZ	Submarine Cables and Pipelines Protection Act 1996
Fishing industry relationship	MPI	Fisheries Act 1996

International Law

The 1884 Convention for the Protection of Submarine Telegraph Cables and Article 113 of the United Nations Convention on the Law of the Sea provide the basis for protecting submarine cables beyond New Zealand's territorial seas. Jurisdiction is generally exercised by a vessel's flag State.

NZ Law

The Submarine Cables and Pipelines Protection Act 1996, administered by the Ministry of Cities, Environment, Regions and Transport (MCERT), allows CUI operators to apply for Cable Protection Areas in which activity such as fishing and anchoring is prohibited. It also makes it an offence to damage a cable. Other legislation and agency responsibilities are in Table 1 above.

Legal and Penalties

Consequences include fines of up to $20,000 for offences by recreational boat users and up to $100,000 for fishing or anchoring where commercial gain is involved.

Risk Reduction

Risk-reduction activity begins with education with industry and MNZ conducting information campaigns aimed at mariners likely to be active in the vicinity of CUI. An example is at Figure 3.

Figure 3: Example of Cook Strait Protection Zone information campaign material



Other activities include active patrolling of the Cook Strait Protection Zone by Transpower with a cable protection vessel (see Figure 4 below) and periodic helicopter overflight. Other areas are periodically patrolled by adjacent harbour masters and NZDF capabilities when required.

Readiness

As this is a market-delivered capability, readiness is delivered by the CUI companies whose business requires their capabilities to be operational.

Response

Responses are focused on repairing damaged cables through the South Pacific Marine Maintenance Agreement which is used by all 16 CUI operators active in the South Pacific. Cable Ship Lodbrog is either laying cable in the region or on standby to respond to cable breaks from its home port in Fiji. A picture of CS Lodbrog is at Figure 5.

Figure 4: The Cook Strait Protection Zone patrol ship

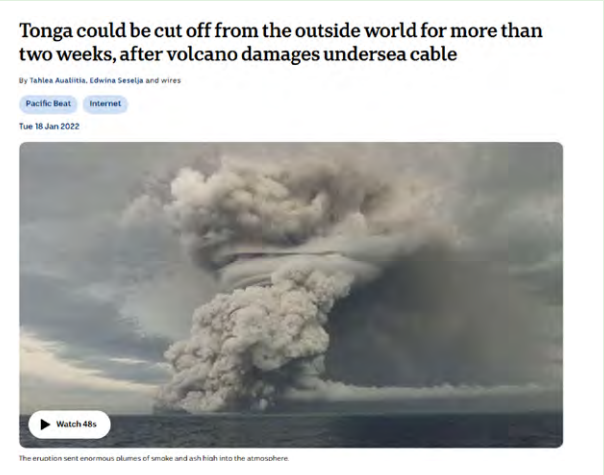


Figure 5: Cable Ship Lodbrog



Tonga – Jan 2022

- In January 2022 Hunga Tonga–Hunga Ha'apai, a submarine volcano which is part of the subduction zone running from New Zealand to Fiji, erupted. The eruption cut Tonga's international cable connectivity completely.
- It took the previous Cable Ship Reliance five weeks to restore connectivity by replacing 92 kilometres of international cable because of the extensive damage from the eruption and subsequent tsunami, the inherent difficulty of accessing and repairing undersea cables, and the challenge of sourcing spare cable. The impact was significant with only 1–5% or internet coverage available through alternate satellite provision for those five weeks.



ABC article on the impact of Tonga's cable loss (18 January 2022)

Recovery

As above, this is a market-led activity with providers co-operating with each other, so that should one telecoms cable fail, other providers release spare capacity to cover for the lost cable.

Stakeholder Coordination

Policy / Strategy[34]	
Lead	**Support**
MCERT (Transport)	DPMC, MBIE, MFAT, NZ Police, MNZ.
Intelligence[35]	
Lead	**Support**
NZIC	NZ Police, DPMC, MNZ, Customs, NZDF, MPI.
Operational Delivery[36]	
Lead	**Support**
MNZ	NZ Police, NMCC, NZDF, Customs, NZIC (NCSC).

Public information management

Public information management is led by MCERT supported by other agencies as appropriate.

34. Agency responsible for administering the most relevant legislation and providing policy advice to Ministers.
35. Agency responsible for ensuring that the National Security System and lead agency is across relevant threats, hazards and levels of risk.
36. Agency responsible for leading and coordinating the operational (on the ground) response.

Piracy, robbery and violence in international waters

This entry should be read in conjunction with the Security threats to ports or NZ flagged vessels pages in this Guide.

Introduction

Piracy is defined by UNCLOS as *an act of violence, detention or depredation committed for private ends on the high seas against a ship, aircraft or persons on board aircraft or ships*.

There are no records of a New Zealand flagged ship nor New Zealand mariner having been pirated to date and based on the very low number of New Zealand flagged ships[37], the likelihood of a future occurrence is judged to be negligible.

Violence is generally intrinsic in acts of piracy and robbery at sea, but violence can also occur as an isolated and unrelated event.

Potential consequences for New Zealand

The potential consequences of piracy, robbery, or violence in international waters are the threat of death, or injury to humans, disruption of commercial shipping activity and damage to and destruction of property. The security of shipping lanes throughout Asia and of the maritime approaches to NZ is essential for international trade. The threat towards NZ cargo transported via international shipping is as high as it is for any other international shipping country or ship owner or operator.

MV Maersk Alabama was loaded with aid cargo bound for Africa when four Somali pirates attacked the ship in April 2009. The crew deployed anti-piracy measures, including the use of a secure room to provide shelter for the crew during the course of the attack. During the incursion the pirates captured the ship's captain and departed the ship using the ship's lifeboat. The United States destroyer USS Bainbridge was dispatched and reached the *Maersk Alabama*, with the intention of rescuing the *Maersk Alabama's* captain. A stand-off occurred with the lifeboat holding the pirates and captain, which was resolved when US Navy SEAL snipers shot and killed the three pirates and rescued the captain from the lifeboat.



37. Whilst there are 14 ships registered for the International Safety Management protocol, 13 of them ply their trade in New Zealand waters and only go overseas for refits (4 x Charter retired 2025, 5 x Cook Strait Ferries, 2 x concrete carriers, 3 x oil tankers and 1 x container vessel) and the other one is NIWA's research vessel *Tangaroa* which has not travelled anywhere near a piracy hotspot to date. Source: NZ Ships Registry, MNZ.

International law

The definition of acts of piracy is contained in article 101 of **UNCLOS**.

The **Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation 1988 (SuA Convention)**, and the **Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf 1998**, deal with the broader concept of violence at sea. The main purpose of the SuA Convention is to ensure that appropriate action is taken against persons committing unlawful acts against ships. These include the seizure of ships by force, acts of violence against persons on board ships, and the placing of devices on board a ship which are likely to destroy or damage it.

New Zealand law

Piracy is an offence against New Zealand law under section 92 of the Crimes Act 1961.

The Maritime Crimes Act 1999 and the Crimes Act 1961 also have offences that relate to violence at sea.

The Maritime Powers Act 2022 provides enforcement agencies with powers that are exercisable in response to serious criminal offending against New Zealand law. This includes with respect to piracy and other violent offending at sea. The Act provides the Police, New Zealand Defence Force (NZDF), Customs Officers and Department of Conservation Rangers, Warranted Officers and Endangered Species Officers with the power to stop, board, search and detain a ship, seize evidence off it and arrest suspects.

The Maritime Security Act (2004) (MSA) is relevant to piracy because it mandates New Zealand flagged vessels to make security preparations against piracy and other maritime crimes. Maritime New Zealand (MNZ) administers this Act.

Potential judicial consequences

Consequences under the Crimes Act include sentences up to life imprisonment for endangerment of the life of any person or a sentence not exceeding 14 years in any other case.

Risk reduction, readiness, response and recovery

Risk reduction

Risk reduction activity is led by MNZ who support NZ ports, vessels and mariners through preventative security advice which incorporates international advice including *Best Management Practice.*[38]

Readiness

Readiness for NZ flagged vessels centres on individual ship security exercises.

Response

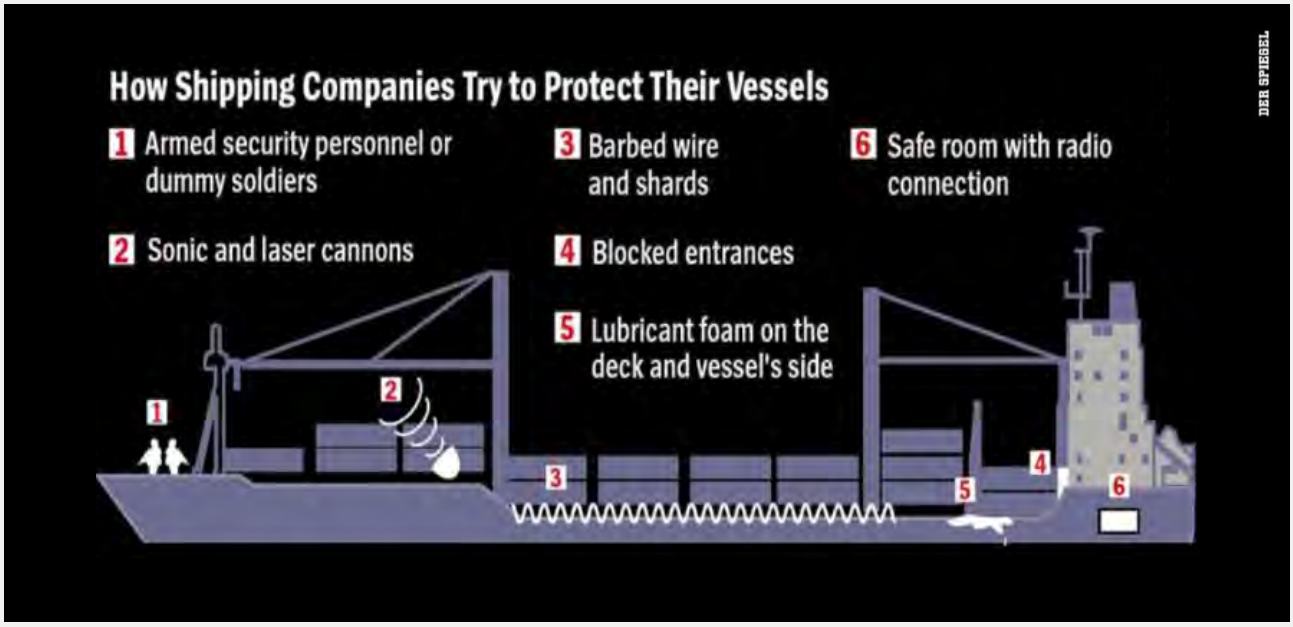
Any response to a NZ flagged vessel or mariner being subjected to piracy or violence in international waters is likely to be dealt with through activation of the national security system led by the stakeholders identified below.

Recovery

Recovery will be led by the stakeholders as above.

Figure 1: Example of Best Practice Management measures on a container vessel[39]

Protective Measures, "Hardening the Vessel"



38. Currently Version 5.
39. Der Spiegel March 2011.

Stakeholder coordination

MCERT's role as piracy policy lead is limited to coordinating initial advice to the executive branch during an incident. That role is likely to pass to the operational lead once a response option has been selected by Ministers.

Lead for the development and delivery of advice on NZ's overseas contribution to counterpiracy initiatives is MOD.

MFAT is the NZ lead on international law which for piracy is predominantly UNCLOS.

MFAT is also the lead for the provision of any consular services that are sought.

MNZ through the Rescue Coordination Centre is likely to be the lead agency for the provision of current information on the location of vessels and mariners. MNZ would also lead liaison with maritime unions when and if they become involved.

NZDF is the most likely lead for operational delivery should that involve actions to free the vessel or mariners.

NMCC is likely to support the RCC with location information as well as providing a venue to support the coordination of assets.

Policy / Strategy[40]	
Lead	**Support**
MCERT (Transport)	MFAT, NZ Police, NZDF, MOD, MNZ
Intelligence[41]	
Lead	**Support**
NZIC	NZ Police, DPMC, NZ Customs, NZDF, MPI
Operational Delivery[42]	
Lead	**Support**
NZDF	NZ Police, NMCC

Public information management

Public information management for a pirated NZ flagged ship or mariner is likely to be led by MCERT supported by MNZ.

Public information management for a NZ contribution to a counter-piracy initiative is likely to be led by MOD supported by NZDF.

40. Agency responsible for administering the most relevant legislation and providing policy advice to the Executive Branch.
41. Agency responsible for ensuring that the National security System and lead agency is across relevant threats, hazards and levels of risk.
42. Agency responsible for leading and coordinating the operational (on the ground) response.

Maritime crime

Crime is committed on or adjacent to New Zealand's territorial waters. Many issues and threats outlined in the Guide may also constitute crimes. Where incidents on the water involve Police, maritime capabilities will typically be engaged.

Police operations on the water are guided by the core principle of preventing harm.

Death on water

Tasks

- NZ Police
  - Acting as agents of the Coroner, investigate sudden, unexplained, or special circumstance deaths.
  - Where death is subject to a criminal investigation, Police lead the inquiry and coordinate transfer of the deceased to a forensic facility.
  - Recovery of bodies from water.

Legislation

- Coroners Act 2006
- Crimes Act 1961
- Maritime Transport Act 1994

Partners

- Maritime NZ investigates accidents under the Maritime Transport Act 1994 and Health and Safety at Work Act 2015.
- In cases involving fatalities, NZ Police investigate on behalf of the Coroner and may prosecute under the Maritime Transport Act 1994 or Crimes Act 1961.

Interfering with a structure or operation in an offshore area / interfering with harbour navigation systems (lights, beacons, buoys etc)

Tasks

- NZ Police:
  - Attend and manage the incident
  - Lead the response
  - Collect information and intelligence
  - Transport specialist personnel to the scene
  - Secure the area
  - Prevent further offences

Legislation

- Trespass Act 1980 (for structures owned by Harbourmasters)
- Crown and Minerals Act 2019

Partners

- Harbourmasters, MBIE and MNZ

Illegal importation of firearms, prohibited items or ammunition

Tasks

- NZ Police:
  - Search and seizure of illegally imported items (firearms, prohibited items or ammunition)
  - Also includes vessels temporarily visiting New Zealand

Legislation

- Arms Act 1983
- Arms Legislation Act 2020
- Maritime Powers Act 2022

Partners

- Customs

Thefts, burglary and assaults

Tasks

- NZ Police:
  - Attend and investigate incidents
  - Identify additional offences during response
  - Provide public reassurance
  - Lead the operational response
  - Transport additional personnel and partner agencies
  - Prevent further offences
  - Collect intelligence and conduct surveillance

Legislation

- Crimes Act 1961
- Policing Act 2008
- Maritime Powers Act 2022

Anchoring or fishing in cable protection areas

See CUI pages

Alcohol consumption by seafarers

Tasks

- NZ Police
  - Conduct alcohol impairment testing of mariners
  - Prosecute offences
  - Prevent harm from intoxicated vessel operators
  - Prevent unsafe mariner behaviour

Legislation

- Policing Act 2008 tasks Police with enforcing NZ law
- Maritime Transport Act 1994 provides enforcement powers with regards to maritime safety laws, including the regulation of alcohol consumption by seafarers

Unlawful entry into New Zealand

Tasks

- NZ Police:
  - Respond to vessels at sea or in port
  - Support Immigration New Zealand with arrests

Legislation

- Immigration Act 2009
- Maritime Powers Act 2022

Partners

- Immigration NZ.

