

## GOVERNMENT OF NEW ZEALAND

### UPDATED INITIAL REPORT ON MEASURES UNDERTAKEN TO IMPLEMENT THE ARMS TRADE TREATY, IN ACCORDANCE WITH ITS ARTICLE 13(1)

This Initial Report may be made publicly available	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
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#### SECTION A. INFORMATION RELATED TO BINDING OBLIGATIONS IN THE TREATY

##### 1. NATIONAL CONTROL SYSTEM AND LIST

###### A. Overview of legislation and ordinances governing the national control system

[Article 5(2)]

(please list below. If the national control system is governed in whole or part by other means than legislation or ordinances, please indicate these also)

New Zealand has a national control system that regulates the export of “strategic goods”. It was established pursuant to sections 96 and 97 of the New Zealand Customs and Excise Act 2018 and clause 5 of the New Zealand Customs Export Prohibition Order 2017. It is known as the “Strategic Goods regime”.

Amongst the goods classed as “strategic” and subject to the regime are all conventional arms, ammunition and related parts and components within the scope of the Arms Trade Treaty (“ATT”). Various other goods are also subject to the regime. A full list of all goods subject to the regime is available at:

<https://www.mfat.govt.nz/en/trade/trading-weapons-and-controlled-chemicals/>

Pursuant to New Zealand’s Strategic Goods regime, a risk assessment must be conducted by the New Zealand Ministry of Foreign Affairs and Trade (“MFAT”) before any strategic goods can be exported from New Zealand.

Risk assessments conducted by MFAT are done according to a set of publicly available criteria, which are available at: <https://www.mfat.govt.nz/en/trade/trading-weapons-and-controlled-chemicals/how-your-application-is-assessed/>

The criteria includes all the considerations required by Articles 6, 7 and 11(2) of the Arms Trade Treaty.

The Arms Act 1983 and Arms (Restricted Weapons and Specially Dangerous Airguns) Order 1984 govern the import of conventional arms. This legislation can be found at:

<http://www.legislation.govt.nz/act/public/1983/0044/latest/DLM72622.html>

<http://www.legislation.govt.nz/regulation/public/1984/0122/latest/DLM95640.html>

In April 2019, the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act was passed which amended the kinds of weapons that could be imported into New Zealand, banning semi-automatic firearms and some pump action shotguns. The legislation can be found at:

<http://www.legislation.govt.nz/act/public/2019/0012/latest/whole.html>

New Zealand is currently developing further amendments to the Arms Act that will be introduced in Parliament later this year.

Following the passing of the Arms Amendment Act (see above) the Risk Assessment Criteria of the Strategic Goods Regime were amended to align export controls with import controls. Firearms, magazines and parts which are now prohibited imports are now also prohibited exports.

<b>B. The national control system includes the following:</b>		Yes	No
i)	competent national authorities (further specified below) [Article 5(5)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii)	a control list [Article 5(2)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii)	one or more national points of contact to exchange information on ATT implementation [Article 5(6)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>New Zealand's national point of contact to exchange information on the ATT, and competent national authority for all transfers (except imports), is the New Zealand Ministry of Foreign Affairs and Trade.</p> <p>Contact details as follows:</p> <p>Export Controls Administrator International Security and Disarmament Division Ministry of Foreign Affairs and Trade 195 Lambton Quay Private Bag 18-901 WELLINGTON 6001 Phone: +64 4 439 8227/+64 4 439 8000 Fax: +64 4 439 8519 Email: <a href="mailto:exportcontrols@mfat.govt.nz">exportcontrols@mfat.govt.nz</a></p> <p>New Zealand Police is the competent national authority for imports.</p> <p>Contact details as follows:</p> <p>Arms Control, Response &amp; Operations Police National Headquarters Molesworth Street PO Box 3017 Wellington Phone +64 4 4749539 Ext 44139 Website contact: <a href="https://forms.police.govt.nz/forms/contact-new-zealand-police/10?about=firearms_enquiry">https://forms.police.govt.nz/forms/contact-new-zealand-police/10?about=firearms_enquiry</a></p>			
<b>C. The national point of contact has been notified to the Secretariat of the Treaty [Article 5(6)]</b>		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<b>D. The national control list covers the following:</b>		Yes	No

i)	Battle tanks [Article 2(1a)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii)	Armored combat vehicles [Article 2(1b)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii)	Large-caliber artillery systems [Article 2(1c)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv)	Combat aircraft [Article 2(1d)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
v)	Attack helicopters [Article 2(1e)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
vi)	Warships [Article 2(1f)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
vii)	Missiles and missile launchers [Article 2(1g)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
viii)	Small arms and light weapons [Article 2(1h)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>The national control list also includes the following, in order to enable the application of Articles 3 and 4:</b>		Yes	No
ix)	Ammunition/Munitions for the conventional arms covered in Article 2(1) [for the application of Article 3]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
x)	Parts and components in a form that provides the capability to assemble the conventional arms covered in Article 2(1) [for the application of Article 4]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>E. The national control list has been provided to the Secretariat of the Treaty [Article 5.4]</b>		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

## 2. PROHIBITIONS

<b>A. The national control system prohibits authorization of transfers as defined by Article 2(2), of conventional arms covered under Article 2(1) and items covered under Articles 3 and 4, in the circumstances specified in Articles 6(1) to 6(3)</b>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<b>B. International agreements to which the country is a Party, and which are considered relevant for the application of Article 6(2)</b> (please list below)		
<ol style="list-style-type: none"> <li>1. 1980 Convention on the Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects and its five Protocols, 1980, 1995 and 2003</li> <li>2. 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction</li> <li>3. 2008 Convention on Cluster Munitions.</li> </ol>		
<b>C. International agreements to which the country is a Party, and which are considered relevant for the application of Article 6(3)</b> (please list below)		
<ol style="list-style-type: none"> <li>1. The four 1949 Geneva Conventions and the First and Second Additional Protocols, 1977</li> <li>2. 1998 Rome Statute of the International Criminal Court</li> </ol>		

3.	1948 Convention on the Prevention and Punishment of the Crime of Genocide
4.	1989 Convention on the Rights of the Child and its Optional Protocol on the involvement of children in armed conflict, 2000
5.	1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict and its two Protocols, 1954 and 1999
6.	1951 Convention Relating to the Status of Refugees and its Protocol, 1967.

