



MINISTRY OF

**FOREIGN AFFAIRS & TRADE**

MANATŪ AORERE

**QUESTIONNAIRE ON THE IMPLEMENTATION  
OF THE PROGRAMME OF ACTION  
April 2007**

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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, one small-scale manufacturer of firearms and a small number of ad hoc firearms manufacturers (manufacturing firearms on an occasional basis only), 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, under the Arms Act 1983 to import firearms or various 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 Foreign Affairs and Trade is first obtained.

All goods imported into or exported from New Zealand are required by the Customs and Excise Act 1996 to be cleared by the New Zealand Customs Service (Customs).

Customs requires import and export clearances in order to:

- Process and validate the information provided using its computer system (known as Cusmod);
- Electronically screen the information provided by importers and exporters to identify risk shipments that may require further action;
- Enforce, using alerts on Cusmod, a wide range of import and export prohibitions and restrictions that Customs enforces on behalf of government departments that have policy responsibility for the controls. This includes controls on the import and export of firearms, explosives and goods subject to United Nations sanctions;
- Provide assurance to our trading partners about the security of New Zealand exports; and
- Provide import and export data to Statistics New Zealand to compile overseas trade data.

Cargo that is identified as of interest to Customs is held for the production of documents or physical inspection as required. Customs has purchased x-ray equipment, which is being used to examine cargo.

All goods entering through the (sole) international mail centre are x-rayed. NZ Customs has employed Armourers to deal with any SALW or their parts.

All goods exported from New Zealand must be electronically cleared with Customs prior to export, or they will not be loaded on the ship or aircraft.

An electronic export entry or a cargo information report (ECI) must be lodged with and cleared by Customs before the goods are loaded for shipment from New Zealand. Export entries are a legal declaration under the Customs and Excise Act 1996. It is an offence under the Act to make an erroneous or false entry or ECI report.

Alerts on Customs' computer system hold shipments of firearms and ammunition until the exporter produces the approval to export issued by the Secretary of Foreign Affairs and Trade under the Customs Export Prohibition Order 2005 (see above).

Importers of goods into New Zealand are required to lodge an electronic import entry (a declaration under the Customs and Excise Act 1996) with Customs. The entry covers the particulars of the goods, and where required, details of import permit requirements and the payment of any revenue charges.

Alerts on Customs' computer system hold shipments of firearms and various parts of firearms until the importer has produced a valid permit to import issued by the New Zealand Police under the Arms Act 1983.

Importers may under the Customs and Excise Regulations 1996 lodge import entries prior to the goods' arrival in New Zealand. For goods imported by:

- Sea – the entry may be lodged not more than five days before the date of importation into New Zealand; and
- Air – the entry may be lodged not more than one day before their date of importation.

Approximately 80% of the import entries are lodged before the goods are imported into New Zealand.

In all cases the import entry for the goods must have been lodged within 20 days of the goods having been imported into New Zealand.

The Hazardous Substances and New Organisms (HSNO) Act and Hazardous Substances Regulations 2001 contain provisions controlling the importation, manufacture and management 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 Hazardous Substances (Tracking) Regulations expressly exclude “safety” (small arms) ammunition.

With respect to “measures for international transit”, the importation restrictions outlined above, for firearms and parts of firearms, do not apply to the harbours and other territorial waters of New Zealand. However, once they have been landed 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.

There is currently an Arms Amendment Bill (No 3) before Parliament that extends the definition of New Zealand in the Arms Act 1983 (where there are the importation restriction provisions on firearms) to include the harbours and other territorial waters of New Zealand. The Bill also imposes controls on the importation of small calibre ammunition.

Goods that are:

- (a) trans-shipped through New Zealand, ie off-loaded in New Zealand – require Customs approval before they may be loaded on the exporting ship or aircraft;
- (b) transited through New Zealand, ie remain on board the ship or aircraft – the Customs and Excise Act 1996 requires the owner of the ship or aircraft to provide Customs with an electronic inward report of all goods on the ship or aircraft.

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)

A Small Arms Programme of Action Coordination Group, comprising officials 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 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:

- Participation in the First Review Conference of the UN Programme of Action, 26 June – 7 July 2006.
- Participation at Nairobi Conference on Transfer Controls, 20-21 April 2006
- Co-sponsorship of UNGA resolution on an arms trade treaty (ATT) in 2006. Lobbying of Pacific States on an ATT.
- Outreach to exporters and customs brokers to raise awareness of export controls on firearms, parts and ammunition.