People trafficking

Tasks

- NZ Police:
  - Support Immigration NZ
  - Stop and board vessel or escort to a suitable port
  - Search vessel

Legislation

- Crimes Act 1961
- Immigration Act 2009
- Maritime Powers Act 2022

Partners

- Immigration NZ.

Health response (see also Human Communicable Diseases pages)

Tasks

- NZ Police:
  - Support lead agencies (MOH, Customs)
  - Enforce any legislation as required

Legislation

- Policing Act 2008
- Health Act 1956
- Epidemic Preparedness Act 2006
- Civil Defence and Emergency Management Act 2002.

Dangerous boating

Tasks

- NZ Police:
  - Attend and investigate incidents
  - Arrest and prosecution
  - MNZ generally investigate commercial operators and Police recreational users

Legislation

- Maritime Transport Act 1994

Partners

- Harbourmasters, MNZ.

Stakeholder coordination

Policy / Strategy[43]	
Lead	**Support**
MOJ	NZDF, DPMC, MFAT, MOD, MNZ, NZ Police
Intelligence[44]	
Lead	**Support**
NZ Police	DPMC, NZ Customs, MPI
Operational Delivery[45]	
Lead	**Support**
NZ Police	NZDF, NZ Customs, NMCC

Public information management

Public information management for maritime crime is likely to be led by Police supported by specialist agencies depending on the crime.

43. Agency responsible for administering the most relevant legislation and providing policy advice to Ministers.
44. Agency responsible for ensuring that the National Security System and lead agency is across relevant threats, hazards and levels of risk.
45. Agency responsible for leading and coordinating the operational (on the ground) response.

Security threats to ports or New Zealand flagged vessels

Introduction

The Maritime Security Act came into force on 1 July 2004 as mandated by the International Ship Port and Security Code. The ISPS Code is a set of measures to enhance security of ships and Port Facilities. The Act establishes in New Zealand a maritime security framework to detect security threats and take preventive measures against security incidents affecting ships or Port facilities serving New Zealand's international trade.

Potential consequences for New Zealand

Should New Zealand not have the mandated security measures in force and a serious maritime terrorism event occurred the potential consequences could be serious loss of life, damage to significant port and ship infrastructure. Should New Zealand not be compliant to the ISPS code this could lead to trade restriction/ disruption which could have serious impact on New Zealand's ability to trade internationally.

International law

The ISPS code is mandated by the International Maritime Organisation.

New Zealand law

See above Maritime Security Act 2004.

Risk reduction, readiness, response and recovery

Risk reduction

MNZ is well connected to the NZ intelligence community and should receive warnings and indicators of an imminent threat. Additionally MNZ works within the NZ National Security framework and is an important player in New Zealand's Maritime Security Strategy. MNZ is a signatory to the Statement of Intent – a collaboration with like minded countries which shares information and shares best practice.

MNZ also undertakes security capacity work for some Pacific Island States.

Figure 1: Reducing risk through security control measures: CentrePort, Wellington



Readiness

All NZ Ports maintain Port Security plans – these are tested annually through Maritime Security exercises. Additionally MNZ staff undertake liaison visits to Ports; undertake inspections and maintain close liaison with other border agencies.

Response

All ports are able to enhance response capability through escalation of three risk levels. Ports for example would be able to reduce access to ports, enhance search and monitoring capability should there be a need to increase security levels. Additionally, the NZ security framework is able to be activated dependent upon the security risk.

Recovery

Dependent on the security incident but recovery could be actioned by Industry, local government or National recovery measures dependent upon the severity of the incident.

Stakeholder coordination

Stakeholder coordination is led by MNZ with major stakeholders including:

- Cruise association
- Ports focused on their Port Facility Security Officers
- NZ border and intelligence agencies
- NZ flagged vessels
- Maritime Industry

Policy / Strategy[46]	
Lead	**Support**
MCERT (Transport)	MNZ, NZ Police, NZDF, NZIC, DPMC, MOD
Intelligence[47]	
Lead	**Support**
MNZ	NZ Police, NZIC, NZDF, NZ Police, NMCC
Operational Delivery[48]	
Lead	**Support**
RCCNZ	NZDF, NZ Police, NZ Customs, NMCC

Public information management

Public information management for an incident is likely to be led by MNZ and NZ Police should a significant security event occur.

46. Agency responsible for administering the most relevant legislation and providing policy advice to the Executive Branch.
47. Agency responsible for ensuring that the National security System and lead agency is across relevant threats, hazards and levels of risk.
48. Agency responsible for leading and coordinating the operational (on the ground) response.

Illegal marine pollution

Introduction

Marine pollution can take many forms including:

- an oil spill
- discharges
- illegal sea-dumping
- marine debris
- marine obstruction

Oil Spill

A major oil spill is a release of liquid hydrocarbon into the environment due to human activity. They are typically a result of a shipping or transport, or offshore oil and gas accident. Oil spills may be either crude oils from offshore installations (including pipelines) and/or oil tankers, or refined products such as petroleum. Oil and petroleum is imported directly from overseas refineries.

Illegal sea-dumping

This encompasses the deliberate disposal of wastes at sea.

Marine debris

This encompasses the release of debris, including floating, or semi-submerged cargo, waste, discarded and lost fishing equipment (e.g., ghost nets), or remnant structure that may cause damage to the offshore ecosystem and present a navigation hazard or, if washed ashore, damage to the animal and plant life on coastal fringes.

Marine obstruction

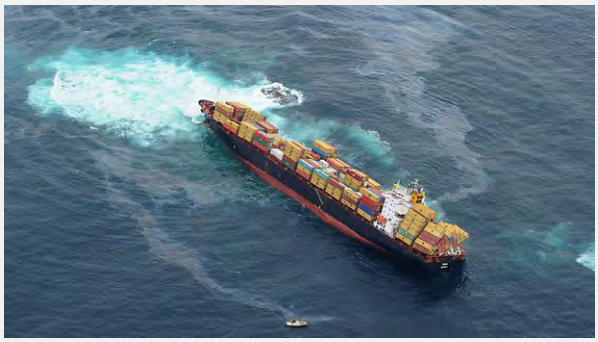
This encompasses a disabled, stranded, or derelict vessel, or wreck, that may present an ongoing pollution, or navigation hazard, or block a waterway of significance to New Zealand's trading interests.

Potential Consequences for NZ

A major marine oil spill can have significant adverse environmental/natural impacts, and result in high levels of media and political interest and attention. Most adverse impacts occur in nearshore and coastal waters, and onshore within the intertidal area. Consequences are categorised thus:

- **Units:** An oil spill is typically characterised by the volume or quantity of oil spilled (for example, the Rena container ship grounding in October 2011 resulted in a 350 metric tonne oil spill, equalling 350,000 litres).

Figure 1: *MV Rena* grounding



- **Extent:** A major oil spill could impact > 100 km^2 of coastline or nearshore/coastal waters
- **Duration:** An oil spill typically occurs instantaneously with limited warning; however, some spills occurring from shipping incidents may have delays of days or weeks as a vessel suffers additional damage; an oil spill could be an instantaneous one-off release, or an on-going spill lasting for days or even months (i.e., for an offshore oil well blow out); a major oil spill is likely to take months or even years to clean-up.

Impacts

- **Social:** Public health; Employment.
  Note: there may also be some cultural impacts (e.g., dependence on kaimoana)
- **Governance/Sovereignty:** New Zealand's international reputation (e.g., 100% Pure New Zealand) could be impacted with consequences across tourism and food exports as well as New Zealand's reputation for upholding the RBIS.
- **Economic/Financial:** Economic growth (GDP, primarily in the form of fishing/tourism loss); Local Government CNW (employment); Household CNW; Private Sector CNW (business income)
- **Built:** Critical lifeline utilities (disruptions to port and water transport activities).
- **Environmental/Natural:** Primary production – marine and freshwater; native species (endangered seabirds and shorebirds, marine mammals); marine – biodiversity and ecosystems (fisheries, marine water quality).
  Note: Native species above could also include already 'at-risk' sub-species (e.g., Maui's dolphin or Bounty Island shag), which for a reasonably small spill from a fishing vessel or similar could result in species extinction.
- **Cost:** Whilst there are international laws that enforce the industry/operator pay for the response/clean-up and rehabilitation, there could be some situations (albeit rare) where some of the cost falls on New Zealand.

International law

International law contains many measures to prevent marine pollution. For example, the United Nations Convention on the Law of the Sea (UNCLOS) creates a general duty to regulate all sources of pollution in the marine environment, not just ship-source pollution (Art. 194(1)). While 80 cent of marine pollution comes from land-based sources, international law regulates pollution from ships extensively. Instruments include:

- The London Convention (dumping of waste at sea)
- The International Convention for the Prevention of Pollution from Ships (MARPOL, which covers oil, noxious liquid substances, harmful packaged substances, sewage, garbage and air pollution)
- Ballast Water Management Convention (preventing the spread of invasive species and disease from the discharge of ships' ballast water).

New Zealand is also party to many conventions agreeing and limiting liability for different types of marine pollution damage. These agreements are based on the principle that victims of marine pollution should be compensated. The conventions also establish funds which help to pay for the cost of clean-up and preventive measures, economic losses by fisherfolk, property damage and economic damage caused by (mostly) oil-based pollution. The cost of compensation through the funds is shared by shipowners, insurers and the oil receivers.

New Zealand law

In the marine environment, the regulatory regime has some limitations, both in terms of regulatory and jurisdictional responsibilities of agencies, and also the capability of agencies to effectively respond to large-scale incidents, including a major oil spill, specifically Tier 3 marine oil spill incidents (in open waters).

Legislation:

- Maritime Transport Act 1994 and Marine Protection Rules
- Exclusive Economic Zone and Continental Shelf (Environmental Effects – Discharges and Dumping) Regulations 2015
- Health and Safety in Employment (Petroleum Exploration and Extraction) Regulations 2013

Regulation:

- Audits and inspections of offshore (oil and gas) installations
- Port State Control inspections
- International Oil Pollution Prevention Certificate

Maritime safety activity (surveys, charts, warnings, etc)

Key agencies include: MNZ, EPA, WorkSafe (High Hazards Unit)

Potential judicial consequences

The potential consequences for an individual who causes marine pollution include:

- fine and/or imprisonment for the owner or master of the vessel involved
- fine and/or imprisonment for other personnel involved in the illegal or criminal activity
- civil or criminal action for activities that kill or harm native species or have a significant impact on the Commonwealth marine environment
- seizure, or confiscation, of the vessel involved

Risk reduction, readiness, response and recovery

Risk reduction

Regulation of the shipping/transport and offshore oil and gas industries; improvements in vessel design, and operational best practice in the offshore oil and gas industries

Readiness

New Zealand's Marine Oil Spill Response Strategy and National Marine Oil Spill Contingency Plan.

Maintenance of nationwide oil spill equipment stockpiles.

International third party support arrangements.

Risk Assessment:

- Environmental scan – 2020

Monitoring:

- Immediate notification of incidents via MNZ RCCNZ
- MNZ on-call staff for immediate mobilisation of initial response capability
- Regional council 'Pollution Hotline'

Planning:

- New Zealand Marine Oil Spill Response Strategy 2022 – 2026 (three-tiered response system)
- Integrated Maritime Incident Readiness and Response Strategy March 2022
- National Marine Oil Spill Contingency Plan (in place and regularly updated) – *requires implementation
- Regional Marine Oil Spill Contingency plans
- Oil Spill Contingency plans for individual offshore installations (Marine Protection Rule 131 under the Maritime Transport Act)

Capability development:
- MNZ Strategic Implementation Plan 2022–2028
- Oil spill response equipment replacement and enhancement program
- Involvement in worldwide oil spill response community
- Ex Whai Mana Evaluation report 2022

Relationships:
- Liaison with iwi on oil spill response
- MoU with Australian Maritime Safety Authority (AMSA) for assistance during a major oil spill response (in open waters)
- Contract with Massey University to provide a marine wildlife rescue capability
- Regional Councils, Salvage, well Intervention, Oil Spill Response Ltd (UK) (OSRL)

Key agencies include: MNZ, regional councils

Response

Oil spills or shipping/offshore oil and gas incidents reported to the MNZ RCCNZ.

Tier 3 response arrangements in accordance with the National Marine Oil Spill Contingency Plan:
- Response in accordance with the National Marine Oil Spill Contingency Plan
- National Response Team consisting of 150 members
- Additional 200+ training regional council oil spill responders
- National oil spill response equipment stockpile held in Auckland
- 20 regional oil spill response equipment stockpiles
- 'Oiled marine wildlife' response provided by Massey University
- OSRL/AMSA

Key agencies include: MNZ, regional council.

Recovery

Long term monitoring of environmental impacts related to oil contamination of marine habitats and life.

Economic impacts may require compensation to businesses adversely affected by the spill.

Stakeholder coordination

MCERT (Transport) is responsible for the policy settings under which MNZ performs readiness, response and recovery actions. MNZ leads day-to-day stakeholder coordination.

Policy / Strategy[49]	
Lead	**Support**
MCERT (Transport)	MNZ, MBIE, DOC, MPI, NZ Police, MCERT (Environment)
Intelligence[50]	
Lead	**Support**
MNZ	EPA, NMCC, NZ Police, NZDF, DOC, MPI
Operational Delivery[51]	
Lead	**Support**
RCCNZ	EPA, NMCC, NZ Police, NZDF, DOC, MPI

Public information management

Public information management for an incident is likely to be led by MNZ.

49. Agency responsible for administering the most relevant legislation and providing policy advice to the Executive Branch.
50. Agency responsible for ensuring that the National security System and lead agency is across relevant threats, hazards and levels of risk.
51. Agency responsible for leading and coordinating the operational (on the ground) response.