### 3. EXPORTS

<b>A. The national control system includes the following:</b>		Yes	No
i)	an authorization or licensing system for arms exports [Article 5(2)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii)	prohibition assessment guidelines [Article 6]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii)	export assessment criteria [Article 7]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv)	a risk assessment procedure [Article 7]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>B. National export controls apply to the conventional arms covered under Article 2(1), and the items covered under Articles 3 and 4</b>		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<b>C. The national control system includes measures to ensure that all export authorizations are detailed and issued prior to export [Article 7(5)]</b>		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<b>D. The national risk assessment procedure includes all the criteria described in Article 7(1)(a) and (b), and Article 7(4)</b>		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<b>E. The competent national authority(-ies) for the control of exports [Article 5(5)]</b> (please specify below)			
New Zealand Ministry of Foreign Affairs and Trade.			
<b>F. The national control system allows appropriate information about an export authorization to be made available, upon request, to the importing State Party and/or to the transit or trans-shipment States Parties [Article 7(6)]</b>		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

### 4. IMPORTS

<b>A. The national control system includes measures that allow the regulation,</b>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
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<p><b>where necessary, of imports of conventional arms covered under Article 2(1). [Articles 6(1) to 6(3) and Article 8(2)]</b></p> <p>(if 'Yes', please provide further information below on the nature of control measures and confirm whether they apply to all items in the national control list.)</p>		
<p>Pursuant to section 16 of the Arms Act 1983, the following categories of conventional arms may not be imported into New Zealand without a permit from Police: small arms and light weapons, missiles and missile launchers and large-calibre artillery systems. The import of other categories of conventional arms within the scope of the ATT (combat vehicles, attack helicopters, combat aircraft, battle tanks and warships) is regulated when the item is armed. In New Zealand's circumstances, it is only considered necessary to regulate the import of items that are armed and thus constitute a weapon, especially as these other categories of conventional arms are in practice only imported by the New Zealand Defence Force.</p> <p>The relevant legislation can be found at:  <a href="http://www.legislation.govt.nz/act/public/1983/0044/latest/DLM72622.html">http://www.legislation.govt.nz/act/public/1983/0044/latest/DLM72622.html</a></p>		
<p>If 'Yes', please also answer the following question</p>		
<p><b>B. The competent national authority(-ies) for the regulation of imports [Article 5(5)]</b>          (please specify below)</p>		
<p>New Zealand Police.</p>		
<p><b>C. The national control system allows for the provision, pursuant to national law and upon request, of appropriate and relevant information to assist an export assessment by a potential exporting State Party [Article 8(1)]</b></p>	<p>Yes <input checked="" type="checkbox"/></p>	<p>No <input type="checkbox"/></p>

## 5. TRANSIT & TRANS-SHIPMENT

<p><b>A. The national control system includes measures that allow the regulation, where necessary and feasible, of transit of conventional arms covered under Article 2(1) [Articles 6(1) to 6(3) and Article 9]</b></p> <p>(if 'Yes', please provide further information below on the nature of control measures and confirm whether they apply to all items in the national control list.)</p>	<p>Yes <input checked="" type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
<p>New Zealand's Strategic Goods regime applies to all goods in New Zealand territory, including goods transiting through New Zealand's territorial sea or national air space. New Zealand's national control system relevant to transit and transshipment ensures full compliance with the rights and obligations given States under the 1982 Convention on the Law of the Sea, including with respect to the right of innocent passage under Article 17 of the Convention.</p>		
<p><b>B. The national control system includes measures that allow the regulation, where necessary and feasible, of trans-shipment of conventional arms covered under Article 2(1) [Articles 6(1) to 6(3) and Article 9]</b></p> <p>(if 'Yes', please provide further information below on the nature of control measures and confirm whether they apply to all items in the national control list. If 'No', please elaborate below)</p>	<p>Yes <input checked="" type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
<p>Goods that land on New Zealand soil are considered to have been imported, and importers are required to obtain the relevant import permits if their shipment contains firearms or restricted weapons.</p>		

<p>Export occurs when goods, which have been within New Zealand or its territorial sea, leave it.</p> <p>Any trans-shipments including items on the national control list (see answers to question 1.D) are required to comply with all import requirements and to hold the appropriate export permits in order to comply with New Zealand law.</p>			
<p><b>C. Control measures for the regulation of transit and/or trans-shipment cover:</b> (If 'Yes' to (ii) or (iii), please indicate in the free text field how enforcement is conceived - systematic control or only when information is available?)</p>		Yes	No
i)	Transit / trans-shipment through land territory (including internal waters)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii)	Transit / trans-shipment through territorial waters	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii)	Transit / trans-shipment through national air space	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>New Zealand's Strategic Goods regime applies to all goods in New Zealand territory, including goods transiting through New Zealand's territorial sea and air space. Whether enforcement action is taken in relation to goods in New Zealand's territorial sea or national air space depends on what information is available in relation to the goods, and whether any enforcement action would be consistent with New Zealand's other international obligations such as the United Nations Convention on the Law of the Sea and the Chicago Convention on International Civil Aviation.</p>			
<p><b>D. The competent national authority(-ies) for the regulation of transit and trans-shipment</b> [Article 5(5)] (please specify below)</p>			
<p>New Zealand Ministry of Foreign Affairs and Trade and the New Zealand Police.</p>			

