Name: Disarmament Division
Organization: Ministry of Foreign Affairs and Trade
Country: New Zealand

1. What laws, regulations and administrative procedures has your Government put in place in order to exercise effective control over the production of SALW within their areas of jurisdiction and over the export, import, transit or retransfer of such weapons, in order to prevent illegal manufacture of and illicit trafficking in small arms and light weapons, or their diversion to unauthorized recipients? (PoA – Section II, para 2)

Except for a limited amount of ammunition, New Zealand does not manufacture SALW. A person who manufactures firearms for sale must hold a dealers licence issued by the Police.

It is an offence to import firearms or parts of firearms into New Zealand without a permit issued by the Police.

The export of certain conventional weapons, including certain SALW listed on the New Zealand Strategic Goods List published by the New Zealand Ministry of Foreign Affairs and Trade, is prohibited unless the consent of the Secretary of the Ministry of Foreign Affairs and Trade is first obtained.

The Hazardous Substances (Tracking) Regulations 2001 contain provisions controlling the importation of explosives (which include ammunition and grenades) and for the tracking of them through each stage of their life cycle to the stage of final use. At present, the provisions in the regulations expressly exclude “safety” ammunition.

2. Has your Government established national coordination agencies or bodies and institutional infrastructure responsible for policy guidance, research and monitoring of efforts to prevent, combat and eradicate the illicit trade in SALW? (PoA – Section II, para 4)

The Small Arms Programme of Action Coordination Group, comprising representatives from the New Zealand Police, Ministry of Defence, New Zealand Customs Service, Environmental Risk Management Authority, Ministry of Justice and Ministry of Foreign Affairs and Trade consults regularly to coordinate New Zealand government action on Programme of Action issues.
3. Please indicate concrete examples of actions you have taken as national point of contact (PoA – Section II, para 5)

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Concrete examples of actions taken as national point of contact include:

- arranging New Zealand representation at the Programme of Action regional seminar in Tokyo from 20-22 January 2003;
- participating in, and presenting at, the Programme of Action regional seminar in Bali from 10-11 February 2003;
- providing assistance to, and a governmental contact point for, two studies on small arms in the Pacific published this year; and
- inputting the Programme of Action perspective into government consultations on SALW issues.

4. What specific measures has your Government taken to ensure an appropriate and reliable marking on each SALW as an integral part of the production process and to prevent the manufacture, stockpiling, transfer and possession of any unmarked or inadequately marked SALW? (PoA – Section II, para 7 and 8)

New Zealand does not manufacture SALW, however, the law allows the government to make regulations requiring that firearms be marked. Such regulations have not been put in place to date. However, as an exception to this, pistols, military-style semi-automatic (MSSA) firearms and restricted weapons (prescribed by government) must be stamped with an identifying mark when transferred from one civilian to another if the firearm in question does not already feature such a mark.

5. What specific measures have your Government taken to ensure comprehensive and accurate records on the manufacture, holding and transfer of SALW? (PoA – Section II, para 9)

Except for a limited amount of ammunition, New Zealand does not manufacture SALW. Please refer to paragraph 1 for details on provisions regulating ammunition in New Zealand.
The primary focus of firearms control in New Zealand is on the lawful possession and use of firearms through licensing individuals. For example, no civilian is allowed to possess a firearm unless he or she is over the age of 16 years and has a firearms licence issued by the Police. In order to lawfully possess pistols, MSSA firearms and restricted weapons an endorsement on a firearms licence is required. Such endorsements set conditions on possessing these firearms and require the holder to demonstrate specific cause to own. Civilian ownership of pistols, MSSA firearms and restricted weapons must be registered. These special categories of weapons amount to around 4% of New Zealand’s estimated total stocks of firearms.

6. **What specific measures have your Government taken to ensure accountability for all SALW held and issued by the State and effective measures for tracing such weapons? (PoA – Section II, para 10)**

All items held by the New Zealand Defence Force (NZDF) are serial numbered, usually by the manufacturer. If not numbered by the manufacturer, they are allocated an NZDF control number, and in some cases may have both.

They are held on the NZDF Logistics Management System by individual serial numbers, and their location is recorded in terms of the unit to which they are issued.