Maritime safety and emergencies (including oil response)

Introduction

Maritime NZ is the lead New Zealand operational agency for responding to significant and major maritime incidents. General maritime incident response (non-oil) is managed through the Maritime Incident Readiness and Response (MIRR) Team but is delivered through a whole-of-organisation approach by working in conjunction with Managers and staff across MNZ, and in particular with the Marine Pollution Response Service (MPRS) and the Rescue Coordination Centre New Zealand (RCCNZ).

Maritime NZ's responsibility for maintaining and implementing the country's maritime incident response system means it works with international partners, other government agencies, regional councils, commercial operators, recreational bodies, and communities to maintain a response capability that includes the provision of equipment (primarily in the marine oil spill response area).

> Maritime NZ is the lead New Zealand operational agency for responding to significant and major maritime incidents

Potential consequences for New Zealand

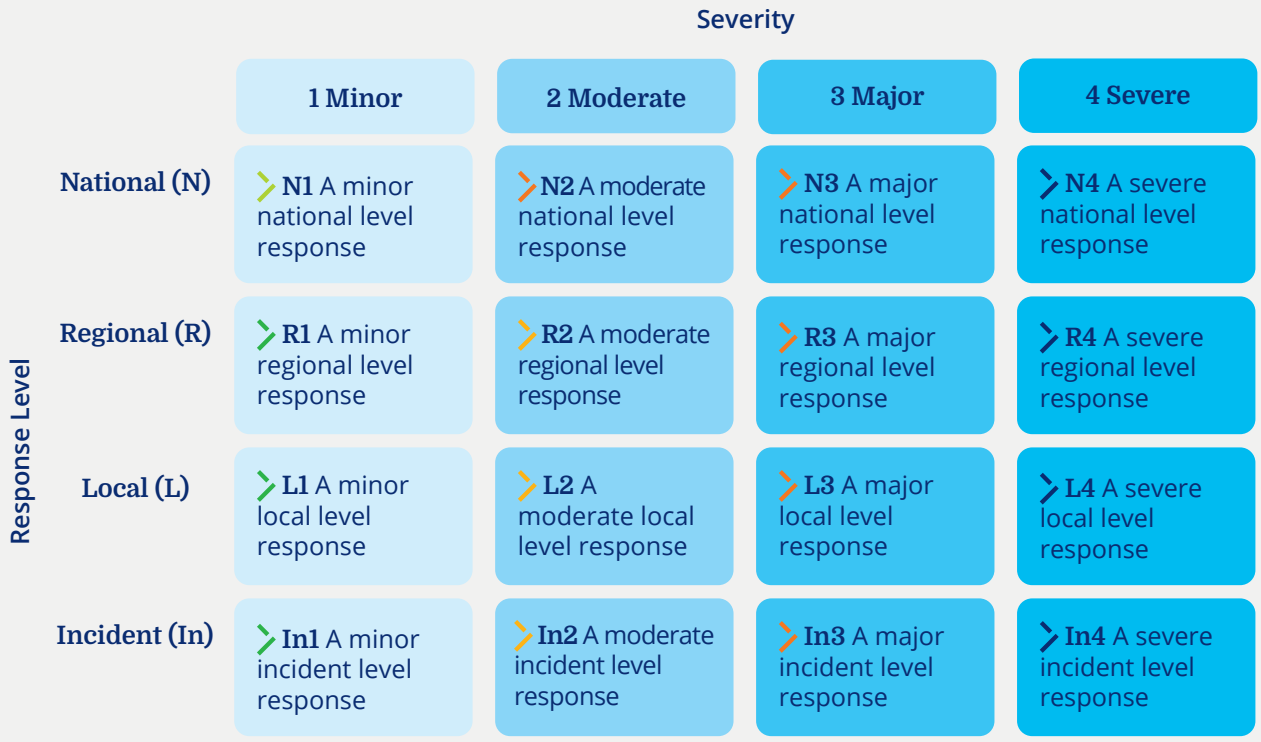
MNZ recognises that, in general, major maritime incidents are complex and varied situations that:

- may involve ships or offshore operations;
- may involve both oil and non-oil pollution; and
- are inherently dangerous because they may result in risks to life, hazards to shipping, damage to the environment, and loss of property.

Maritime NZ applies a guiding framework for the response to maritime incidents based on three levels of incident 'seriousness': minor/routine, significant, and major.

Classification is driven fundamentally by the actual or potential seriousness of the consequences of the incident in terms of risks to life, the environment, the economy (national and local), and property along with the level of involvement or activity Maritime NZ needs to undertake. (See Figure 1 below).

Figure 1: Maritime NZ maritime incident classification mapped to CIMS (third edition) incident classification



Key:

- N/A – A 'Minor' National – level (N1) maritime incident is highly unlikely
- Minor/Routine
- Significant
- Major
- N/A – It's highly unlikely that a maritime incident on its own will reach this level of severity

Source: New Zealand Government. 2019, *Coordinated Incident Management System* (3rd edition, effective from 1 July 202). Wellington: Department of the Prime Minister and Cabinet, Table 5, p 28.

Strategic assumptions for New Zealand

Two strategic assumptions dictate New Zealand's response arrangements.

- There are affordability limits to the amount of response capabilities owned or held by central and local government, so New Zealand will require significant international inputs for incidents of a certain scale or complexity.
- New Zealand's relative global remoteness will impact on the timeliness of delivery of these international inputs.

These assumptions have led to the concept of 'adequate domestic first response capability', which underlies Maritime NZ's strategy and plans for response. For marine oil spill response, the concept is operationalised through a three-tiered response regime. This regime, administered by Maritime NZ, meets New Zealand emergency management principles and International Maritime Organisation norms.

However, when considering a major maritime incident, with a wider risk spectrum, including a Tier 3 response to marine oil and non-oil threats, the intensity of the incident and the severity of the consequences may necessitate decision powers beyond those available under the Maritime Transport Act 1994 and may require decision-making at a strategic level.

If a full national emergency were declared (under the Civil Defence Emergency Management Act 2002), the response leadership might still belong within the transport sector under its Minister and lie with the Director of Maritime NZ, but operating within national security guidelines and procedures. Judgements such as these about governance and others of similar criticality about response management structures would be raised to the levels of the Officials Committee for Domestic and External Security Coordination (ODESC) and Cabinet as dictated by the severity of the threats, in aggregate, and assessed against sector-specific escalation criteria (see Figure 2 below).

Figure 2: Major maritime incident – threat severity and response escalation criteria

Category of Impact	Increasing Severity of Impact →	
Human	Potential for loss of life	Potential for multiple loss of life
Environment	Significant impacts and natural recovery may take months; remediation required	Significant area and natural recovery may take months; remediation required
Wildlife and Plants	Groups of wildlife or plants or threatened wildlife or plants	Large numbers of wildlife or plants
Economy	Business failure	Disruption of sector
Social	Ongoing reduced services	Reduced quality of life
Infrastructure	Medium term failure	Severe impairment
Public Affairs	National media coverage Community and iwi unengaged	International media coverage Community and iwi alienated
Government	**Fiscal** – within budgets **Legal** – parties negotiate to settle; consent for operations/ require negotiation **Diplomatic** – few foreign nationals affected	**Fiscal** – new appropriation required **Legal** – parties in dispute; consent/access denial **Diplomatic** – numerous foreign nationals affected

International law

International law contains many measures to ensure the safety of life, property and environment at sea, the most important of which being the International Convention for the Safety of Life at Sea:

- International Convention for the Safety of Life at Sea (SOLAS), 1974
- International Convention on Maritime Search and Rescue (SAR), 1979
- The United Nations Convention on the Law of the Sea (UNCLOS), 1982

New Zealand law

Maritime Transport Act 1994 (MTA): gives the Director of Maritime NZ wide-ranging and significant powers to direct the actions of any parties involved with an incident where a vessel or installation is declared to be '*hazardous*'. These powers are broadly similar to the powers of the National Controller under a civil defence emergency declaration.

Health and Safety at Work Act 2015 (HSWA): MNZ administers the HSWA and associated regulations for work on board ships, and where ships are places of work. MNZ also provides health and safety resources including guidance about implementing the HSWA in the maritime sector.

Risk reduction, readiness, response and recovery

Risk reduction

Identification and analysis of the risks from maritime incidents to the maritime environment, including taking steps to eliminate these risks if practicable, and, if not practicable, reducing the magnitude of their impact and the likelihood of their occurring.

A transparent and systematic process is used when identifying and assessing risks and in communicating these risks to all relevant parties. The risk-based approach will be used in decision-making for preparing and planning for maritime incident response.

The main features of the risk reduction approach are;

- Education and advice
- Tracked vessel movements
- Industry agreements for immediate rescue and salvage resources
- Encouraging industry to operate within a safety culture

Readiness

A key driver and focus of the Integrated Maritime Incident Readiness and Response

Strategy, Contingency plans that are comprehensive, integrated, well understood, monitored, exercised, and compliant with relevant legislation

- Integrated Maritime Incident Response Strategy (Integrated Strategy)
- Out of Hours Guidelines for Event Notification and Management
- Functional Plans for CIMS Teams.
- Various international conventions and domestic laws, regulations, and rules

Monitoring: Coastal and shore-based surveillance, intelligence and community outreach: A range of shore based systems and relationships provide additional maritime security situational awareness. Examples include

- border and port monitoring systems and processes
- and community outreach and engagement

Planning: Maritime NZ maintains the Integrated Maritime Readiness and Response Plan, This plan provides guidance for the Maritime Incident Response Team (MIRT) when it is mobilised to assist with a response to a maritime incident;

- Integrated Maritime Incident Readiness and Response Plan Version V.5

Capability development: To maintain and further develop response capability, Maritime NZ conducts incident response exercises regularly.

Response

The New Zealand Government's role is to oversee the actions of the owners/operators for operational management of a maritime casualty (that is, a governance and assurance role). Only in extreme situations would the government seek to directly engage specialists to undertake operational tasks. Communication must be facilitated among key stakeholders in relation to appropriate situational information and necessary actions.

The MIRT's three core functions, undertaken in various combinations, depending on the scenario are:

- **Monitoring:** developing and maintaining situational awareness to determine what is occurring in the incident
- **Oversight:** understanding the actions or proposed actions by the main parties, considering the Government's and New Zealand perspectives on these actions, and forming a view as to their appropriateness
- **Intervention:** considering options for intervention using available powers and influence if actions are inappropriate or insufficient and executing and managing the approved intervention.

Recovery

Coordinated efforts and processes to bring about the immediate, medium-term, and long-term regeneration of the marine environment and community (as required) following a maritime incident. Maritime NZ's focus is on assisting recovery authorities to undertake base-lining activities at the start of a response and monitoring the environmental effects of the response activities. Processes are in place to promote environmental, economic, social, and cultural recovery after an incident, including:

- determining whether impacts have occurred and assessing them
- establishing and implementing a restoration plan (if needed)
- monitoring results over time.

Stakeholder coordination

MCERT (Transport) is responsible for the policy settings under which MNZ performs readiness, response and recovery actions. MNZ leads day-to-day stakeholder coordination.

Policy / Strategy[52]	
Lead	**Support**
MCERT (Transport)	DPMC, NEMA, MOD, NZDF, MFAT, MCERT (Environment), FENZ, MBIE
Intelligence[53]	
Lead	**Support**
MNZ	MPI, MBIE, EPA, NMCC, GNZ, FENZ
Operational Delivery[54]	
Lead	**Support**
MNZ	NZDF, EPA, MPI, NEMA, Emergency Task-Force (MFAT), local authorities, FENZ

Public information management

Public information management for an incident is likely to be led by MNZ.

52. Agency responsible for administering the most relevant legislation and providing policy advice to the Executive Branch.
53. Agency responsible for ensuring that the National security System and lead agency is across relevant threats, hazards and levels of risk.
54. Agency responsible for leading and coordinating the operational (on the ground) response.

Maritime Search and Rescue (SAR)

Introduction

With maritime SAR occurring regularly and dealt with as a business-as-usual event, this section focuses on Nationally Significant Search and Rescue (SAR) incidents which are events which overwhelm normal capacities and may trigger the involvement of the National Security Strategy. Such an event would require considerable resources to resolve; involve significant numbers of casualties or fatalities; attract substantial domestic and international attention; or create reputational risks to SAR agencies and New Zealand.

Though not all Nationally Significant SAR events will involve Mass Rescue Operations (MRO), these types of operations *do* involve extensive activities beyond search and rescue, such as: environmental protection; reconciliation and repatriation; international liaison; ongoing medical care; high levels of media interest; Disaster Victim Identification; investigations; and salvage and recovery planning.

Mass Rescue Operation (MRO)

A MRO will almost certainly be the most complex and adversely consequential type of nationally significant SAR operation. As such, there is an expectation in the international SAR system that nations prepare to respond to an MRO incident. These low-probability, high-consequence events are defined:

> *a mass rescue operation (MRO) is one that involves the need for immediate assistance to large numbers of persons in distress, such that capabilities normally available to search and rescue authorities are inadequate.*

An MRO incident is a nationally significant SAR operation, which would require the activation and involvement of the National Security System.

SAR Categories

Category 1 operations usually involve local resources and people who are familiar with the area. These are coordinated by NZ Police.

Category 2 operations usually involve national or international resources. These are coordinated by the Rescue Coordination Centre NZ (RCCNZ).

International law

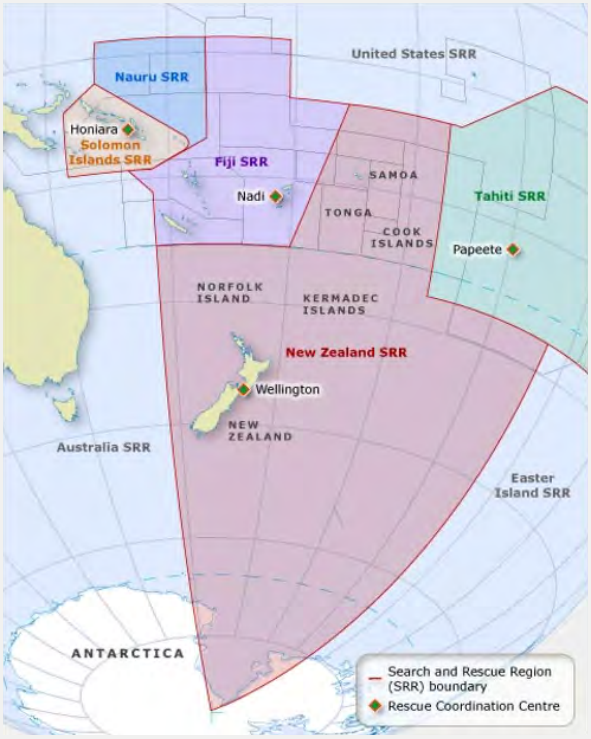
The New Zealand Government has obligations to establish and provide search and rescue services under international conventions to which it is a party including:

- Convention on International Civil Aviation 1944: Annex 12 'SAR Standards and Procedures'.
- International Convention for the Safety of Life at Sea (SOLAS) 1974: Chapter V 'Search and Rescue'.
- Convention on the High Seas 1958: Article 12.
- International Convention on Maritime Search and Rescue 1979: 'Provision of regional SAR services and Rescue Coordination Centre (RCC').
- United Nations Convention on the Law of the Sea (1982): Article 98 'Duty to render assistance'.