## 6. BROKERING

<p><b>A. The national control system includes measures that allow the regulation, pursuant to national laws, of brokering of conventional arms covered under Article 2(1)</b> [Articles 6(1) to 6(3) and Article 10] (if 'Yes', please provide further information below on the nature of control measures and confirm that they apply to all items in the national control list. If 'No', please elaborate below)</p>		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<p>In 2018, New Zealand passed the Brokering (Weapons and Related Items) Controls Act 2018. This Act regulates New Zealand persons and entities, including those operating offshore, seeking to facilitate the international movement of arms and/or military equipment from one country to another. From 1 June 2019, those persons wishing to undertake brokering activities must be registered with MFAT as a broker and have a permit for each specific brokering activity.</p> <p>The Act can be found here: <a href="http://www.legislation.govt.nz/act/public/2018/0009/latest/DLM7318214.html">http://www.legislation.govt.nz/act/public/2018/0009/latest/DLM7318214.html</a></p>			
<p><b>B. The definition of brokering used in national legislation</b> [Articles 6(1) to 6(3) and Article 10] (please specify in particular if there are extraterritorial elements in the definition, for instance the activities of nationals resident abroad, or transfers that take place between two third countries)</p>			

<p>Brokering activity is defined in section 6 of the Act, as a means of “arranging, facilitating, or negotiating a transaction that involves the international transfer of weapons” between two third countries. It includes acting as an agent or intermediary for a person involved in the transaction, acquiring or storing weapons.</p> <p>Pursuant to section 4 of the Act, the law applies to any brokering activity carried out by New Zealand persons or entities, including those operating wholly or partially offshore.</p>
<p><b>C. The competent national authority(-ies) for the regulation of brokering</b>  <b>[Article 5(5)]</b>          (please specify below)</p>
<p>New Zealand Ministry of Foreign Affairs and Trade</p> <p>Export Controls Administrator          International Security and Disarmament Division          Ministry of Foreign Affairs and Trade          195 Lambton Quay          Private Bag 18-901          WELLINGTON 6001          Phone: +64 4 439 8227/+64 4 439 8000          Fax: +64 4 439 8519          Email: <a href="mailto:exportcontrols@mfat.govt.nz">exportcontrols@mfat.govt.nz</a></p>

## 7. DIVERSION

<p><b>A. Measures foreseen in the national control system to prevent the diversion of conventional arms covered by Article 2(1)</b>  <b>[Article 11(1)]</b></p>		Yes	No
i)	assessing the risk of diversion of an export [Article 11(2)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii)	cooperation and information exchange, where appropriate and feasible and pursuant to national law, with other States Parties [Article 11(3)] (if ‘No’, please provide background below)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>B. The national control system includes appropriate measures to be taken, pursuant to national law and in accordance with international law, when a diversion of transferred conventional arms under Article 2(1) has been detected</b>  <b>[Article 11(4)]</b></p>		<input checked="" type="checkbox"/>	<input type="checkbox"/>

## 8. RECORD KEEPING

<p><b>A. The national control system includes provisions for maintaining records regarding:</b>  <b>[Article 12(1)]</b> (mandatory to retain records for one of the two options below)</p>	Yes	No
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i)	issued authorizations for the export of conventional arms covered under Article 2(1) of the Treaty [Article 12(1)]; or	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii)	actual exports of conventional arms covered under Article 2(1) of the Treaty [Article 12(1)] (if 'No' to both (i) and (ii), please elaborate below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>B. Records are kept for a minimum of 10 years</b> [Article 12(4)]		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

## 9. REPORTING

<b>A. The national control system allows for the provision of information as required by Article 13(3)</b>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
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## 10. ENFORCEMENT

<b>A. Measures are in place that provide the ability to enforce the national laws and regulations that implement the provisions of the Arms Trade Treaty</b> [Article 14]	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<b>B. National legislation allows the provision to another State Party of jointly agreed assistance in investigations, prosecutions and judicial proceedings in relation to violations of national measures established pursuant to this Treaty</b> [Article 15(5)]	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

## 11. INTERNATIONAL COOPERATION

<b>A. Cooperation is possible with other States Parties of the Treaty with a view to its effective implementation, where such cooperation is consistent with national law and security interests</b> [Article 15(1)]	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
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## 12. INTERNATIONAL ASSISTANCE

<b>A. National regulations and policy allow for the provision - upon request and if in a position to do so - of implementation assistance as set out in Article 16(1)</b>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
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## 13. DISPUTE SETTLEMENT

<b>A. National regulations and policy allow for consultations and, by mutual consent, cooperation in the settlement of disputes regarding the interpretation</b>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
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or application of the Treaty by at least one of the means outlined in Article 19(1)		
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**SECTION B.**  
**INFORMATION RELATED TO NON-BINDING PROVISIONS IN THE TREATY**

States Parties are obliged according to Article 13(1) to provide information on the measures listed below, to the extent that such measures have been undertaken to implement the Treaty. On a voluntary basis, more information may also be provided