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's small-scale manufacturers of firearms all mark their firearms at the time of manufacture. New Zealand law allows the government to make regulations requiring that firearms be marked. Such regulations have not been put in place to date. Pistols, military-style semi-automatic (*MSSA*) firearms and restricted weapons (prescribed by government), however, 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 has 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, one small-scale firearms manufacturer, and a small number of ad hoc firearms manufacturers (manufacturing firearms on an occasional basis only), New Zealand does not manufacture SALW. A person who manufactures firearms for sale must hold a dealers licence issued by the Police. Please refer to paragraph 1 above 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. No civilian is allowed to possess a firearm unless he or she is over the age of 16 years, is fit and proper, and has a firearms licence issued by the Police. A person wishing to hold a firearms licence is required to go through a vetting process that includes, but is not limited to, a criminal record and Police intelligence information check, interviews with the applicant, their spouse/partner/next of kin, an unrelated referee and any other inquiries Police consider required. Licence holders are required to secure firearms, and the physical inspection of security is a key part of the vetting process. Those wishing to possess pistols, restricted weapons or MSSAs undergo additional vetting processes, must hold a higher level of security, and may only use these particular firearms under prescribed circumstances.

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.

The HSNO Act and Hazardous Substances Regulations 2001 contain provisions controlling the importation, manufacture and management 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. Explosives must be kept at certified (licensed) locations and under the control of certified (approved) persons. At present, these provisions and the provisions in the Hazardous Substances (Tracking) Regulations to keep records of the holding and transfer of explosives expressly exclude "safety" (small arms) ammunition, although they do cover the explosive components used for the manufacture of small arms ammunition.

There is currently an Arms Amendment Bill (No 3) before Parliament that includes provision for the importation of ammunition not covered by regulations made under the HSNO Act to require a permit to import from New Zealand Police.

In order to gain consent from the Secretary of Foreign Affairs and Trade for the export of SALW from New Zealand, comprehensive supporting documentation is required from the exporter. This includes details of the goods, destination country, end-user, and evidence that authorisation for import has been obtained from the recipient country. The validity of such documents will be verified directly with foreign agencies if the transfer is considered to be of high risk. Records of all exports of SALW and supporting documentation are retained indefinitely by the Export Control Office of the Ministry of Foreign Affairs and Trade.

6. What specific measures has 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 are opened and the contents counted at specified intervals, and that a full muster is 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.

New Zealand Police maintains 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 question 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 question 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.

There is currently an Arms Amendment Bill (No 3) before Parliament that extends the definition of New Zealand in the Arms Act 1983 (where there are the importation restriction provisions on firearms) to include the harbours and other territorial waters of New Zealand.

Goods that are:

- (a) trans-shipped through New Zealand, ie off-loaded in New Zealand - require Customs approval before they may be loaded on the exporting ship or aircraft;
- (b) transited through New Zealand, ie remain on board the ship or aircraft – the Customs and Excise Act 1996 requires the owner of the ship or aircraft to Provide Customs with an electronic inward report of all goods on the ship or aircraft.

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 2005, 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), which is publicly available on [www.mfat.govt.nz](http://www.mfat.govt.nz). 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 military and non-military lethal goods such as non military firearms, non-military ammunition and commercial explosives.

Once an export application is received, the Ministry of Foreign Affairs and Trade (MFAT) consults with relevant government agencies and assesses the application in accordance with its standard export criteria. MFAT typically requires supporting documentation such as an end-user certificate and evidence of import authorisation, and also has the discretion to ask the exporter to supply a delivery verification certificate to help ensure that SALW are not diverted.

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, military-style semi-automatic (MSSA) firearms or restricted weapons if the business concerned deals in those items.

Examples of the controls on dealers' activities include:

- penalties for illicit dealing 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.
- three 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
  - three 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 New Zealand 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.

NZ Police has destroyed its surplus stock of 750 rifles as part of a rifle replacement programme. 50 have been retained for the purposes of firearm safety training delivered by the Mountain Safety Council.

Apart from weapons destroyed as part of regional assistance programs or international peacekeeping efforts (refer to paragraph 14), the NZDF policy is to hold a small number of obsolete weapons for museum or training purposes, and all other surplus/obsolete weapons are destroyed. There are stringent controls on the destruction process, including management of key spare parts such as firing mechanisms. As all NZDF weapons are imported, they are without exception subject to end user certification, compliance with which adds a further level of control to the disposal process.

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. New Zealand Police do not routinely carry firearms.

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. In the last two years the Police have invested approximately NZ\$200,000 into promoting the licensing, security and safe use of firearms.

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 Police continues to consult with the firearms-using community on the development of legislation, policy and practice aimed at enhancing the safe use and control of firearms. Representatives of firearms owner groups were informally consulted during the development stages of the Arms Amendment Bill (No 3) currently before Parliament. New Zealand's point of contact is in regular contact with the SALW NGO community.

In February 2006 the New Zealand Police co-hosted, with the Mountain Safety Council and the Council of Licensed Firearms Owners, an international firearms safety seminar. The New Zealand Agency for International Development (NZAID) paid for representatives from the Pacific to attend. This helped to build on New Zealand's involvement at the UN Regional Seminar on SALW for the South Pacific in Nadi, 18 - 20 August 2004.