In brief, these conventions impose obligations on the party states to:

- arrange for the establishment and prompt provision of search and rescue services within their Search and Rescue Regions (SRR).
- establish a 'national machinery' for the overall coordination of SAR services.
- establish a RCC for the relevant search and rescue region, staffed 24 hours a day.

Figure 1: New Zealand Search and Rescue Region



New Zealand law

The New Zealand Government has ensured that its international obligations to deliver SAR services are implemented by incorporating appropriate requirements into New Zealand legislation.

The Minister of Transport is responsible for the organisation and conduct of specific SAR activities within the New Zealand's Search and Rescue Region. New Zealand statutes that relate directly to the delivery of SAR services include:

- Civil Aviation Act 1990 section 14b
- Maritime Transport Act 1994 section 431

Other New Zealand statutes that relate to the provision of SAR services include:

- Policing Act 2008 sections 9, 10

New Zealand Police have the legal responsibility for all human remains recovery activities in New Zealand[55] in accordance with the Coroners Act 2006.

Risk reduction, readiness, response and recovery

Risk reduction

Maritime New Zealand (MNZ) is the national regulatory, compliance and response agency for the safety, security and environmental protection of coastal and inland waterways.

MNZ provides a national land, sea and air search and rescue coordination service through the RCCNZ which provides a full-time search and rescue service and is responsible for coordinating all major maritime and aviation search and rescue missions within New Zealand's search and rescue region. RCCNZ also oversee land-based missions arising from the activation of distress beacons.

Readiness

Coordinating Authorities are responsible for preparing comprehensive readiness plans for the conduct of SAR operations in their respective areas of responsibility. These plans should be based on agreements between the Coordinating Authorities and the providers of SAR facilities or other support for SAR operations.

Plans are intended to be valuable aids for time-critical search planning and SAR coordination processes. The Coordinating Authorities should develop plans that:

- Meet the requirements of applicable international SAR manuals.
- Cover all potential SAR emergency scenarios likely to occur within the NZSRR, or within the Police District or area of the NZSRR relevant to that plan (e.g., Antarctica).
- Are based on identified SAR risks and analysis of SAR trends.
- Are reviewed and updated regularly.
- Are readily available to SAR coordinators in convenient form for quick and easy use.

The coordinating authorities should ensure there are established contingency facilities, or if a SAR service is unable to be provided by one of the coordinating authorities, procedures are in place for the temporary delegation of SAR responsibility to another coordinating authority.

Contingency arrangements should be tested periodically, but not less than once every six months for RCCNZ.

55. New Zealand means the land and the waters enclosed by the outer limits of the territorial sea of New Zealand (as described in section 3 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977); and includes the Ross Dependency.

Response

A search and rescue Coordinating Authority is the agency or body responsible for the overall conduct of a Search and Rescue Operation. The Coordinating Authority will lead and manage the operation.

New Zealand has two recognised SAR Coordinating Authorities. They are:

- The New Zealand Police
- RCCNZ

Special coordination arrangements are made for SAR incidents that occur within the Antarctic NZSRR.

For any SAROP there can only be one Coordinating Authority who is responsible for the management and coordination of the operation.

The Coordinating Authority to receive initial notification of an incident that may require a SAROP will undertake the initial classification of the SAROP and assume responsibility until any formal transfer required is agreed.

Recovery

Some SAR operations may require extended searching, and at some point, the Coordinating Authority must take the difficult decision to suspend search operations pending the receipt of additional information. That is, the Coordinating Authority must decide that additional search effort will not result in success.

In making this decision, each SAR incident must be considered on its own merits, and care should be taken not to end the search prematurely. The decision to suspend a search involves humanitarian considerations, but there is a limit to the time and effort that can be devoted to each SAR case.

Stakeholder coordination

The New Zealand Police is the lead agency for Category one Search and Rescue incidents and is managed at District level. Police National Headquarters provides direction and guidance on the strategic and operational principals for Category one Search and Rescue and the relationships with SAR partner agencies.

MNZ through the Rescue Coordination Centre is likely to be the lead agency for the provision of current information on the location of vessels and mariners.

NMCC is likely to support the RCC with location information as well as providing a venue to support the coordination of assets.

Policy / Strategy[56]	
Lead	**Support**
MCERT (Transport)	NZSAR Secretariat, MNZ, NZ SAR Council, NZDF, MFAT, MCERT (Environment) , NZ Police, MOD
Intelligence[57]	
Lead	**Support**
MNZ	RCCNZ, NMCC, NZDF
Operational Delivery[58]	
Lead	**Support**
RCCNZ	NZDF, NZ Police, MNZ, NMCC, local authorities.

Public information management

Public information management for an incident is likely to be led by NZ Police for Category I and MNZ for Category II Search and Rescue operations.

56. Agency responsible for administering the most relevant legislation and providing policy advice to the Executive Branch.
57. Agency responsible for ensuring that the National security System and lead agency is across relevant threats, hazards and levels of risk.
58. Agency responsible for leading and coordinating the operational (on the ground) response.

Defence of New Zealand's sovereignty and territorial integrity

Context

New Zealand's region encompasses an expansive, diverse and largely maritime area, spanning from Antarctica through to the Pacific, and west toward Australia and north-west toward South-East Asia. As well as New Zealand's territory (including its off-shore islands), New Zealand has constitutional responsibilities to Tokelau as a non-self-governing territory of New Zealand, and to Cook Islands and Niue as self-governing states in free association with New Zealand.

New Zealand exerts full or partial control in defined maritime zones as specified in the United Nations Convention on the Law of the Sea (UNCLOS):

- In the territorial sea (from the shore out 12 nautical miles), New Zealand has full sovereignty.
- In the contiguous zone (between 12 to 24 nautical miles from the shore), New Zealand may conduct certain law enforcement activities.
- In the Exclusive Economic Zone (EEZ) (between 12 and 200 nautical miles from the shore), New Zealand has sovereign rights over marine resources and jurisdiction over the protection and preservation of the marine environment.
- On the continental shelf (which extends beyond the EEZ in some areas), New Zealand has exclusive sovereign rights over the use of non-living resources and sedentary species.

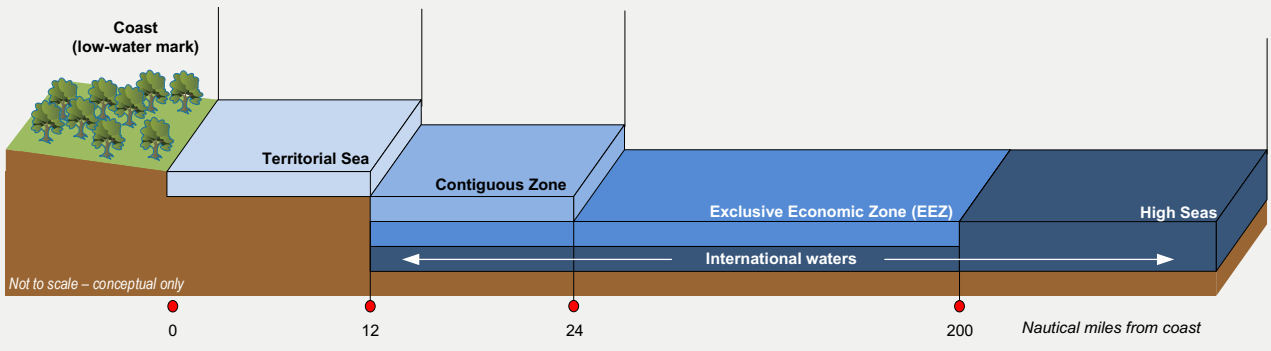
New Zealand depends on the international rules-based system, along with cooperation from other states, to preserve and promote its maritime interests including its sovereignty and territorial integrity. In turn, New Zealand's national security both relies upon and enables the protection of New Zealand's expansive maritime domain. The New Zealand Defence Force also contributes to MDA, and safeguarding the Ross Dependency in Antarctica, the Cook Islands, Niue, and Tokelau, through the use of NZDF capabilities.

Drivers

Key maritime security risks to the territory of New Zealand comprise:

- **Climate change:** sea level rise presents challenges to the stability of maritime zones provided for by UNCLOS, as there is risk that the basepoints and features from which maritime zones are measured will shift inwards or be inundated, resulting in a shrinking of maritime zones. This could create ambiguity around defined maritime zones, leading to disputes,

Figure 1: Maritime zones



particularly over EEZs. Changing fish migration patterns may make New Zealand's EEZ an increasingly attractive location for fisheries.

- Increasing challenges to the maritime rules-based international system and an increase in strategic competition in New Zealand's immediate region, the Pacific.
- Increasing maritime activity: expanding maritime economies are increasing the number of vessels, facilities and infrastructure in New Zealand's maritime areas of interest. Without further investment in MDA, New Zealand's ability to detect and track vessels of interest will be further stretched.
- Transnational Serious Organised Crime. Pacific routes are increasingly used to transit methamphetamine and cocaine into New Zealand, in part driven by attractive markets in Australia and New Zealand and exploiting gaps in maritime and aviation border controls through sophisticated smuggling methods. Similarly, organised crime networks use ports with 'trusted insiders', then extending into New Zealand to launder money, traffic firearms, illicit tobacco and endangered marine resources further undermining New Zealand's territorial integrity. Criminal networks often use floating caches, small vessels, and porous sea lanes which creates challenges to monitor and enforce across New Zealand's vast maritime territories.

Legal aspects

Article 2(4) of the United Nations Charter states that all member nations should refrain from the threat or use of force against another state.

Stakeholder coordination

Policy / Strategy[59]	
Lead	**Support**
MOD	NZ Police, NZDF, NZIC, DPMC, MFAT
Intelligence[60]	
Lead	**Support**
NZDF	NZIC, DPMC, MFAT, GNZ
Operational Delivery[61]	
Lead	**Support**
NZDF	NZ Customs, NMCC, NZ Police

Public information management

This is likely to be led by MOD initially with support from the stakeholders above.

59. Agency responsible for administering the most relevant legislation and providing policy advice to Ministers.
60. Agency responsible for ensuring that the National Security System and lead agency is across relevant threats, hazards and levels of risk.
61. Agency responsible for leading and coordinating the operational (on the ground) response.

Promotion and Support of the Maritime Rules Based Order – United Nation Convention on the Law of the Sea (UNCLOS)

Description

- New Zealand is a beneficiary of the certainty, stability, universality and safeguards extended by the rules based international order.
- The United Nations Convention on the Law of Sea (UNCLOS) is one of the most significant international treaties for New Zealand.
- UNCLOS reflects a carefully negotiated balance of rights and obligations which was hard fought and which protects some of New Zealand's and the Pacific's core interests. UNCLOS established New Zealand's rights to an Exclusive Economic Zone (EEZ) and extended Continental Shelf. It enshrines the freedoms of navigation and overflight that ensure secure trade routes, and provides for protection and preservation of the marine environment, including living and non-living resources.
- UNCLOS underpins the security and prosperity of the Pacific. It is also central to understanding global flashpoints.
- 168 UN member States are UNCLOS parties. Ensuring the integrity of UNCLOS is of great importance to New Zealand.

Importance to New Zealand

- The EEZ extends from 12 to 200 nautical miles off New Zealand's coast. New Zealand's EEZ is one of the largest in the world at approximately 4 million km^2 [62] fifteen times the size of our land mass itself. The EEZ gives New Zealand sovereign rights to the living and non-living resources.
- The EEZ is crucial to New Zealand's economy including our fisheries industry. For example, prior to the EEZ being established, the value of our fish exports peaked at $50.4 million. By 1994 it was estimated at $1.2 billion.[63] In the 2000s, our fish exports continued to exceed $1 billion annually.
- UNCLOS guarantees rights to freedom of navigation and overflight. This is directly relevant for our entire marine economy,[64] and shipping in particular.
- UNCLOS also explicitly gives states the freedom and right to lay submarine cables in the high seas, EEZ, and Continental Shelf.[65]
- Māori have a close cultural and spiritual relationship with the ocean, especially within the territorial sea adjacent to the land. Some iwi have cultural connections with specific areas within New Zealand's EEZ, as certain water passages played important roles for ancestral migrations to Aotearoa.[66]
- Māori may have rights in the EEZ conferred by Te Tiriti o Waitangi and treaty settlements. Some treaty settlements have been directly related to commercial fisheries.

62. "Map of the Continental Shelf Boundary" Land Information New Zealand <www.linz.govt.nz>.
63. Malcolm Templeton "The Law of the Sea" in Malcolm Templeton (ed) New Zealand as an International Citizen (Ministry of Foreign Affairs and Trade, Wellington, 1995) at 154.
64. This is defined as the sum of the economic activities that take place in, or use, the marine environment or produce goods and services necessary for those activities, and make a direct contribution to the national economy.
65. UNCLOS, arts 87, 58(1) and 79.
66. Hon David Benson-Pope, above note 63, at 1.12.

New Zealand's position

- Upholding the integrity of UNCLOS is a key New Zealand priority. We take opportunities to actively promote it as the Constitution for the Oceans. For example: New Zealand submitted a note verbale to the UN Secretary General in 2021 outlining New Zealand's position on the application of UNCLOS in the South China Sea.
- New Zealand regularly engages in multilateral forums to uphold the unified character of UNCLOS as the constitution of the oceans.
- In 2021 New Zealand marked the 5th anniversary of the 2016 Arbitral Award[67] and called on the parties to abide by it.

Relevant New Zealand legislation

- The Maritime Powers Act 2022 provides New Zealand law enforcement agencies with powers to enforce New Zealand's criminal law in international waters where specific requirements are satisfied. Powers available under the Act include stopping, boarding, searching and detaining a foreign ship and arresting individuals. It is designed to address serious criminal offending in international waters, particularly transnational organised crime.

Stakeholder coordination

- The Ministry of Foreign Affairs and Trade is the Policy Lead for matters pertaining to UNCLOS, including providing legal advice on specific matters relating to UNCLOS, in addition to leading international engagement.