**1. NATIONAL CONTROL SYSTEM AND LIST**

<b>F. Arms for recreational, cultural, historical and sporting purposes are included in the national control list [Article 2(1)(h) &amp; Preamble, 13<sup>th</sup> para]</b>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<b>G. Additional categories not listed under Section A1.D are included in the national control list [Article 5(3)]</b> (If 'Yes', please specify below)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<p>In addition to conventional arms, their parts and components, and ammunition within the scope of the ATT, New Zealand's Strategic Goods regime also covers various other goods and technologies, as well as civilian goods which may be used either as military components or for the development or production of military systems or weapons of mass destruction (known as "dual-use goods").</p> <p>For a full list of all goods included in New Zealand's Strategic Goods list see:</p> <p><a href="https://www.mfat.govt.nz/en/trade/trading-weapons-and-controlled-chemicals/">https://www.mfat.govt.nz/en/trade/trading-weapons-and-controlled-chemicals/</a></p>		
<b>H. Control list definitions are supplemented by more detailed definitions not in the control list itself [Article 5(3)]</b>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
<b>I. The national control list is publicly available [Article 5(4)]</b> (if 'Yes', please provide information below as to how your control list is made publicly available - if available on the open internet please provide the hyperlink)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<p>New Zealand's Strategic Goods List is available at:</p> <p><a href="https://www.mfat.govt.nz/en/trade/trading-weapons-and-controlled-chemicals/">https://www.mfat.govt.nz/en/trade/trading-weapons-and-controlled-chemicals/</a></p>		
<b>J. Additional voluntary information about non-obligatory aspects of a national control system</b> (please elaborate below - for instance regarding inter-agency coordination structures, training systems for relevant officials, transparency and accountability mechanisms, outreach to private actors such as industry, or any ongoing / planned review or change of the national control system or parts thereof)		
<p>Officials responsible for authorization processes receive one-on-one on the job training and full oversight is maintained over all export control decisions, including, in certain instances, at Ministerial level. Some authorizations will require extensive consultation across the full range of assessment and implementation agencies. Others can be assessed without extensive inter-agency consideration.</p> <p>There are a range of mechanisms to support inter-agency cooperation, most under the auspices of the Officials Committee for Domestic and External Security Coordination (ODESC). ODESC is supported by multi-agency permanent committees, and issue-specific working groups.</p> <p>Information requested is releasable pursuant to the Official Information Act, although some details may be</p>		

redacted due to their sensitivity, on either commercial or national security grounds.

There are also established outreach mechanisms to maintain effective communication between the government and private actors, including industry. In addition to ad hoc meetings across a range of issues relevant to the ATT, one example is the Firearms Community Advisory Forum, which has been meeting a minimum of twice a year. Led by New Zealand Police, this provides an opportunity for relevant government agencies (including the New Zealand Customs Service and Ministry of Foreign Affairs and Trade) to provide updates on issues of interest. Progress in Treaty negotiations and the introduction of a domestic brokering regime have been specific Arms Trade Treaty-related issues discussed at the Forum in recent years.

Furthermore, a programme of visits is undertaken to individual export firms, as needed, to ensure full understanding of New Zealand's control regime. Export control officials also undertake speaking engagements to publicise our regime.

## 2. PROHIBITIONS

**D. Additional voluntary information relevant to prohibitions under Article 6**  
(please elaborate below)

## 3. EXPORTS

<b>G. The national risk assessment procedure includes the consideration of risk mitigation measures that could be undertaken to mitigate identified risks [Article 7(2)]</b> (if 'Yes' please elaborate below, including an indication of types of risk mitigation measures that are most often used)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
New Zealand uses a variety of risk mitigation measures, including our national assessment criteria ( <a href="https://www.mfat.govt.nz/en/trade/trading-weapons-and-controlled-chemicals/how-your-application-is-assessed/">https://www.mfat.govt.nz/en/trade/trading-weapons-and-controlled-chemicals/how-your-application-is-assessed/</a> ), national technical means, verifiable documentation from exporters and importers, checks on importers, delivery verification, and international cooperation to assess risk.		
<b>H. The national control system allows exports of controlled equipment without a licence or under simplified procedure under certain circumstances [for instance temporary exports or exports to trusted partners]</b> (if 'Yes' please provide further information below)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
With one exception, all exports of goods on the Strategic Goods list require an export permit. New Zealand issues two types of permits to export strategic goods: a Standard export permit and a General Consent.  A General Consent allows an exporter to apply for a list of destination countries to which exports of specific listed items are pre-approved. The exporter lists the countries it intends to export goods to, which are then either approved or not approved by MFAT. If a consent is granted for a country listed on a General Consent, the exporter may then export any volume of the specified products to any end-user in that country. Exporters must provide information to MFAT on end-users who have received items under the General Consent.		

General Consents are available for:

- Items deemed to be of low risk;
- Destination countries which are members of the relevant export control regime;
- Exporters with a business case that justifies the use of a General Consent; and
- A limited validity of 12 – 24 months.

If consent is not granted, the exporter must apply for a standard export licence to a specific end-user.

Temporary export permits may also be granted to cover multiple exports of items temporarily exported for the purposes of repair and return.

The exception to New Zealand's export permit requirement relates to sporting firearms.

New Zealand's export controls regime has a particular provision for private persons seeking to export up to five sporting firearms from New Zealand for hunting/sporting/competition purposes. They may do so without a permit from MFAT if the weapons are to be returned to New Zealand, or are transiting New Zealand, or have been temporarily imported by a visitor for hunting/sporting/competition purposes. However, the exporter must notify MFAT Export Controls. Tourists may purchase and export up to five single action hunting/sporting rifles without a permit, but must also notify MFAT Export Controls.