At the unit level, registers are kept of every item, an individual is assigned responsibility for each weapon, and for the armoury in which it is kept. Keys are controlled according to standard practice, and the armouries or containers themselves are constructed and locked in accordance with recognised international standards.

Regulations require that all weapons stores be checked during routine security patrols, that they be opened and the contents countered at specified intervals, and that a full muster be taken periodically as detailed. All weapons issued from a weapons store are signed for, and strict controls exist as to who can draw them under what circumstances. Disciplinary action is taken against an individual found in breach of any instructions on security of weapons.

Police maintain detailed records of SALW possessed, their issue and return to storage. SALW may only be issued with the approval of a responsible officer in charge, in specific authorised circumstances. New Zealand Police do not routinely carry firearms.

7. **Has your Government established an effective national system of export and import licensing or authorization, as well as measures on international transit for the transfer of all small arms and light weapons? (PoA – Section II, para 11)**

Please refer to paragraph 1 for details of New Zealand’s SALW import and export control regimes.
With respect to “measures for international transit”, the importation restrictions outlined in paragraph 1 above do not apply to the harbours and other territorial waters of New Zealand. However, once in New Zealand the re-shipment of transited SALW to a point outside New Zealand would be caught by New Zealand’s export control regime.

8. Has your Government put in place or implemented adequate laws, regulations and administrative procedure to ensure effective control over the export and transit of small arms and light weapons, including the use of end-user certificates? (POA- Section II, para 12)

New Zealand controls on the export of SALW are implemented through the Customs Export Prohibition Order 2002, promulgated under the Customs and Excise Act 1996. That order requires the consent of the Secretary of Foreign Affairs and Trade (the Secretary) for the export of items identified in the New Zealand Strategic Goods List (NZSGL) held by the Ministry of Foreign Affairs and Trade (MFAT). The NZSGL is updated regularly to reflect changes in the various multilateral non-proliferation/export control regimes to which New Zealand belongs. The Munitions List of the NZSGL contains the list of SALW that are subject to export controls. This sub-list is largely derived from the Wassenaar Arrangement and contains items, which have a specific military use, as well as non-military firearms.

While the specific process varies from case to case, broadly the process for considering whether the Secretary will consent to a proposed export of small arms from New Zealand conforms to the following general pattern:

1. the consumer in the importing country orders the goods from an overseas broker;
2. the overseas broker orders from the New Zealand broker;
3. the New Zealand broker seeks consent from the Secretary to the export of the goods. MFAT officials, acting under the authority of the Secretary, obtain evidence of a gun dealers licence, individual permit or equivalent documentation issued by the importing country’s government and other relevant information such as the intended use and user of the goods from the New Zealand broker who, in turn, has acquired these from the overseas broker;
4. MFAT may seek the importing country’s government’s views on the application and cross-checks official documentation provided by the overseas broker;
5. in certain special cases MFAT consults with other governments, most commonly Australia and Pacific Island governments, and New Zealand policy agencies such as the Ministry of Defence.

If the application to export is approved by the Secretary a permit is issued to the New Zealand exporter. The importing country’s government is informed about the Secretary’s decision and the details of the transaction through the relevant New Zealand diplomatic posts in the Pacific.
9. Has your Government developed adequate national legislation or administrative procedures to regulate **brokering activities**? (PoA – Section II, para 14)

| There are few arms brokers based in New Zealand and there are no specific controls on brokering although as brokers are considered to offer firearms for sale they are caught by the regulations covering firearms dealers. |
| No person is allowed to set up business selling, or manufacturing for sale, firearms, airguns, pistols or restricted weapons without a licence issued by the Police. Those licences must be endorsed to allow possession of pistols, MSSA firearms or restricted weapons if the business concerned deals in those items. |
| Examples of the controls on dealers’ activities include: |
| - employees and agents of dealers must be firearms licence holders and those licences must also be endorsed if in the course of their duties they are to come into possession of pistols, MSSA firearms or restricted weapons; |
| - dealers must keep records of all firearms coming into their possession and details of transfers to customers; |
| - provision for Police audit of dealers’ records; and |
| - ensuring that firearms are securely stored. |
| Penalties for illicit dealing activities include: |
| - 3 months imprisonment or a fine of up to NZ$1,000 or both for selling a firearm to an unlicensed person or dealer; |
| - a fine of up to NZ$1,000 for supplying ammunition to someone who is not a holder of a firearms or dealers licence; and |
| - 3 years imprisonment or a fine of up to NZ$4,000 for selling or supplying a pistol, MSSA firearm or restricted weapon to a person who doesn’t hold a permit to import/procure that weapon. |
10. Has your Government conducted **destruction** of surplus SALW as well as those confiscated, seized or collected? (PoA – Section II, para 16, 18 and 19)