Policy / Strategy[68]	
Lead	**Support**
MFAT	DPMC, MOD, MCERT (Environment), MPI, NZ Customs, Antarctica NZ, NZ Police

Intelligence[69]	
Lead	**Support**
NZIC	NZDF, MFAT, DPMC, NZ Customs, MNZ, NMCC

Operational Delivery[70]	
Lead	**Support**
Maritime Security Agencies	NMCC, HQJFNZ

Public information management

Public information management for an incident is likely to be led by MFAT.

67. The South China Sea Arbitration in 2016, binding as between the parties to the Award – China and the Philippines, found that China's "nine-dash line" based on so-called "historic rights" were not provided for by UNCLOS and exceeded UNCLOS entitlements.
68. Agency responsible for administering the most relevant legislation and providing policy advice to Ministers.
69. Agency responsible for ensuring that the National Security System and lead agency is across relevant threats, hazards and levels of risk.
70. Agency responsible for leading and coordinating the operational (on the ground) response.

South Pacific

Description

- New Zealand is in and of the Pacific and we have a direct stake in the region's peace, stability, prosperity, and resilience.
- The Pacific region faces a range of challenges including the existential threat posted by climate change, natural disasters, economic development, and increased geostrategic competition distracts from key Pacific priorities.
- New Zealand partners with Pacific countries to build resilience in our region by supporting long-term development and security outcomes, in line with Pacific priorities and with a high degree of Pacific ownership. New Zealand is committed to engagement in a well-functioning Pacific regional institution – with the Pacific Islands Forum (PIF) as the region's preeminent political body to bolster regional development and security and to use our collective voice to hold bigger countries to account.
- Pacific Island Forum Leaders have been clear that Pacific countries have the collective capacity and commitment to address the security needs of the region from within the region. The Boe Declaration on Regional Security endorsed by Forum Leaders in 2018, affirms an "expanded concept of security" encompassing traditional and non-traditional challenges encountered by the region, prioritising human security, environmental security, transnational crime, and cyber security, and highlights that "climate change remains the single greatest threat to the livelihoods, security and wellbeing of the peoples of the Pacific".
- New Zealand works closely with all of our partners in the region to encourage best practice and advance Pacific priorities as articulated in the 2050 Strategy for the Blue Pacific Continent and its corresponding implementation plan. We encourage partners from outside the region to coordinate efforts and encourage them to channel their engagement and resources through the Pacific Islands Forum and other established regional architecture.

Context

- As affirmed in the *Boe Declaration*, **climate change** is the region's most pressing immediate and long-term security challenge. Addressing the direct and indirect impacts of climate change will be one of the greatest global challenges of the coming decades. Climate change impacts present direct human security challenges and also exacerbate the risk factors that contribute to social and political instability, which will mean increased competition for basic resources, more numerous and destructive natural disasters and greater uncontrolled migration. Climate-related migration and relocation are already taking place within the Pacific Islands region, albeit at a much smaller scale than in other regions.
- The region is fielding unprecedented interest from an increasing range of external actors. Increased geostrategic competition risks Pacific countries' ability to chart their own future and distracts from key Pacific priorities.



- **Equity, inclusivity and human rights** are critical for enabling effective, resilient and sustainable development, and are directly linked to achieving broad economic growth, well-being, and stability outcomes. COVID-19 has compounded existing challenges and threatens to deepen inequalities, have a negative impact on human rights, and disproportionately harm the most vulnerable communities.
- The Pacific region also faces increased risk from **non-traditional security threats** such as transnational crime, cybercrime, trafficking in persons, people smuggling and fisheries resource predation. For example, global competition for access to fisheries is already growing, particularly in the Indo-Pacific, as global populations grow and pressure increases on fish stocks. Increased fisheries competition has brought with it increased challenges to Pacific countries' abilities to maintain control over both regional fisheries and their maritime domains. While most such competition may focus on deep water fisheries, increasing pressure will also likely come on coastal fisheries, which are significant for food security.

Policy and approach for partnership and engagement

As a country in and of the Pacific, New Zealand recognises the intrinsic links between Pacific security and New Zealand's national security. Pacific Islands Forum Members (including New Zealand) have expressed strong commitment to support each other to meet their own security needs as set out in the 2000 Biketawa and 2018 Boe Declarations. New Zealand does not want to see activities in the Pacific that could destabilise the current institutions and arrangements that underpin our region's security. This would not benefit New Zealand or Pacific countries.

New Zealand is committed to supporting Pacific security needs. We have a deep commitment to the region which has been demonstrated through decades of cooperation across a wide range of areas. Pacific development, and Pacific security are in New Zealand's interests.

Development and security cooperation – maritime security focus

New Zealand has enduring development cooperation with Pacific partners. New Zealand is committed to delivering at least sixty percent of our development funding in the Pacific. In 2023/24, we spent $760m NZD in the Pacific to support climate resilience, security, governance and democratic institutions, and economic and social resilience, while ensuring inclusive and equitable outcomes. New Zealand also supports security cooperation in the region, through funding available under the Pacific Security Fund, and through a range of bilateral maritime security initiatives as well as under the auspices of regional institutions such as the Forum Fisheries Agency.

There are specific elements of New Zealand's development and security cooperation that support maritime security outcomes in the region. These include:

- New Zealand has long-term commitments to support Pacific partners to respond to illegal unreported and unregulated fishing in the Pacific region. This includes bilateral cooperation, partnerships with the Forum Fisheries Agency, and deployable capabilities to support maritime surveillance for compliance to fisheries management measures.
- New Zealand has worked with Pacific partners to support the Declaration on Preserving Maritime Zones in the Face of Climate Change-Related Sea-Level Rise, through the Pacific Islands Forum. The Declaration makes clear the region's intention to maintain our maritime zones without reduction, notwithstanding climate change related sea level rise.

- MPI provides peer-to-peer support to build fisheries management capacity in the region.
- Maritime New Zealand provides peer-to-peer support to Pacific partners to strengthen port security measures and is engaging with the IMO to deliver workshops focused on maritime security governance and sector strategy development.
- Ministry of Defence provides peer to peer support to Fiji Ministry of Defence to assist with the development of Fiji's maritime security strategy.

There are long-standing partnerships between New Zealand agencies and Pacific law enforcement agencies that support capability development and systems strengthening across a range of areas including border security and transnational organised crime. As a member of the Pacific Transnational Crime Network, New Zealand is working closely with Pacific partners to strengthen law enforcement capabilities, including through contributions to the Pacific Transnational Crime Coordination Centre.

Stakeholder coordination

Policy / Strategy[71]	
Lead	**Support**
MFAT	DPMC, MOD, MCERT (Environment), MPI, NZ Customs, NZ Police
Intelligence[72]	
Lead	**Support**
NZIC	NZDF, NZ Police, DPMC, MPI, NZ Customs, NMCC
Operational Delivery[73]	
Lead	**Support**
Maritime Security Agencies	RCCNZ, HQJFNZ, Emergency Taskforce (MFAT), NMCC

Public information management

Public information management for an incident is likely to be led by MFAT.

71. Agency responsible for administering the most relevant legislation and providing policy advice to Ministers.
72. Agency responsible for ensuring that the National Security System and lead agency is across relevant threats, hazards and levels of risk.
73. Agency responsible for leading and coordinating the operational (on the ground) response.

Southern Ocean

Description

- The waters of the Antarctic Treaty area surround Antarctica and represent approximately 15 percent of the world's ocean area. These waters include the area south of 60 South latitude.[74]

New Zealand interests

- Antarctica has intrinsic value as a natural reserve, devoted to peace and science. New Zealand is committed to preserving and protecting Antarctica and the Southern Ocean for present and future generations.
- Our interests in the Antarctic region are enduring and were most recently affirmed by Cabinet in 2017, and articulated in a refreshed public Statement of Commitment in 2025 (Appendix 1). This Statement of Commitment acknowledges:
  - The importance of keeping the Antarctic peaceful and free from conflict, and upholding the Antarctic Treaty System to maintain a peaceful, secure, and safe region.
  - Antarctica's role in our understanding of global environmental systems and climate change, and as a place for leading and collaborating on high quality science;
  - The connectedness of the Antarctic and New Zealand environments, and the need for precautionary and ecosystem approaches to protect Antarctica's environment, ecosystems, and biodiversity;
  - Our cultural, heritage and science links to the Ross Dependency, including Christchurch's role as an international gateway to Antarctica.

Antarctic Treaty System

- New Zealand's interests in Antarctica and the Southern Ocean are best protected and promoted by and through the Antarctic Treaty System (ATS), which sets aside Antarctica and the Southern Ocean as a natural reserve for peace and science. Amongst other things, the ATS:
  - ensures peace to our South, demilitarising a large part of the world;
  - provides the highest standard for the comprehensive protection of Antarctic environments;
  - requires cooperation in Antarctica;
  - prohibits mineral resource activity indefinitely; and
  - facilitates globally significant scientific research.
- The Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) is the international institution within the ATS that provides the international legal framework for conservation of marine living resources in the CCAMLR Convention Area. As of February 2026, CCAMLR has 27 Members and 10 Acceding States.
- CCAMLR is implemented into New Zealand law through the Antarctic Marine Living Resources (AMLR) Act, which specifies the need to conserve Antarctic marine living resources in accordance with the Convention and its objective and principles.

74. The position of the Antarctic Polar Front varies seasonally and geographically, but is generally located near 50°S in the Atlantic and Indian sectors of the Southern Ocean and 60°S in the Pacific sector.

Risks

- There are pressures on the Antarctic. The environment is changing rapidly as a result of climate change; and there is increasing human activity in the region.
- The ATS provides strong and effective governance for the Antarctic, however, the ATS is not immune to global geopolitical dynamics and the wider erosion of the international rules-based order.
- Over the next ten to fifteen years, we can expect to see increased pressure on ATS governance rules and principles, increased demand for access to Antarctica, and some opportunistic positioning in the region.

Southern Ocean surveillance

- New Zealand's Antarctic interests are underpinned by a strong and effective ATS, of which we are a part, and we continue to actively support and promote it. This includes active involvement and leadership in the meetings of the ATS on policy, science and other technical issues to support good governance, and working with our partners to uphold the rules and institutions.
- New Zealand undertakes maritime surveillance in the Southern Ocean that focuses on detecting and deterring illegal, unreported and unregulated (IUU) fishing activity; monitoring compliance with CCAMLR's Conservation Measures; and maintaining situational awareness of maritime activity in the Ross Sea region more generally. Surveillance in the Southern Ocean supports New Zealand's influence in the region; and facilitates scientific research, and environmental monitoring.
- New Zealand's surveillance efforts have been successful in monitoring fishing activity in the Ross Sea region. No unlicensed fishing has been detected in the area for at least 10 years, and recent efforts have been focused on supporting compliance of the licensed fleet.

Stakeholder coordination

Policy / Strategy[75]	
Lead	**Support**
MFAT	DPMC, MOD, MCERT(Environment), MPI, NZ Customs, Antarctica NZ, NZ Police
Intelligence[76]	
Lead	**Support**
NZIC	MPI, NZDF, NMCC,
Operational Delivery[77]	
Lead	**Support**
Maritime Security Agencies	RCCNZ, HQJFNZ, NMCC,

Public information management

This is likely to be led by MFAT with support from MPI.

75. Agency responsible for administering the most relevant legislation and providing policy advice to Ministers.
76. Agency responsible for ensuring that the National Security System and lead agency is across relevant threats, hazards and levels of risk.
77. Agency responsible for leading and coordinating the operational (on the ground) response.

Appendix 1: New Zealand's Statement of Commitment to Antarctica and the Southern Ocean (2025)

Antarctica has intrinsic value as a natural reserve, devoted to peace and science. New Zealand is committed to preserving and protecting Antarctica and the Southern Ocean for present and future generations. In a shifting world, a peaceful and stable region to our south is fundamental for our security and prosperity.

Keeping the Antarctic peaceful and free from conflict

New Zealand values a peaceful, secure and safe region. We support the Antarctic Treaty System and strive to maintain a peaceful, nuclear free and protected Antarctica. We will:

- Actively engage with our partners, to maximise support for a strong, effective and transparent Antarctic governance framework under the Antarctic Treaty System.
- Develop and implement international rules to ensure the comprehensive protection of the Antarctic, ensuring its value as a place for peace and scientific research is prioritised, the impacts of human activity are limited, and safety is promoted.
- Monitor for threats to the Antarctic's demilitarised, protected status.

Leading and collaborating on high quality Antarctic science

Antarctica is an essential part of understanding global environmental systems, and is uniquely valuable for scientific research. We are committed to promoting and collaborating on scientific research of the highest standards. We will:

- Support, lead and share scientific research that increases understanding of the interaction between global systems and Antarctica, and advances New Zealand's climate change policies and capability to respond to change.
- Be a leader in research in the Ross Sea region Marine Protected Area.
- Enable the safe conduct of excellent scientific research by maintaining and redeveloping Scott Base as an effective and sustainable research facility.