For further information see:

<https://www.mfat.govt.nz/en/trade/trading-weapons-and-controlled-chemicals/which-goods-are-controlled/>

<https://www.mfat.govt.nz/en/trade/trading-weapons-and-controlled-chemicals/how-to-export-military-and-dual-use-goods/>

**I. The national risk assessment procedure includes other criteria not mentioned in the articles cited in 3.D above**

(if 'Yes' please specify below)

Yes ☒

No ☐

In addition to the core criteria set out in Articles 6 and 7 of the ATT, MFAT will take into account the following additional factors in undertaking a risk assessment for a permit to export Strategic Goods. In some cases these factors amplify the core criteria:

- i. Is there a substantial risk that the goods to be exported could be diverted or on-sold prior to, or after, delivery to their intended end-user?
- ii. Are there any requests for restraint or expressions of concern by competent international bodies (eg United Nations Security Council, Wassenaar Arrangement) or any other arms restrictions in place?
- iii. Would the export undercut a denial from an export control regime of which New Zealand is a member?
- iv. Is the export consistent with decisions made by likeminded countries operating similar export controls to New Zealand?
- v. Is there evidence that the country of import is involved in the development of weapons of mass destruction?
- vi. Is the export part of an existing contract that has previously been approved?
- vii. Is the country of import involved in any conflict?
  - a. Issues to consider for internal conflicts:
    - the legitimacy of the government;
    - factors contributing to the conflict;
    - the commitment of parties to peaceful settlement.
  - b. Issues to consider for external conflicts:

<ul style="list-style-type: none"> <li>the nature of the conflict under international law (e.g. self-defence under Article 51 of the United Nations Charter);</li> <li>the commitment of parties to peaceful settlement.</li> </ul> <p>c How would the export contribute to the conflict in question?</p> <p>d Is there evidence that child soldiers are being used in the conflict and, if so, how would the export affect this?</p> <p>viii. Would the export introduce a new capability into a region/internal security situation?</p> <p>ix. Would the export significantly enhance capabilities already employed (including, for instance, manpower effectiveness)?</p> <p>How would this enhancement be perceived?</p> <p>Could this enhancement materially affect an already unstable situation?</p> <p>x. Is there a potential for the goods to be used in any terrorist activity?</p> <p>xi. Could the export of the goods in question prejudice New Zealand's relationship with a third country?</p> <p>xii. Could the export compromise New Zealand's wider defence and security interests?</p> <p>xiii. Could the export prejudice New Zealand's international relations?</p> <p>xiv. What is the human rights record of the country of import?</p> <p>xv. Is there a possibility that the goods could be used in, or contribute to, an abuse of human rights?</p> <p>xvi. What is the country of import's record in International Humanitarian Law/Law of Armed Conflict?</p> <p>xvii. Are the items prohibited under New Zealand law?</p>		
<b>J. Measures to exercise control over exports are applicable also to other categories of conventional arms than those covered in Articles 2(1), 3 and 4 [Article 5(3)]</b> (if 'Yes', please elaborate below)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
As noted above, in addition to conventional arms, their parts and components and ammunition within the scope of the ATT, New Zealand's Strategic Goods regime also covers various other goods and technologies, as well as certain civilian goods (known as "dual-use goods") which could potentially be used either as military components or for the development or production of military systems or weapons of mass destruction. The full list is available at: <a href="https://www.mfat.govt.nz/en/trade/trading-weapons-and-controlled-chemicals/">https://www.mfat.govt.nz/en/trade/trading-weapons-and-controlled-chemicals/</a>		
<b>K. An export authorization can be reassessed if new relevant information becomes available [Art 7(7)]</b> (if 'Yes', please provide further information below. Are there also legal provisions for suspension or withdrawal of a license?)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Pursuant to New Zealand's Strategic Goods regime (Customs and Excise Act 2018 and the Customs Export Prohibition Order 2017), an export consent may be withdrawn by MFAT if a condition of the consent is breached, or if MFAT considers that the situation has changed sufficiently in the export destination to warrant the withdrawal of a consent, or if MFAT receives other relevant new information. MFAT may withdraw a consent to export goods to a particular country by notifying the holder in writing that authority to export has been withdrawn.		
<b>L. Information / documentation included in an application for an export authorization</b> (please specify below)		
Pursuant to New Zealand's Strategic Goods regime, exporters are required to provide supporting documentation. MFAT may require any one of the following supporting documents depending on the goods being exported: <ul style="list-style-type: none"> <li>- end-user certificates for NZ origin military goods;</li> <li>- end-user certificates for NZ origin dual-use goods;</li> <li>- evidence of import authority for firearms;</li> </ul>		

<p>- evidence of re-export approval for foreign origin goods.</p> <p>In addition to end-user certification, MFAT may require proof of delivery of the goods.</p>		
<p><b>M. Apart from the competent national authority, the following ministries or government authorities may be involved in the decision-making process for an export authorization</b>  <b>[Article 5(5)]</b>          (please specify below)</p>		
<p>New Zealand Defence Force, Ministry of Defence, New Zealand Customs Service, New Zealand Police and other assessment and implementation agencies as appropriate.</p>		
<p><b>N. The national control system allows a State of final destination to request information concerning pending or actual export authorizations pertaining to it [Article 8(3)]</b></p>	<p>Yes <input checked="" type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
<p><b>O. Additional voluntary information relevant to national export controls</b>          (please specify below - for instance on the control of re-exports.)</p>		
<p>Re-exports are assessed and processed in the same manner as exports. However an additional consideration may apply in terms of a requirement to sight the government of origin's permission to re-export.</p>		