Section 18 of the Firearms Manual (issued by the Police) deals with the disposal of firearms by the Police. Broadly, under the Firearms Manual the Police are authorised to destroy firearms:

- pursuant to a court order;
- when authorised by the Area Controller;
- when firearms are delivered to the Police following surrender or revocation of a firearms licence; or
- where a firearm, airgun, pistol, restricted weapon, ammunition or explosive is seized or detained under the Arms Act by the Police (other than as a result of revocation or surrender of a firearms licence) provided that certain procedures, such as trying to first locate the owner, are followed.

A NZDF armourer destroyed a number of obsolete and unserviceable weapons of the Royal Solomon Islands Police Force.

11. Please indicate your Government’s procedures and practices on **the management and security of its own stocks of weapons** (PoA – Section II, para 17 and 18)

Please refer to paragraph 6.

SALW purchased by Police are held in secure storage facilities located at a central supplier who operates under a dealers licence and the provisions of the Arms Act 1983 and Arms Regulations 1992. SALW issued to tactical squads are held in separate secure storage within Police stations that operate on a 24 hour basis. General issue firearms are held in secure storage within Police stations under the supervision of the Officer in Charge. When on issue they are the responsibility of the member of the Police to whom they are issued.
12. Has your Government developed and implemented **public awareness and confidence-building programmes** on the problems and consequences of the illicit trade in SALW? (PoA - Section II, para 20)

New Zealand’s firearms legislation features a “permanent amnesty provision” for pistols and restricted weapons. In practice, this also applies to MSSAs. Persons who wish to dispose of any pistol, restricted weapon or MSSA may do so by delivering it to a licensed firearms dealer or the Police.

13. Please indicate, where appropriate, examples of **cooperation between your Government, civil society and non-governmental organizations** with a view to eradicating the illicit trade in SALW. (PoA – Section II, para 20)

The New Zealand Official Development Assistance Programme (now known as NZAID) contributed to funding for a report on “Small Arms in the South Pacific” published by the Small Arms Survey.

The Peace Disarmament and Education Trust, a trust formed by the New Zealand government to administer compensation funds received from the French government following the _Rainbow Warrior_ incident, has commissioned the research for books on small arms in the Pacific and Southeast Asia.

Police have consulted, and will continue to consult, widely on proposed amendments to firearms legislation.

14. Has your Government developed and implemented, where possible, **effective disarmament, demobilization and reintegration programmes**, including the effective collection, control, storage and destruction of SALW in post-conflict situation? (PoA – Section II, para 23)

New Zealand has not experienced large-scale conflict on its territory for over a century. However, New Zealand has contributed to post-conflict measures in Bougainville and Solomon Islands. Efforts have included post-conflict destruction of weapons, reintegration of ex-combatants and managing the risk of resumed conflict. A number of basic principles have been drawn upon including the need for community development parallel to the disarmament process, the importance of integration of the disarmament process with post-conflict confidence building, including restoring public confidence in the police and military, and community “ownership” of the process. Please refer to paragraph 15 for further details of New Zealand’s contribution in the Pacific.
A major focus of the New Zealand Defence Force (NZDF) mutual assistance programme (MAP) at present is helping regional countries’ defence and police forces to improve the security, storage, maintenance and management of their weapons. Assistance has thus far been provided to Solomon Islands, Vanuatu, Cook Islands and Tonga. An NZDF armourer recently completed a three week assignment with the Vanuatu Police Force and Vanuatu Mobile Force. The NZDF (and representatives from other government agencies) are part of the ongoing efforts in Bougainville to bring about the decommissioning of weapons under its peace agreement. Until June last year the NZDF and the New Zealand Police carried out a similar role in Solomon Islands as part of a peace monitoring team. Recently 10 Police officers took up training and advisory roles in Solomon Islands. NZDF also recently carried out checks on the state of Samoa’s armoury as part of its regular checks on the state of Pacific Island state armouries. NZDF conducts refresher courses on armoury security where required.