Protecting the Antarctic environment, ecosystems, and biodiversity

New Zealand's environment is connected to Antarctica and the Southern Ocean. We prioritise the environmental protection of Antarctica and the Southern Ocean; we value healthy and productive ecosystems; and we are committed to protecting biodiversity. We will:

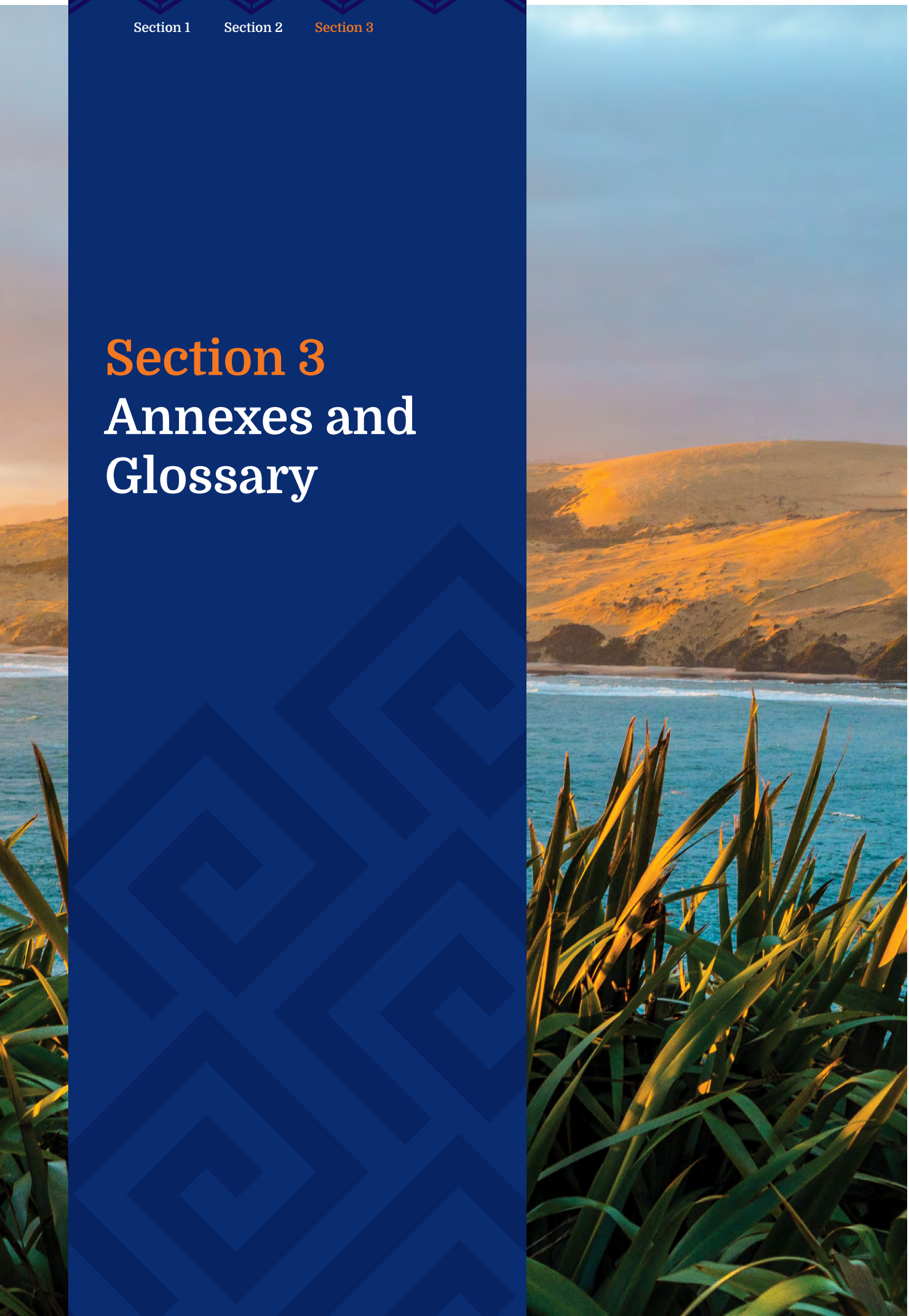
- Follow environmental best practice in our activities in Antarctica and the Southern Ocean.
- Advocate for the establishment, protection and management of representative special areas in Antarctica and the Southern Ocean.
- Take precautionary and ecosystem approaches to the conservation and sustainable management of living marine resources in the Southern Ocean, particularly in the Ross Sea, supporting strong environmental standards and sustainable economic benefits, and contributing to scientific understanding.
- Be an international leader in efforts to keep the Southern Ocean free of illegal, unreported and unregulated fishing.

Safeguarding our heritage and future in the Ross Dependency

Antarctica is part of New Zealand's past, present and future. As one of five gateways to Antarctica, we uphold New Zealand's role in Antarctic exploration, scientific discovery and collaboration. We will:

- Celebrate New Zealand's connection with Antarctica and the Southern Ocean; honouring our linkages through scientific research, environmental protection, conservation, heritage and logistical support.
- Reinforce Christchurch's position as the international gateway to the Ross Sea region, ensuring we provide high-quality services to, and collaboration with, other nations, bringing economic benefit to Canterbury and the wider economy.
- Strengthen New Zealand's Antarctic presence and operational capability through air, maritime and terrestrial assets, including Scott Base.

Section 3
Annexes and Glossary



Annex A – Maritime Powers Act

Introduction

1. New Zealand has the right, at international law, to exercise certain maritime powers (to stop, board and search a ship and arrest suspects) in international waters. However, there were gaps in New Zealand law which this Act closed by implementing rights New Zealand already has at international law into domestic law. In doing so the Act provides New Zealand law enforcement agencies with a clear statutory basis to exercise enforcement powers in international waters:
   a. The international law basis for these rights is the UN Convention on the Law of the Sea (UNCLOS) which provides that vessels are subject to the exclusive jurisdiction of the state they are registered in (flag state). This means that states are required to effectively exercise their jurisdiction and control over ships that fly their flag, which includes the enforcement of their criminal law. New Zealand is therefore able to exercise maritime powers in relation to offences that take place on board New Zealand vessels in international waters.
   b. New Zealand is also able to exercise maritime powers in relation to certain offences on foreign vessels in international waters, where we have **consent of the flag state** or where we have a specific right to do so under UNCLOS.
   c. There are limited situations where New Zealand **does not need the consent of the flag state** to exercise maritime powers in international waters. These include where a foreign ship in the high seas is engaged in piracy or the slave trade (Article 110). New Zealand also does not need flag state consent in respect of offences involving artificial islands, installations and structures within the outer limits of its continental shelf (Article 60 and Article 80).
3. The Act provides that its powers can be exercised by *enforcement officers*, who are defined as constables, **Customs** officers, members of the **Armed Forces, Department of Conservation Rangers, Warranted Officers** and **Endangered Species Officers.**
4. In providing these powers, the Act essentially extends, with appropriate modifications, domestic law enforcement powers that New Zealand already has, into international waters. Subject to certain limitations and safeguards, addressed below, the powers are exercisable in response to serious criminal offending against New Zealand law including:
   a. offences that take place on board a New Zealand vessel in international waters;
   b. offences that take place on board a foreign vessel in international waters; and
   c. situations where an alleged offender or evidence of criminal offending is located on a New Zealand or foreign vessel in international waters.
5. Subject to relevant thresholds being met enforcement officers have the power to stop a ship, board it, detain it and search it, seize evidence, and arrest suspects. Also, they have the power to direct a ship to New Zealand or another customs place if necessary for further enforcement action such as carrying out a further search.
6. The powers are only available in respect of serious offences against New Zealand law, which are offences punishable by two or more years imprisonment. This threshold reflects that the Act is intended to respond to serious criminal offending at sea, particularly transnational organised crime.

7. The Act has safeguards to ensure that the maritime powers it establishes are exercised consistently with international law and in a fair, reasonable and proportionate way:
   a. The New Zealand Bill of Rights Act 1990 applies to the exercise of any powers in the Act in particular, this means any search or seizure needs to be reasonable (section 21), and a person cannot be arbitrarily detained (section 22).
   b. The Act requires enforcement officers to report on the exercise of any powers in the Act to a relevant person in their respective agencies and to the Secretary of Foreign Affairs and Trade. This ensures a degree of oversight to ensure the powers are exercised consistently and appropriately.
   c. Domestic courts will provide an additional degree of oversight as the powers will generally be exercised with a view to securing a prosecution. Given the significant cost of operations in international waters, there will always be a strong incentive for enforcement officers to ensure correct processes are followed to support a successful prosecution.

8. The Act does not create any new substantive offences or expand the jurisdiction of any existing offences. It simply establishes enforcement powers to assist New Zealand agencies in responding to serious criminal offences against New Zealand law that occur in international waters.

10. The Act contains a broad clause that preserves the functions, duties, and powers under other Acts. This means that fisheries enforcement in New Zealand fisheries waters and on the high seas will remain subject to the Fisheries Act 1996. It also means that the New Zealand Defence Force (NZDF) will continue to participate in international operations without a law enforcement component in reliance on the Royal prerogative.

11. Example of a gap this Act fills:
   - If a serious assault occurred on a New Zealand yacht in the Auckland harbour, NZ Police would have clear statutory enforcement powers to respond. They would be able to stop the vessel and board it, detain it, search it, seize evidence, and arrest any suspects. However, if that same crime occurred on a New Zealand yacht further than 12 nautical miles from New Zealand's coast, which is the boundary for international waters, it is not clear in our domestic legislation how New Zealand could respond.

Annex B – International arrangements

Organisations

New Zealand is a member of a number of regional and multilateral international bodies that have links to maritime security.

The **United Nations** (UN) is central to global efforts to solve problems that challenge humanity. Currently made up of 193 **Member States**, the **UN and its work** are guided by the purposes and principles contained in its founding **Charter**. Cooperating in this effort are more than 15 specialised agencies (including the IMO) and several programmes and bodies, known together as the UN system. The UN and its family of organisations work to keep peace throughout the world; develop friendly relations among nations; support the fulfilment of universal human rights; protect the environment; support the delivery of critical humanitarian assistance; improve global health security; and support international cooperation to enable shared governance of the seas, sky, and space, fight disease, and reduce poverty. UN agencies define the standards for safe, secure and efficient air travel and help improve telecommunications and enhance consumer protection. The UN leads a number of international campaigns, including against transnational organised crime and terrorism.

The **International Maritime Organization** (IMO) is responsible for developing and maintaining a comprehensive regulatory framework for shipping. Its remit includes safety, environmental concerns, legal matters, technical cooperation, maritime security and the efficiency of shipping. A specialised agency of the UN with 167 member states and three associate members, IMO is based in the UK and has around 300 international staff.

The **International Atomic Energy Agency** (IAEA), works for the safe, secure and peaceful uses of nuclear energy. The IAEA's work also includes setting the framework for cooperative efforts to build and strengthen an international nuclear safety and security regime, and verifying states' fulfilment of their non-proliferation undertakings under the NPT.

The **Organisation for the Prohibition of Chemical Weapons** works to prevent proliferation of chemical weapons, through the application of the verification and implementation measures provided for in the Chemical Weapons Convention, which also serve to build confidence between state parties.

Legally binding instruments (conventions, treaties and agreements)

New Zealand is signatory or party to the following international conventions and agreements, which contribute to the management of security threats in the global maritime domain:

The **United Nations Convention on the Law of the Sea** (UNCLOS) provides a comprehensive regime dealing with all matters relating to the law of the sea. The United Nations Convention on the Law of the Sea Act 1996 completes the implementation in the law of New Zealand of UNCLOS. UNCLOS establishes a legal order of the seas and helps ensure an equitable and efficient utilisation of marine resources; conservation of living resources; and the study, protection and preservation of the marine environment. It enshrines the notion that all problems of ocean space are closely interrelated and need to be addressed as a whole. Consistent with UNCLOS and pursuant to proclamations under the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977 New Zealand has a 12 nautical mile territorial sea, a 24 nautical mile contiguous zone and a 200 nautical mile Exclusive Economic Zone (EEZ).

UNCLOS reflects a carefully negotiated balance of rights and obligations which was hard fought and which protects some of New Zealand's and the Pacific's core interests. UNCLOS established New Zealand's rights to an Exclusive Economic Zone (EEZ) and extended Continental Shelf. It enshrines the freedoms of navigation and overflight that ensure secure trade routes, and provides for protection and preservation of the marine environment, including living and non-living resources.

The **Antarctic Treaty System (ATS)** establishes Antarctica as a natural reserve devoted to peace and science and puts in place principles for the governance of the region. Among other things, the ATS:

- ensures peace to our South, demilitarising a large part of the world;
- provides the highest standard for the comprehensive protection of Antarctic environments;
- requires cooperation in Antarctica;
- prohibits mineral resource activity indefinitely; and
- facilitates globally-significant scientific research.

- The Antarctic Treaty System is made up of four major international agreements: the 1959 Antarctic Treaty; the 1972 Convention for the Conservation of Antarctic Seals; the 1980 Convention on the Conservation of Antarctic Marine Living Resources; and the 1991 Protocol on Environmental Protection to the Antarctic Treaty. These agreements are legally binding and purpose-built for the unique geographical, environmental and political characteristics of the Antarctic.
- The Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) is the international institution within the ATS that provides the international legal framework for conservation of marine living resources in the Southern Ocean. As of July 2022, 26 Members and 11 Acceding States are party to the CAMLR Convention.
- CCAMLR is implemented into New Zealand law through the Antarctic Marine Living Resources (AMLR) Act, which specifies the need to conserve Antarctic marine living resources in accordance with the Convention and its objective and principles.

ANNEX B

Conservation

The **1992 Convention on Biological Diversity (CBD)** is an international treaty adopted at the Rio Earth Summit to promote sustainable development, conservation, and fair sharing of genetic resources. With 196 Parties, it covers all ecosystems, species, and genetic resources to conserve biodiversity, ensure its sustainable use, and share benefits equitably.

Biological diversity means the variability among living organisms from all sources including, *inter alia*, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part: this includes diversity within species, between species and of ecosystems.

The **Agreement on the Conservation of Albatrosses and Petrels** (ACAP) seeks to conserve albatrosses and petrels by coordinating international activity to mitigate known threats to their populations. ACAP came into force in February 2004 and currently has 13 member countries and over 30 species of albatrosses, petrels and shearwaters.

The **Convention on International Trade in Endangered Species** entered into force generally in 1975, and now has over 180 Parties. This convention aims to regulate and monitor trade in endangered animal and plant species to ensure it does not threaten their long-term survival in the wild. Over 38,000 species are covered by CITES. Each party to CITES must enact their own domestic legislation to bring CITES obligations into force. In New Zealand, this is the Trade in Endangered Species Act 1989 (TIES Act) and Trade in Endangered Species Regulations 1991. The Department of Conservation is the Management Authority for CITES in New Zealand.

The **Convention for the Protection of the World Cultural and Natural Heritage (World Heritage Convention)** is an international agreement that was adopted by the General Conference of UNESCO in 1972. The most significant feature of the 1972 World Heritage Convention is that it links together the concepts of nature conservation and the preservation of cultural properties. The Convention is based on the premise that certain places on earth are of 'outstanding universal value' and therefore they should be identified and safeguarded by the international community as a whole.

The Convention is administered by the World Heritage Committee, which is an elected body comprising representatives of 21 nations. Over the past 30 years the World Heritage Convention has become the foremost international legal tool in support of the conservation of the world's cultural and natural heritage. Today, 182 countries (called States Parties) have ratified the Convention.

The **International Convention for the Regulation of Whaling** entered into force generally and for New Zealand in 1946 to provide for the proper conservation of whale stocks. It governs the commercial, scientific, and aboriginal subsistence whaling practices of 89 member nations. New Zealand is a strong advocate for the protection of whales and a founding member of the International Whaling Commission.

Fisheries, including fisheries surveillance and law enforcement

The **Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas** entered into force generally in 2003 and for New Zealand in 2005. This agreement promotes compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas by specifying flag states' responsibilities in respect of fishing vessels entitled to fly their flags and operating on the high seas; authorisation by the flag state of such operations; establishment of vessel record; strengthened international cooperation and increased transparency through the exchange of information on high seas fishing.

The **Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and management of Straddling Fish Stocks and Highly Migratory Fish Stocks (Fish Stocks Agreement – FSA)** entered into force in 2001. The objective of this Agreement is to ensure the long-term conservation and sustainable use of straddling fish stocks and highly migratory fish stocks through effective implementation of the relevant provisions of the Convention.