#### 4. IMPORTS

<p><b>D. Imports of conventional arms subject to control are, under specific circumstances, permitted without regulation or under simplified procedure</b></p>	<p>Yes <input type="checkbox"/></p>	<p>No <input checked="" type="checkbox"/></p>
<p>There are no simplified procedures.</p> <p>Where NZ Police or NZDF import firearms and restricted weapons for their own use, these are not subject to permit. However both may use agents in which case the imports are subject to permit.</p>		
<p><b>E. Measures to regulate imports are applicable also to other categories of conventional arms than those covered in Article 2(1)</b>  <b>[Article 5(3)]</b>          (if 'Yes', please elaborate below)</p>	<p>Yes <input checked="" type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
<p><a href="http://www.legislation.govt.nz/regulation/public/2014/0255/latest/DLM6203309.html">http://www.legislation.govt.nz/regulation/public/2014/0255/latest/DLM6203309.html</a></p> <p>Approval from the New Zealand Police is required, under the Customs Import Prohibition Order 2014, to import the following offensive weapons:</p> <ol style="list-style-type: none"> <li>1 Knuckle-dusters, knives incorporating knuckle-dusters, swordsticks, (including any identifiable components of swordsticks) and any weapon disguised to give the appearance of another article;</li> <li>2 Any knife having a blade that opens automatically by hand pressure applied to a button, spring, or other device in or attached to the handle of the knife (sometimes known as a flick knife or flick gun);</li> <li>3 Any knife having a blade that is released from the handle or sheath by the force of gravity or the application of centrifugal force, and that, when released, is locked in place by means of a button, spring, lever or other device (sometimes known as a gravity knife or butterfly knife);</li> <li>4 With the exception of any folding pocket knife with a blade less than 10 cm in length, any knife that:             <ul style="list-style-type: none"> <li>○ is designed for ease of concealment on the person</li> <li>○ has a double-edged blade that is designed or suitable for stabbing or throwing (as opposed</li> </ul> </li> </ol>		

to cutting);

- 5 Any knife of the kind sometimes known as a fist knife, gimlet knife, punch dagger, push dagger, push dirk, push knife, T-handled knife, or throwing knife; and
- 6 Bayonets.

Further information regarding banned weaponry and the general restrictions governing the import of firearms and offensive weapons can be obtained at <http://www.police.govt.nz/advice/firearms>

Other weapons restricted under New Zealand law but outside the scope of the Arms Trade Treaty, include those designed to incapacitate, as listed below (from the Schedule to the Arms (Restricted Weapons and Specially Dangerous Airguns) Order 1984):

- Every firearm, weapon and device designed for the purpose of discharging any lachrymatory, deleterious, or toxic gas, smoke, or other stupefying or overpowering thing capable of rendering any person either wholly or partially incapable of resistance, including stun guns, tasers, and pepper spray.
- Any gas, substance, material, or thing specifically intended or adapted for use in conjunction with any firearm, weapon, or device specified above.

The schedule of restricted weapons can be found here:

<http://www.legislation.govt.nz/regulation/public/1984/0122/latest/DLM95646.html>

**F. Apart from the competent national authority, the following ministries or government authorities may be involved in the decision-making process for an import authorization (when such an authorization is required)**

**[Article 5(5)]**

(please specify below)

Full inter-agency consideration is given to possible imports of significant conventional arms, including potentially by Parliament. Imports of firearms do not usually require consultation beyond the competent national authority (New Zealand Police), but the full range of assessment and implementation agencies could be involved, as required.

**G. Information / documentation required for an import authorization**

(please specify below)

Sections 16-19 of the Arms Act 1983 cover the importation of firearms and other restricted weapons:

<http://www.legislation.govt.nz/act/public/1983/0044/latest/DLM72622.html>

Applications for import permits from within New Zealand can only be made *in person*.

Visitors to New Zealand can find information about import regulations online. They must notify New Zealand Police of their intention to import a firearm on the approved firearms list and apply for a Visitor's firearms licence online at least one month before their scheduled arrival in New Zealand. (Visitors staying for longer than 12 months must apply for a New Zealand firearms licence.) The approved firearms list can be found at: <http://www.police.govt.nz/advice/firearms/approved-firearms>

If they are not on the approved firearms list (or are not standard sporting firearms but are, for example, military-style semi-automatic 'assault rifles' for use in competitions), details of the make, model, action-type, calibre, magazine size and reason for importing are to be sent to New Zealand Police for assessment. Otherwise Police may retain such firearms at the border until the visitor leaves the country.

In addition, all firearms must be declared to the New Zealand Customs Service upon arrival. A visitor with firearms will be referred to the New Zealand Police, who will make a decision both as to whether the visitor

should receive a Visitor's firearms licence and an import permit and, following confirmation of identity and examination of the firearms licence issued by the visitor's home country, will issue these.

For visitors from countries which do not issue firearms licences, the visitor must provide proof (such as a hunting permit) that they may legally own a firearm in their own country and proof that they have been trained in firearms safety.

All relevant information, including links to the approved firearms list can be found at:  
<http://www.police.govt.nz/advice/firearms/visitors-firearms-licence-and-import-permits>

The New Zealand Arms Act 1983 prohibits the carriage of firearms for protection in New Zealand by all persons, with the exception only of New Zealand Police Officers. New Zealand Government policy is to refuse the importation and carriage of firearms, batons, incapacitating sprays and any other weapon by foreign security personnel accompanying visiting dignitaries on visits to New Zealand. The policy is based on the generally low level of threat within New Zealand and the local Police response capability.