The Oceanic Customs Organisation (OCO) performs an important coordination role in the Pacific. The OCO engages in a range of activities to strengthen links between its 23 member countries, including the Customs Regional Intelligence Network (CRIN) that provides an overview of trafficking patterns in the region. OCO members submit reports of seizures, methods of transportation and methods of detection to the Intelligence Section of the New Zealand Customs Service, which updates CRIN data and publishes a quarterly bulletin.

The New Zealand Customs Service has access to the Customs Asia Pacific Enforcement Reporting System (CAPERS). CAPERS is an international based information and reporting system which is used in a number of OCO member countries throughout the Pacific region. CAPERS has been developed by the United States Customs Service.

The purpose of CAPERS is to “Encourage greater co-operation, communication and liaison between participating members” and will achieve this by “fostering a co-ordinated approach to Customs enforcement matters by providing free exchange of information and assistance in the investigation of violations of Customs or other law enforcement offences.”

Information sharing and cooperation with New Zealand’s Pacific partners occurs prior to the Secretary issuing consent to the export of goods (please refer to paragraph 8 above for an outline of New Zealand’s export control regime). The Secretary receives information on:

1. the attitude of the importing country to the import;
2. the current political/security situation in the importing country;
3. the degree to which the importing country can scrutinise and monitor the proposed imports;
4 the nature and character of the proposed end-use and user; and

5 other relevant information.

In practice, the exchange of information is achieved through New Zealand diplomatic posts in the importing countries.

In the Pacific region New Zealand cooperates and shares information to differing degrees with the governments of Papua New Guinea, New Caledonia and French Polynesia, Vanuatu, Tonga, Cook Islands, Samoa, Solomon Islands, Australia, the US and Britain. For example, New Zealand consults with the French government regularly over the proposed imports of sports guns into New Caledonia and French Polynesia and consults with the Fijian government over imports of explosives for mining purposes. The latter has been particularly useful for Fiji as it has allowed the Fijian government to plan better for mitigating various hazards.

The Pacific Islands Forum (PIF) is an annual meeting of the leaders of Pacific Island nations. A significant development for the PIF was the “Biketawa Declaration” made by Forum leaders in 2000, under which the Forum Secretary-General was assigned a specific role in monitoring possible sources of conflict and developing methods of dispute settlement and conflict avoidance to prevent their developing into open conflict. The PIF Regional Security Committee is currently finalising draft model small arms legislation for the Pacific region.

16. Please indicate specific problems your Government has faced in the implementation of the Programme of Action.

While New Zealand substantially complies with the Programme of Action legislative changes are necessary to New Zealand’s principal firearms legislation, the Arms Act 1983, and other related legislation, to bring our domestic laws fully into line. However, in the New Zealand context imposing stricter regulations on the use and ownership of firearms is a complex and controversial issue. New Zealand appears to have relatively high civilian gun ownership per capita. High range estimates put New Zealand’s ownership at 1 million guns among nearly 4 million people although such estimates are difficult to verify as 96% of all private firearms are not required to be registered (only users of firearms must be licensed in these cases). However, by international standards, New Zealand’s rates of firearm-related crime and violence are low.

In August 1998 the New Zealand government approved the implementation of a firearms control strategy based on recommendations following an independent inquiry into New Zealand’s arms control arrangements in 1996. One of the main components of the strategy was the universal registration of firearms, one of the key areas where New Zealand falls short of meeting the requirements of the Programme of Action. The Arms Amendment Bill (No 2), which was based on the strategy, was introduced into parliament in 1999. 99% of all submissions received on the Bill were opposed to it. The main themes of the objections were that registration is unnecessary, that it will be counter-productive and ineffective and that it is a precursor to the confiscation of
certain firearms. These submitters argued that New Zealand’s current owner-licensing laws are rigorous and effective and envied by other countries and that emphasis should be placed on enhancing existing laws rather than formulating new ones. The Bill was on parliament’s agenda for some time but a decision was made recently not to proceed with it. The New Zealand government is presently considering the implications of implementing the Firearms Protocol to the Convention on Transnational Organised Crime, including a system for the marking and tracing of firearms, the incidental effect of which would be to implement aspects of the Programme of Action.