The **Convention on the Conservation of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean** (Western and Central Pacific Fisheries Convention) entered into force generally and for New Zealand in 2004. The objective of this Convention is to ensure, through effective management, the long-term conservation and sustainable use of highly migratory fish stocks in the western and central Pacific Ocean in accordance with the 1982 Convention and the Agreement. This convention established the Western and Central Pacific Fisheries Commission, the purpose of which is to implement the Convention.

The **Convention for the Conservation of Southern Bluefin Tuna** entered into force generally and for New Zealand in 1994. The objective of Convention is to ensure, through appropriate management, the conservation and optimum utilisation of Southern Bluefin Tuna.

The **Convention for the Prohibition of Fishing with Long Driftnets in the South Pacific** entered into force generally in 1991 and for New Zealand in 1991. This convention seeks to have the practice of longline drift-netting in the South Pacific region prohibited. Relevant legislation includes the Driftnet Prohibition Act 1991 (MPI administering agency).

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The **Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean** entered into force generally and for New Zealand in August 2012. The aim of this Convention is to ensure the long-term conservation and sustainable use of fishery resources in the South Pacific Ocean and in so doing safeguarding the marine ecosystems in which the resources occur.

The **Niue Treaty** is an initiative against IUU fishing in the Pacific region. It aims to foster regional cooperation in fisheries legislation, surveillance and law enforcement. The treaty provides a framework to promote maximum effectiveness in regional fisheries surveillance and enforcement through cooperation between countries in the region. The main benefits include assistance to countries with inadequate surveillance and enforcement capabilities and the creation of facilities to follow the movement of fishing vessels from one zone to another. New Zealand ratified the Niue Treaty on 16 August 2005.

The **Agreement on Strengthening Implementation of the Niue Treaty on Cooperation in the South Pacific Region** seeks to enhance active participation in cooperative surveillance and enforcement in the region by providing a framework for Parties to share resources and exchange information, including fisheries data and intelligence. The objective of this cooperation is to (i) maximise the operational reach and effectiveness of fisheries monitoring, control and surveillance tools; (ii) prevent, deter and eliminate IUU fishing; and (iii) contribute to broader regional law enforcement efforts. The ultimate purpose of this coordination is to support the continuous improvement of the management and development of the fishery resources in the region, ensuring their sustainability, and maximising social and economic benefits from them. This entered into force in New Zealand in 2019.

Safety at Sea

The **International Convention for the Safety of Life at Sea** in various forms has been in force in New Zealand since 1935. This convention specifies the minimum standards for the construction, equipment and operation of ships, compatible with their safety.

The **Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA Convention)** entered into force generally in 1992 and for New Zealand in 1999. The main purpose of this convention is to ensure that appropriate action is taken against persons committing unlawful acts against ships. These include the seizure of ships by force; acts of violence against persons on board ships; and the placing of devices on board a ship which are likely to destroy or damage it.

The **Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf** is a protocol to the SUA Convention which broadens the list of acts made unlawful under the Convention, to include new offences relating to the use of fixed platforms for terrorist purposes. The 2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol of 2005 to Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf were further updates to the SUA Convention.

The **Customs Convention on Containers** entered into force generally in 1975 and for New Zealand in 1975 to develop and facilitate international carriage by container.

ANNEX B

Hazardous materials

The **International Convention for the Control and Management of Ships' Ballast Water and Sediments** (BWS Convention) 2004, was ratified by New Zealand and entered into force generally in 2017. The Convention is the international response to managing the biosecurity and risk of harm to human health, property and resources from ballast water. The Convention seeks to prevent, minimise and ultimately eliminate the risks arising from the transfer of harmful aquatic organisms and pathogens in ballast water by controlling and managing ships' ballast water and sediments.

The **Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal** (Basel Convention) is the most comprehensive global environmental agreement on hazardous and other wastes. The convention has over 170 parties and aims to protect human health and the environment against the adverse effects of hazardous wastes. Its scope of application covers a wide range of wastes defined as "hazardous wastes" based on their origin and/or composition and their characteristics, as well as two types of wastes defined as "other wastes" – household waste and incinerator ash. It entered into force for New Zealand in 1995.

The **International Convention for the Prevention of Pollution from Ships (MARPOL)** is the main international convention covering prevention of pollution of the marine environment by ships from operational or accidental causes. The MARPOL Convention was adopted on 2 November 1973 at IMO.

New Zealand is party to the following MARPOL Convention Annexes:

- Annex I Regulations for the Prevention of Pollution by Oil (entered into force 2 October 1983)
- Annex II Regulations for the Control of Pollution by Noxious Liquid Substances in Bulk (entered into force 2 October 1983)
- Annex III Prevention of Pollution by Harmful Substances Carried by Sea in Packaged Form (entered into force 1 July 1992)
- Annex V Prevention of Pollution by Garbage from Ships (entered into force 31 December 1988)
- Annex VI Prevention of Air Pollution from Ships (entered into force 19 May 2005).

The International Convention on Oil Pollution Preparedness, Response and Co-operation entered into force in New Zealand in 1999. This convention requires parties to establish measures for dealing with pollution incidents, either nationally or in cooperation with other countries. Ships are required to carry a shipboard oil pollution emergency plan. Operators of offshore units under the jurisdiction of Parties are also required to have oil pollution emergency plans or similar arrangements which must be coordinated with national systems for responding promptly and effectively to oil pollution incidents. Ships are required to report incidents of pollution to coastal authorities and the convention details the actions that are then to be taken.

Parties to the convention are required to provide assistance to others in the event of a pollution emergency and provision is made for the reimbursement of any assistance provided.

The International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties entered into force generally in 1975 and for New Zealand in 2014. This convention affirms the right of a coastal state to take such measures on the high seas as may be necessary to prevent, mitigate, or eliminate danger to its coastline or related interests from pollution by oil, or the threat thereof, following upon a maritime casualty. The convention applies to all seagoing vessels except warships or other vessels owned or operated by a state and used on government non-commercial service.

The **International Convention on Civil Liability for Oil Pollution Damage 2001** entered into force for New Zealand in 2014. The International Convention on Civil Liability for Oil Pollution Damage 1992 and the **International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage 1992** ensure that compensation is available for damage caused by pollution from oil cargoes carried in bulk at sea. The **International Convention on Civil Liability for Bunker Oil Pollution Damage (BUNKER) 2001** establishes a liability regime for damage from bunker oil spills. The regime consists of strict but limited liability for ship owners and requirements for compulsory insurance to cover that liability.

The **Stockholm Convention on Persistent Organic Pollutants** is a multilateral environmental agreement that aims to protect human health and the environment by banning the production and use of some of the most toxic chemicals.

This convention became international law in May 2004. New Zealand ratified (officially joined) the convention in September 2004. It entered into force (became legally binding) for New Zealand on 23 December 2004.

The Stockholm Convention, together with the Basel Convention and Rotterdam Convention create international rules for transboundary movement and safe management and disposal of some of the most hazardous chemicals and wastes in the world.

The **Convention for the Protection of the Natural Resources and Environment of the South Pacific Region (1986),** along with its two additional Protocols, entered into force in 1990. The Convention is a comprehensive umbrella agreement for the protection, management and development of the marine and coastal environment of the South Pacific Region, and represents the legal framework of the Action Plan for managing the Natural Resources and Environment of the South Pacific adopted in 1982 on behalf of the South Pacific Conference on Human Environment.

The **Nouméa Convention** is the Pacific region component of UNEP's Regional Seas Programme launched in 1972. The Programme aims to address the accelerating degradation of the world's oceans and coastal areas through the sustainable management and use of marine and coastal environments. In order to achieve this objective, the Programme has functioned in conjunction with Action Plans which have been underpinned with a strong legal framework in the form of a regional Convention and associated Protocols on specific problems.

New Zealand ratified the Nouméa Convention and its two Protocols, the Dumping Protocol, and the Emergencies Protocol in 1990.

The **Waigani Convention** is a regional agreement under the 1989 Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal. It applies the strict controls of the Basel Convention to the South Pacific area and ensures that hazardous waste cannot travel from New Zealand or Australia to another Pacific country, or to Antarctica.

Like the Basel Convention, it aims to both reduce the amount of waste produced by signatories and regulates the international traffic in hazardous.

New Zealand ratified this convention on 30 November 2000.

ANNEX B

Weapons and nuclear materials

The **Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction** entered into force generally and for New Zealand in 1997. The CWC bans the development, production, acquisition, stockpiling, retention and direct or indirect transfer of chemical weapons. It also prohibits the use or preparation for use of chemical weapons and the assistance, encouragement, or inducement of anyone else to engage in activities prohibited by the CWC.

The **Convention on the Physical Protection of Nuclear Material** entered into force generally and for New Zealand in 2004. The Physical Protection Convention has a twofold objective: it establishes levels of physical protection required to be applied to nuclear material used for peaceful purposes while in international nuclear transport and it also provides for measures against unlawful acts with respect to such material while in international nuclear transport as well as in domestic use, storage and transport. Following the events of 11 September 2001, States Parties to the CPPNM agreed to improve the CPPNM by extending its scope to cover the physical protection of nuclear facilities and domestic transport, storage and use of nuclear material, thereby strengthening the global nuclear security regime.

The **South Pacific Nuclear Free Zone Treaty (Treaty of Rarotonga)** entered into force generally and for New Zealand in 1986. It is a regional nuclear non-proliferation treaty, by which New Zealand and a number of Pacific Island states agree to ban the use, testing and possession of nuclear weapons within a defined zone within the South Pacific and to ensure that the provision of nuclear material is for peaceful purposes and subject to appropriate safeguards.

The **Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction** entered into force generally and for New Zealand in 1975. This convention requires states to never in any circumstances develop, produce, stockpile, acquire or retain biological agents or toxins and weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes in armed conflict. States are required to destroy or divert to peaceful purposes all such agents, toxins and related equipment.

The **Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof** entered into force generally and for New Zealand in 1972 as a step toward disarmament, the reduction of international tensions and the maintenance of world peace. The treaty prohibits the placement of nuclear weapons, or other weapons of mass destruction, or structures for launching, storing, testing, or using such weapons on or under the seabed and the ocean floor.

The **Treaty on the Non-Proliferation of Nuclear Weapons** entered into force generally and for New Zealand in 1970. The treaty seeks to prevent the spread of nuclear weapons and weapons technology, to promote cooperation in the peaceful uses of nuclear energy and to further the goal of achieving nuclear disarmament.

The **Treaty Banning Nuclear Weapons Tests in the Atmosphere, in Outer Space and Under Water** entered into force generally and for New Zealand in 1963. This treaty, which preceded the Comprehensive Test Ban Treaty and the Non-Proliferation Treaty, banned all nuclear testing except for underground testing.

Other

The **United Nations Convention Against Transnational Organised Crime** was adopted in November 2000 and entered into force in New Zealand in 2003. It aims to promote cooperation to prevent and combat transnational organised crime more effectively.

- The **Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children** aims to prevent and combat trafficking in persons, paying particular attention to women and children; protect and assist the victims of such trafficking, with full respect for their human rights; and promote cooperation among states in order to meet those objectives. Entered into force for New Zealand in 2003.
- The **Protocol Against the Smuggling of Migrants by Land, Sea and Air** further supplements this convention and aims to prevent and combat the smuggling of migrants and to promote cooperation among states to that end, while protecting the rights of smuggled migrants. Entered into force for New Zealand in 2004.

The **United Nations Convention Against Illicit Traffic of Narcotic Drugs and Psychotropic Substances** entered into force generally in 1990 and for New Zealand in 1999. It promotes cooperation among the parties so that they may address more effectively the various aspects of illicit traffic in narcotic drugs and psychotropic substances.

The **United Nations Convention Relating to the Status of Refugees** entered into force in 1954 and was followed by the Protocol relating to the Status of Refugees, which entered into force in 1960 for New Zealand. This convention defines refugees and the obligations of signatory countries towards them.

ANNEX B

Plans and initiatives

New Zealand participates in the following international plans and initiatives, which contribute to managing security threats in the global maritime domain.

The **Proliferation Security Initiative** (PSI) is a global effort that aims to combat the proliferation of weapons of mass destruction (WMD). Around 107 countries have endorsed the PSI Statement of Interdiction principles, which commit participants to establish a more coordinated and effective basis through which to impede and stop WMD, their delivery systems, and related items. The PSI builds on existing multilateral non-proliferation efforts, and makes clear that any action under the PSI will be consistent with national authorities and relevant international law.

The **International Plan of Action (IPOA) to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing** was produced by the UN Food and Agriculture Organization (FAO) in 2001. MPI and MFAT represents New Zealand in the FAO. The objective of this plan is to prevent, deter and eliminate IUU fishing by providing all states with comprehensive, effective and transparent measures by which to act, including through appropriate regional fisheries management organisations established in accordance with international law.

The **International Ship and Port Facility Code**, adopted by the IMO in 2004, contains detailed security-related requirements for governments, port authorities and shipping companies in a mandatory section (Part A), and a series of guidelines about how to meet these requirements in a second, non-mandatory section (Part B).

The United Nations **Global Counter-Terrorism Strategy** was adopted by the UN General Assembly in 2006. The strategy is a unique instrument to enhance national, regional and international efforts to counter terrorism. Member states have agreed to a common strategic and operational approach to fight terrorism and have resolved to take practical steps individually and collectively to prevent and combat terrorism. A number of UN Security Council resolutions were issued prior to this strategy being adopted, including: 2001 – 1373; 2004 – 1535. Additional UN Security Council resolutions have been issued in support of this strategy and follow-on arrangements, including: 2007 – 1787; 2008 – 1805.

Forums, committees and groups

Regional

The **Pacific Islands Forum** is the region's premier political and economic policy organisation. Founded in 1971, it comprises 18 members: Australia, Cook Islands, Federated States of Micronesia, Fiji, French Polynesia, Kiribati, Nauru, New Caledonia, New Zealand, Niue, Palau, Papua New Guinea, Republic of Marshall Islands, Samoa, Solomon Islands, Tonga, Tuvalu, and Vanuatu.

The Forum's Pacific Vision is for a region of peace, harmony, security, social inclusion and prosperity, so that all Pacific people can lead free, healthy, and productive lives. The Pacific Islands Forum works to achieve this by fostering cooperation between governments, collaboration with international agencies, and by representing the interests of its members.

The Pacific has a number of **regional agencies**, including:

- **Forum Fisheries Agency**
  Advice and services to enable Pacific countries to maximise the economic and social benefits from the sustainable management of their tuna fisheries.
- **Pacific Islands Forum Secretariat**
  Policy advice to stimulate regional economic growth and enhance political governance and security; along with coordinating implementation of Pacific Leaders' decisions.
- **The Pacific Community (SPC)**
  Scientific and technical services in agriculture, public health, geosciences, fisheries, statistics, educational assessment, disaster risk reduction, transport, energy, climate change, gender, youth and human rights.
- **Secretariat for the Pacific Regional Environment Programme (SPREP)**
- Technical assistance in climate change, biodiversity and ecosystem management, waste management and pollution control, and environmental monitoring.
- Supports the regional implementation of the Basel Convention and the Stockholm Conventions.
- Administers the Nouméa Convention and the Waigani Treaty.
- **University of the South Pacific**
  The Pacific's regional university, providing higher education including distance and flexible learning.