Foreign security personnel do not have diplomatic immunity while in New Zealand. Any weapon or firearm therefore must be declared and surrendered to the New Zealand Police on arrival in New Zealand, or secured in the visiting aircraft.

**H. Additional voluntary information relevant to national import controls**  
(please specify below)

## 5. TRANSIT & TRANS-SHIPMENT

<b>E. Transit / trans-shipment of controlled equipment is permitted without regulation or under simplified procedure under certain circumstances (for instance in a free trade area)</b> (if 'Yes' please provide further information below)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
<b>F. National control of transit and/or trans-shipment goes beyond the fulfillment of obligations under Article 6 of the Treaty</b> (if 'Yes', please specify the additional scope of control and indicate whether the additional control applies to all items in the national control list)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
<b>G. Measures to regulate transit and/or trans-shipment are applicable also to other categories of conventional arms than those covered in Article 2(1) [Article 5(3)]</b> (if 'Yes', please elaborate below)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
As noted above, in addition to conventional arms, their parts and components, and ammunition within the scope of the ATT, New Zealand's Strategic Goods regime also covers various other goods and technologies, including civilian goods which may be used either as military components or for the development or production of military systems or weapons of mass destruction (known as "dual-use goods").		



<b>H. Apart from the competent national authority, the following ministries or government authorities may be involved in the decision-making process for a transit or trans-shipment authorization (when such an authorization is required)</b> <b>[Article 5(5)]</b> (please specify below)
New Zealand Customs Service, New Zealand Defence Force, Ministry of Defence and other assessment and implementation agencies as appropriate.
<b>I. Information / documentation required in an application for a transit / trans-shipment authorization</b> (please specify below)
New Zealand requires importers and exporters whose goods are transiting or trans-shipped in New Zealand to obtain the necessary import and export permits.
<b>J. Additional voluntary information relevant to national transit / trans-shipment controls</b> (please specify below)

## 6. BROKERING

<b>D. National brokering controls contain exemptions (for instance for national armed forces or defence industry)</b> <b>[Articles 6 &amp; 10]</b> (if 'Yes', please provide further information below)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
<b>E. National brokering controls go beyond the fulfillment of obligations under Article 6 of the Treaty (for instance regulating brokering in other situations)</b> (if 'Yes', please specify the additional scope of control)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
<b>F. Measures to regulate brokering are applicable also to other categories of conventional arms than those covered in Article 2(1)</b> <b>[Article 5(3)]</b> (if 'Yes', please elaborate below)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
All conventional arms are covered. Dual-use goods are exempt unless they are intended for a prohibited use.		
<b>G. Apart from the competent national authority, the following ministries or government authorities may be involved in the decision-making process for a control measure related to brokering</b> <b>[Article 5(5)]</b> (please specify below)		
New Zealand Customs Service, New Zealand Police, New Zealand Defence Force, Ministry of Defence and other assessment and implementation agencies as appropriate.		
<b>H. Information / documentation required in an application related to brokering</b> (please elaborate below)		
Documentation required for registering as a broker and applying for a permit to broker goods can be found at: <a href="https://www.mfat.govt.nz/en/trade/brokering-weapons-and-dual-use-items-for-military-use/">https://www.mfat.govt.nz/en/trade/brokering-weapons-and-dual-use-items-for-military-use/</a>		

<b>I. Additional voluntary information relevant to national brokering controls</b> (please specify below)

## 7. DIVERSION

<b>C. Measures included in the national control system to prevent the diversion of conventional arms covered by Article 2(1)</b> <b>[Article 11(1)] :</b>		Yes	No
iii)	establishment of mitigation measures [Article 11(2)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv)	provision, upon request, of end use / end user documentation to the exporting State [Article 8(1)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
v)	requirement for end use / end user assurances from an importing State (or industry) [Article 8(1)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
vi)	examination, where appropriate, of parties involved in a transfer [Article 11(2)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
viii)	requirement, where appropriate, for additional documentation, certificates, assurances for a transfer [Article 11(2)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ix)	exchange of relevant information with other States Parties on effective measures to address diversion, as well as on illicit activities and actors [Articles 11(5) & 15(4)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
x)	reporting through the Secretariat to other States Parties on measures taken to address diversion of transferred conventional arms covered under Article 2(1) [Articles 11(6) & 13(2)]	<input type="checkbox"/>	<input checked="" type="checkbox"/>
xi)	other measures [Article 11(1)] (if 'Yes', please specify below)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Domestic legislation and regulatory processes allow New Zealand to provide information (where appropriate) on measures taken to address diversion to the ATT Secretariat.			
<b>D. Measures included in the national control system, to be taken when a diversion of transferred conventional arms has been detected</b> <b>[Article 11(4)]</b>		Yes	No
i)	alerting potentially affected States Parties	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii)	investigative and law enforcement measures at the national level	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii)	using international tracing mechanisms to identify points of diversion	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv)	other measures	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<b>E. Measures taken to prevent or address diversion are applicable also to other categories of conventional arms than those covered in Article 2(1)</b> <b>[Article 5(3)]</b> (if 'Yes', please elaborate below)		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
As noted above, in addition to conventional arms, their parts and components and ammunition within the scope of the ATT, New Zealand's Strategic Goods regime also covers various other goods and technologies, as well as civilian goods which may be used either as military components or for the development or production of military systems or weapons of mass destruction (known as "dual-use goods").			
<b>F. Additional voluntary information relevant to the prevention of diversion of conventional arms</b> (please specify below - for instance regarding measures in place to avoid diversion in the context of the international movement of conventional arms referred to in Article 2(3) of the Treaty)			
Following a deployment, it is the practice of the New Zealand Defence Force to withdraw all of its remaining arms from the theatre and return them to New Zealand, on the basis of its specific rules around movement of weapons and a strict disposals process. This limits the risk of diversion, and ensures compliance with our international law obligations, including those contained within the Protocol on Explosive Remnants of War (2003) to the Convention on Certain Conventional Weapons.			
Should the New Zealand Defence Force or New Zealand Police seek to dispose of or transfer any arms in theatre that disposal would fall within the jurisdiction of the Strategic Goods regime and permits would be required for their transfer to any other party.			