The New Zealand Mountain Safety Council ([www.mountainsafety.org.nz](http://www.mountainsafety.org.nz)) has committed to assisting Pacific States develop civilian firearm safety programmes.

New Zealand's Ministry of Foreign Affairs and Trade conducts outreach on export controls on strategic goods, which include SALW, to the exporting community through publications, seminars and visits to individual businesses.

New Zealand contributed funding to IANSA to enable them to establish a temporary office in New York during the Review Conference in 2006.

The New Zealand Agency for International Development (NZAID), which manages the NZ Government's Official Development Assistance (ODA) Programme, has supported a number of initiatives relating to peace and conflict resolution. These are all relevant to efforts to combat, eradicate and prevent the illicit trade in SALW.

Core funding was provided by NZAID to the Pacific Islands Chiefs of Police (PICP) Secretariat to promote effective policing and community safety in the Pacific, through enhanced Police regional cooperation, coordination, and law enforcement. The PICP Secretariat produced a firearms safety handbook for the Pacific.

The New Zealand delegation to the First Review Conference of the UN Programme of Action included a representative each from Oxfam, IANSA and the New Zealand Council of Licensed Firearms Owners Inc (COLFO).

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 up 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.

At the request of Solomon Islands Government, in March 2006 New Zealand destroyed a shipment of weapons that it had been holding since the late 1990s – originally destined for irregular deployment at the Bougainville/Solomon Islands border.

New Zealand continues to be involved in the Regional Assistance Mission in the Solomon Islands (RAMSI). The focus of RAMSI is shifting from immediate conflict resolution and security issues to one of longer-term social and economic stability. The presence and circulation of illicit firearms continues to be monitored in this context, as it is a contributing factor to ensuring lasting stability in the Solomon Islands.

New Zealand has been active in promoting the aims of the Programme of Action in the South Pacific. A major focus of the New Zealand Defence Force's (NZDF) Mutual Assistance Programme (MAP) at present is helping regional countries' defence and police forces improve the security, storage, maintenance and management of their weapons. Assistance has thus far been provided to Vanuatu, Solomon Islands, Niue, Tokelau, and the Cook Islands. We have also had discussions with police and military authorities in Samoa and Tonga with a view to providing them assistance in the future. Often this assistance involves training on the safe handling of weapons and explosives, and their disciplined control and use.

This assistance to South Pacific states can only proceed at the invitation of the states concerned. New Zealand is willing and able to offer further advice and assistance to address the small arms challenge. We are careful, however, to ensure that we only offer assistance when requested to do so by the states concerned.

In Afghanistan New Zealand is providing ongoing support through its ODA programmes. This has included support through the New Zealand Provincial Reconstruction Team (NZ PRT) for security sector reform. On civil/military relations and humanitarian assistance, New Zealand follows an approach that seeks to have PRT's focus on creating a secure environment for the provision of development assistance, and engaging in development assistance in sectors where they have the comparative advantage. This has included security sector reform, assistance to local government, disarmament and demobilisation processes.

15. Do you have a **regional mechanism** in promoting trans-border customs cooperation and networks for information sharing among law enforcement, border and customs control agencies in your region? (PoA – Section II, para 27)

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 biannual bulletin.

Customs Asia Pacific Enforcement Reporting System (CAPERS) is currently operating throughout the Pacific and Asian regions. CAPERS is an international based information and reporting system which is used in a number of OCO member countries throughout the Pacific region. CAPERS was developed by the United States Customs Service.

Information sharing and cooperation with New Zealand's Pacific partners may take place when assessing an export application to the Pacific region. MFAT may request 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.

#### The New Zealand Customs Service

- assisted with the establishment of a permanent base of operations for the Oceania Customs Organisation (OCO) in Suva, which aims to improve the efficiency and effectiveness of customs administrations in the Pacific. The OCO is currently headed by a New Zealand Customs officer; and
- has established in its Head Office a Pacific Liaison Officer who supports the Customs Manager International Relations in the strengthening and developing of relationships between the New Zealand Customs Service and the Pacific Island Customs administrations and regional organisations. The Pacific Liaison Officer assists the New Zealand Customs Service to achieve its regional Pacific goals by being a single point of contact for New Zealand Customs' Pacific Region relationship activity.

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

None in the year to date. In February 2005 the New Zealand Government introduced legislation (the Arms Amendment Bill (No 3)) into Parliament to enable New Zealand to comply with the minimum legislative requirements of the Firearms Protocol to the Convention on Transnational Organised Crime, the incidental effect of which will be to enhance New Zealand's compliance with the Programme of Action. This legislation is still going through the parliamentary process.