Established in 1994, the **ASEAN Regional Forum (ARF)** is an important platform for consultation on regional security and political issues, and on global matters that affect the Indo-Pacific region. New Zealand's participation is particularly focused on preventive diplomacy, ship profiling for maritime security, disarmament and non-proliferation of weapons, countering illicit drugs, disaster response and countering terrorism and transnational crime.

The ARF comprises 27 members, including the 11 ASEAN member states (Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam and East Timor). New Zealand participates as a dialogue partner. The ARF's priorities include: confidence-building and preventive diplomacy, counter-terrorism and transnational crime, disaster relief, maritime security, and disarmament and non-proliferation of weapons.

The **East Asia Summit (EAS)** process was initiated in 2005 with the convening of the 1st East Asia Summit in Kuala Lumpur, Malaysia. At its inception, the East Asia Summit comprised 16 participating countries, namely ASEAN Member States, Australia, China, India, Japan, New Zealand, and the Republic of Korea.

ANNEX B

The East Asia Summit has identified six priority areas of cooperation, namely environment and energy, education, finance, global health issues and pandemic diseases, natural disaster management, and ASEAN Connectivity. Plans of Actions have been developed to promote cooperation on these priority areas. The East Asia Summit also discusses cooperation in other areas and emerging issues such as food security, trade and economics, maritime security and cooperation, and traditional and non-traditional security issues.

Fisheries

The **Western and Central Pacific Fisheries Commission** was established by the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean which entered into force on 19 June 2004. It was set up to ensure, through effective management, the long-term conservation and sustainable use of highly migratory fish stocks in the western and central Pacific Ocean. More information can be found here: About WCPFC | WCPFC.

The **Pacific Islands Forum Fisheries Agency (FFA)** was established to help countries sustainably manage their fishery resources that fall within their 200 mile Exclusive Economic Zones (EEZs). FFA is an advisory body providing expertise, technical assistance and other support to its members who make sovereign decisions about their tuna resources and participate in regional decision making on tuna management through agencies such as the Western and Central Pacific Fisheries Commission (WCPFC). Member states are Australia, Cook Islands, the Federated States of Micronesia, Fiji, Kiribati, Marshall Islands, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu and Vanuatu.

The **Asia-Pacific Fishery Commission** was established under an agreement as the Indo-Pacific Fisheries Council in 1948 by the FAO. The Commission is an Article XIV FAO Regional Fishery Body established by FAO at the request of its members, which includes New Zealand. A number of international plans of action (IPOAs) have been developed that align within the framework of the Code of Conduct for Responsible Fisheries issued by the FAO:

- IPOA for the Conservation & Management of Sharks
- IPOA to Prevent, Deter and eliminate Illegal, unreported and unregulated Fishing
- IPOA for the Management of Fishing Capacity
- IPOA Reducing Incidental Catch of Seabirds in longline Fisheries
- IPOA to Promote Responsible Fishing Practices.

Piracy

The **Regional Cooperation Agreement on Combating Piracy and Armed Robbery in Asia (ReCAAP)** entered into force in September 2006. It is the first government-to-government agreement designed to enhance cooperation against piracy and armed robbery in Asia. The agreement sets out the obligations of member countries and provides a framework for the exchange of information. The obligations of member countries include prevention and suppression of piracy and armed robbery, the arrest of perpetrators and seizure of vessels or craft used to carry out attacks, and the rescue of victims of attacks. Singapore is the host country for the Information Sharing Centre, which was established in November 2006 to facilitate the sharing of piracy related information. Member countries are Australia, Bangladesh, Brunei Darussalam, Cambodia, China, Denmark, India, Germany, Japan, Republic of Korea, Laos, Myanmar, Netherlands, Norway, Philippines, Singapore, Sri Lanka, Thailand, the United Kingdom and Vietnam.

The plan to establish the **Regional Anti-Piracy Prosecutions and Intelligence Coordination Centre (RAPPICC)** in the Seychelles was announced by the United Kingdom at the time of the London Conference on Somalia in February 2012. RAPPICC was established to fill a hole in the international counter-piracy effort, specifically designed to collect and analyse intelligence with a view to prosecuting pirate leaders, financiers and enablers.

The **Contact Group on Piracy off the Coast of Somalia (CGPCS)** was convened by the United States in January 2009. The CGPCS coordinates international efforts to suppress piracy off the coast of Somalia and provides an important avenue of communication between contributing states, regional organisations and commercial maritime organisations.

Non-legally binding instruments (arrangements, declarations, MOAs, MOUs and codes of conduct)

Fisheries

The **Arrangement between the Government of Australia and the Government of New Zealand for the Conservation and Management of Orange Roughy on the South Tasman Rise (Orange Roughy Arrangement)**, signed in 2000, is an arrangement for the conservation and management of orange roughy on the Southern Tasman Rise. The arrangement stipulates total catch and quota for this fish stock between the two nations.

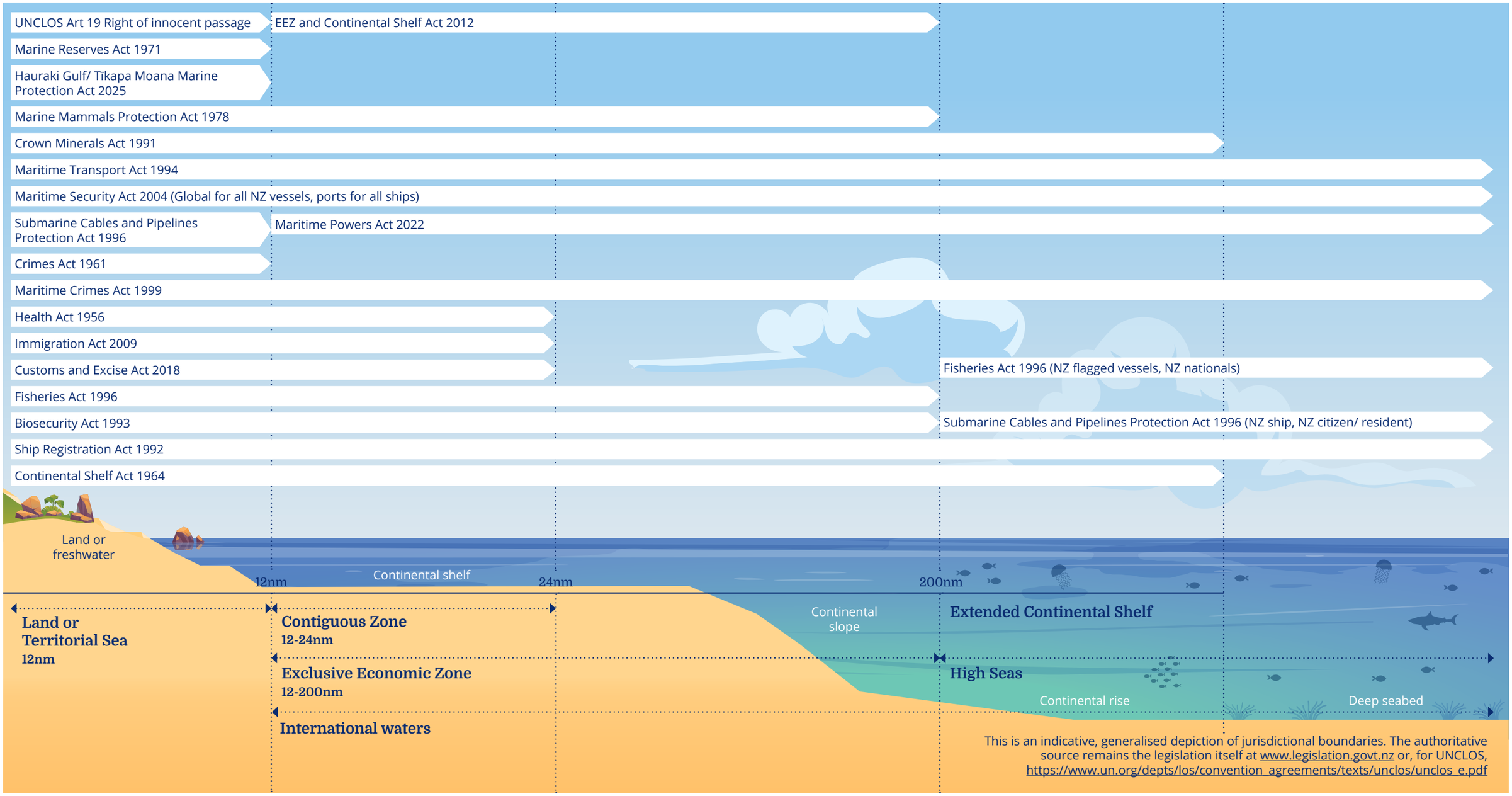
The **Code of Conduct for Responsible Fisheries** produced by the UN's Food and Agriculture Organization describes the principles and standards applicable to the conservation, management and development of all fisheries. It also covers the capture, processing and trade of fish and fishery products, fishing operations, aquaculture, fisheries research and the integration of fisheries into coastal area management.

Other

The **Directives for Maritime Rescue Coordination Centres on Acts of Violence Against Ships** were issued by the IMO under the SFA arrangements.

A **Declaration on Defence and Security between the Government of New Zealand and the Government of the Cook Islands** was signed by New Zealand and the Cook Islands on 1 April 2026.

Annex C – Maritime security legislation summary



This is an indicative, generalised depiction of jurisdictional boundaries. The authoritative source remains the legislation itself at www.legislation.govt.nz or, for UNCLOS, https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf

Glossary

Agency (government)	means any governmental, semigovernmental, administrative, fiscal, judicial or quasijudicial body, department, commission, authority, tribunal, agency or entity.
CMMs	conservation and management measures means measures to conserve or manage one or more species of living marine resources that are adopted and applied in accordance with the relevant rules of international law.
Contiguous zone	The contiguous zone is an area adjacent to the territorial sea, which extends up to 24 nautical miles from the Territorial Sea Baseline. Within this zone, as a matter of international law, New Zealand may exercise control necessary to prevent and punish infringement of its customs, fiscal, immigration and sanitary laws and regulations within its Territory or territorial sea.
Continental shelf	The continental shelf is the area of the seabed and subsoil which extends beyond the territorial sea throughout the natural prolongation of New Zealand's land territory and up to a distance as permitted in the United Nations Convention on the Law of the Sea.
Critical infrastructure	are those physical facilities, supply chains, information technologies and communication networks whose destruction, degradation or unavailability would have a significant impact on the social or economic wellbeing of the nation, or would affect New Zealand's ability to conduct national defence and ensure national security. Some elements in these sectors are not strictly infrastructure; however, they form part of the network or supply chains that support the delivery of an essential product or service.
DOC	Department of Conservation
DPMC	Department of the Prime Minister and Cabinet
EPA	Environmental Protection Authority
Exclusive economic zone (EEZ)	is the area beyond and adjacent to New Zealand's territorial sea, the outer limit of which does not extend beyond 200 nm from the baseline. Within the EEZ, New Zealand exercises sovereign rights for the purpose of exploring, exploiting, conserving and managing all natural resources of the waters immediately above the seabed, and of the seabed and its subsoil, together with other activities such as the production of energy from water, currents and wind.
FENZ	Fire and Emergency New Zealand
GNZ	Geoint NZ
HQJFNZ	Headquarters Joint Forces New Zealand
Intelligence	is the product resulting from the processing of information about maritime security threats and the maritime environment that supports the conduct of planning and operations.
Internal waters	are those waters that lie landward of the baseline and typically comprise bays, estuaries and ports.
ITOC	Integrated Targeting and Operations Centre

Lead agency	is the government-designated agency responsible for leading the management of an issue. For a given issue, the lead agency may change depending on the phase of management (prevention, preparedness, response or recovery). The lead agency might not be the agency that actually executes the response.
MBIE	Ministry of Business, Innovation and Employment
MCERT (Environment)	Ministry of Cities, Environment, Regions and Transport (Environment)
MCERT (Transport)	Ministry of Cities, Environment, Regions and Transport (Transport)
MDA	Maritime Domain Awareness
MFAT	Ministry of Foreign Affairs and Trade
MNZ	Maritime New Zealand
MOD	Ministry of Defence
MOH	Ministry of Health
MPI	Ministry for Primary Industries
NDIB	National Drug Intelligence Bureau
NEMA	National Emergency Management Agency
NMCC	National Maritime Coordination Centre
NZCS	NZ Customs Service
NZDF	NZ Defence Force
NZIC	New Zealand Intelligence Community
NZP	NZ Police
NZSAR	New Zealand Search and Rescue
Planning	is the process of identifying future maritime security threats, assessing their likelihood, estimating their potential consequences and then determining objectives, policies and strategies for employing resources to mitigate the risks posed by those security threats.
Prevention and preparedness	are the risk mitigation measures that government agencies and other stakeholders take to either deter, disrupt or prevent security threats, or to minimise the adverse consequences if prevention is unsuccessful.
RCCNZ	Rescue Coordination Centre New Zealand

GLOSSARY

Reconnaissance	is targeted surveillance.
Recovery	is the coordinated process of supporting individuals and communities affected by the consequences of the threat. Recovery involves a range of government services, including health, social and financial services, provided to those requiring it.
Response	is the actions taken within the stakeholder's jurisdiction to mitigate or eliminate the risk posed by detected maritime security threats.
SAR	Search and Rescue
Search and Rescue Region (SRR)	is that part of the world in which a nation has responsibility for the safety of life at sea (for maritime components of the SRR) and for assistance to people in distress.
Security threat	is any action, device or event that has potential to cause consequences adverse to New Zealand's interests.
Statutory authorities	are established under specific legislation that defines the purpose for which they are established and the general functions for which they are responsible.
Surveillance	is systematic observation by visual, electronic, photographic or other means.
Territorial sea	is the belt of water not exceeding 12 nm in width as measured from the territorial sea baseline. Sovereignty extends to the territorial sea, its bed and subsoil, and to the airspace above it. The sovereignty is exercised in accordance with international law, and is subject to the right of innocent passage for foreign ships.
Territorial sea baseline	is the line from which seaward limits of New Zealand's maritime zones are measured. The baseline normally corresponds with the low-water line along the coast and includes the coasts of islands. There are exceptions to the normal baselines, including straight baselines and bay closing lines.

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