## 8. RECORD KEEPING

<b>C. The national control system includes provisions for maintaining records regarding :</b>		Yes	No
i)	imports of conventional arms covered under Article 2(1) of the Treaty into national territory as final destination [Article 12(2)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii)	authorizations for the transit and/or trans-shipment through national territory of conventional arms covered under Article 2(1) of the Treaty [Article 12(2)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii)	authorizations related to the conduct of brokering activities included in the scope of the national control system (for instance relating to a register of brokers) [Article 10]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>D. Records cover other categories of conventional arms than those specified in Article 2(1)</b> (if 'Yes', please elaborate below)		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
As noted above, in addition to conventional arms, their parts and components, and ammunition within the scope of the ATT, New Zealand's Strategic Goods regime also covers various other military goods and technologies, as well as civilian goods which may be used either as military components or for the development or production of military systems or weapons of mass destruction (known as "dual-use goods").			

**E. Additional voluntary information relevant to national record keeping**

(please specify below - for instance types of information preserved in national records for exports and imports respectively)

**9. REPORTING****B. Additional voluntary information relevant to national reporting**

(please specify below, for instance if national reports are publicly available - if available on the open internet please provide the relevant hyperlink)

New Zealand intends to make all national reports relating to the ATT publicly available, including via the ATT and MFAT websites as well as directly to relevant domestic contacts.

**10. ENFORCEMENT****C. National measures have been taken to prevent, in cooperation with other States Parties, the transfer of conventional arms covered under Article 2(1) of the Treaty becoming subject to corrupt practices [Article 15(6)]**

(please elaborate below)

Yes ☒

No ☐

New Zealand is party to the 2003 United Nations Convention Against Corruption and the 1997 OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions. Bribery and corruption, including of foreign public officials, are criminal offences (see Crimes Act 1961, Part 6) in relation to any transactions.

**D. Additional voluntary information relevant to national enforcement**

(please elaborate below - for instance measures taken to criminalize offences against national laws and regulations that implement the provisions of the Arms Trade Treaty and to prescribe legal penalties in these cases.)

A comprehensive range of offences and penalties, including in relation to import and export activities, are established by the Customs and Excise Act 2018 (Part 6 Subpart 2) and the Arms Act 1983 (sections 38 and 42 – 59).

**11. INTERNATIONAL COOPERATION****B. Additional voluntary information relevant to participation in international cooperation**

(please elaborate below - for instance in terms of the measures suggested in Article 15, or in terms of participation in international or regional cooperation in the transfer control area)

New Zealand cooperates internationally and regionally with other States on transfer-related issues, including through the Wassenaar Arrangement, World Customs Organisation, OECD and UN Convention on Transnational Organised Crime, and in a manner which will also support the effective implementation of the Arms Trade Treaty.

**12. INTERNATIONAL ASSISTANCE**

<b>B. National regulations and policy allow the provision of financial resources to the voluntary trust fund established under Article 16(3) of the Treaty</b>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<b>C. Additional voluntary information relevant to the provision- or receipt of implementation assistance</b> (please specify below - for instance regarding assistance provision capacities or assistance needs.)		
<p>New Zealand is keen to promote the implementation and universalization of the Treaty. With respect to the first objective, New Zealand, together with the Small Arms Survey, analysed every clause of the ATT and drafted model legislation to help countries with more limited legislative drafting capacity to ratify and implement the Treaty. This was done with the small island states of the Pacific primarily in mind, but the model law is in fact applicable to any region of the world. The model law is freely available on-line via: <a href="https://www.mfat.govt.nz/en/peace-rights-and-security/disarmament/chemical/">https://www.mfat.govt.nz/en/peace-rights-and-security/disarmament/chemical/</a></p> <p>New Zealand also offers legislative drafting assistance to Pacific Island countries through the New Zealand Parliamentary Counsel Office. This could be used to support ATT ratification if requested as a priority by a Pacific Island country.</p> <p>The New Zealand Customs Service provides border-control capacity-building assistance to counterpart agencies in a number of Pacific Island countries, including the Cook Islands, Fiji, Kiribati, Samoa, and Vanuatu, which could potentially be tailored to support ATT implementation in due course.</p>		

### 13. DISPUTE SETTLEMENT

<b>B. National regulations and policy allow for the settlement of disputes concerning the interpretation or application of the Treaty through recourse by mutual consent to arbitration as outlined in Article 19(2)</b>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<b>C. Additional voluntary information relevant to dispute settlement under the terms of the Treaty</b> (please specify below)		
<p>New Zealand remains a strong supporter of all methods facilitating the peaceful settlement of disputes. New Zealand accepts the compulsory jurisdiction of the International Court of Justice and is party to the 1907 Convention for the Pacific Settlement of International Disputes.</p>		