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**THREAT REPORT**

**Availability of Firearms in New Zealand to Terrorists, Violent Extremists and Acutely Disaffected Persons**

38/11/TR 19 September 2011

This report is based on limited information drawn from a variety of domestic resources and open source data. Latest date of information 1 August 2011. If further information is required requests can be made to CTAG on s6(a) or via unclassified email s6(a)

**Summary**

- A terrorist, violent-extremist or acutely disaffected person (ADP) looking to target a person, location, or event in New Zealand could most likely obtain firearms, including automatic firearms, within New Zealand by either: applying for a firearms license; the targeted theft from, or intimidation of, a firearms collector; or from contact with criminal networks. (S NZEO)
- As used in both the Mumbai and Oslo mass-casualty firearms attacks, military style heavy and light support weapons, automatic and semi-automatic weapons (MSSAs), which are popular with collectors in particular, remain more difficult to acquire than single shot sporting weapons, but are available. (S NZEO)
- s6(a)
- s6(a)

**Introduction**

1. The purpose of this assessment is to examine the possibility for the acquisition of firearms by potential terrorists, violent extremists, or ADPs<sup>1</sup> in New Zealand. The paper details the opportunities that might be exploited to access firearms, to enable or support an attack – including a *fidayeen* group (“Mumbai” style) or Lone Wolf (“Oslo” style) mass-casualty attack on soft targets. The paper examines the sourcing of firearms and ammunition from:

- legal owners and suppliers of firearms in New Zealand
- criminals, including organised crime groups (OCGs) and gangs in New Zealand
- holdings by the NZP and the NZDF

<sup>1</sup> For definitions of these and other terms in this paper, see Annex A.

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- imports to New Zealand. (R NZEO)
- 2. This report was produced by CTAG in collaboration with NZP and the NZDF <sup>s6(a), s6(b)(i)</sup> [REDACTED]. The New Zealand Customs Service also informally assisted in the preparation of this product. The NZDF note additional specific concerns in Annex C. (S NZEO)

### **Firearms in New Zealand: A Contextual “Snapshot”**

3. Current data on the number of firearms held in New Zealand is difficult to obtain, however, the most recent data available to CTAG (Thorpe Report: 1997) stated the following:

- There were approximately 900,000-1.2 million firearms in New Zealand; with an estimated growth each year of approximately 17,700<sup>2</sup>. The firearms were possessed by approximately 220,000 firearms license holders.
- The 1997 Thorpe Report<sup>3</sup> also estimated there were approximately between 10,000 and 25,000 illicit firearms held by criminal elements in this country. (R NZEO)

4. Unconfirmed information given to CTAG indicated there are currently approximately 223,000 firearms licences held in New Zealand, including 457 dealers' licenses. Additional anecdotal information given to CTAG indicates that while the most common legally-held firearms in New Zealand by the public are single shot sporting rifles and shotguns, there are also approximately 7,800 MSSAs and 36,000 pistols in the possession of licenced firearms holders. (R NZEO)

5. It is also worthy of note that although New Zealand has a higher rate of firearms ownership compared with most western countries, there is a notably lower rate of criminal offences involving firearms. Within the most recent data available (2008/09), only 1.4% of recorded violent criminal offences in New Zealand involved a firearm<sup>4</sup>. (R NZEO)

### **Legitimate firearms ownership**

#### *Firearms Licensing Vetting/Procedures*

6. Both firearms and ammunition can be legally obtained and possessed in New Zealand by a firearms licence holder whose licence remains valid for 10 years from date of issue and permits multiple firearms (subject to storage) to be owned. To obtain a firearms licence in New Zealand, the NZP employs a vetting process that includes:

- a background check of the licence applicant on NZP computer systems
- an interview with the applicant, the applicant's spouse/partner and an unrelated referee

<sup>2</sup> Fact sheet supplied to CTAG by NZP <sup>s6(a)</sup> [REDACTED] at CTAG brainstorming session on 9 February 2011.

<sup>3</sup> The 1997 Thorpe Report was commissioned by the New Zealand government to review firearms ownership in New Zealand following the Aramoana shootings and the occurrence of similar incidents in Australia and Scotland at the time.

<sup>4</sup> "Overview of the New Zealand Arms Control Regime including decision making processes as they relate to the importation of pistols, restricted weapons, and MSSAs.", by <sup>s6(a)</sup> [REDACTED] February 2011., pg. 1.

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- a physical inspection of the premises to confirm compliance of storage standards intended to secure firearms. (R NZEO)

7. New Zealand's firearms license vetting processes are considered some of the most intrusive and extensive internationally. It is currently beyond the scope of, and it would be unrealistic to expect, the vetting regime to reliably identify a terrorist/extremist/ADP posing as a legitimate firearms applicant. For example, there is no provision to check the applicant's travel habits, or profiling which could identify possible terrorist/extremist/ADP tendencies, affiliation or radicalisation. Additionally, a lack of regular firearms license vetting "maintenance" procedures could mean that individuals, who are legitimate firearms holders, could also become a radicalised terrorist/extremist/ADP, undetected. . (S NZEO)

#### *Firearms Collectors*

8. The NZP advises that firearms collectors hold the greatest concentrations of firearms of any group in New Zealand. Some collectors individually hold hundreds of firearms, including large numbers of MSSAs<sup>5</sup>. (R NZEO)

9. Firearms collectors (particularly those in rural areas) therefore remain vulnerable to targeted thefts, robberies and burglaries; or intimidation by individuals determined to acquire their, often substantial and including MSSA, firearms holdings. s6(a)

(R NZEO)

#### *Licensed firearms dealers*

10. Licensed dealers' import and store large quantities of guns and ammunition. There are 457 registered firearms dealers in New Zealand whose licences are reviewed annually. NZP noted that, whilst theoretically these dealers could be radicalised and then supply weapons knowingly to terrorists or violent extremists, this is a closely vetted and monitored community where detection would be likely. (R NZEO)

11. More likely is the possibility of firearms dealers covertly on-selling firearms illegally to terrorists, extremists, or an ADP for profit. In a well documented case in 2006, NZP apprehended two firearms dealers for the illegal importation of restricted firearms (including MSSAs) to be on-sold "off-ticket"<sup>7</sup> to OCGs for a substantial profit. (R NZEO)

12. As with firearms collectors, it is possible that terrorists, violent extremists or an ADP could feasibly consider firearms dealers an attractive option for the illegal acquisition of "off-ticket" firearms (the "insider threat"). A retail firearms outlet could be seen as an appealing target for a sophisticated burglary, or a dealer could be coerced into supplying them with weapons and ammunition. (R NZEO)

<sup>5</sup> This is because under current New Zealand firearms legislation, there is no limit to the number of weapons an individual firearms license holder may possess. There is only a requirement to individually register high powered weapons, there is no requirement to individually register single shot firearms held by legitimate firearms license holders (only the license holder must be registered); or the subsequent sale/transfer of firearms after their initial purchase.

<sup>6</sup> The collector was also forced to demonstrate how to load ammunition into a machine gun and submachine gun.

<sup>7</sup> A term used to describe firearms that are not legally registered with NZP and therefore are deemed not to officially exist in New Zealand.

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*Firearms manufacturing in New Zealand*

13. Arms manufacturing in New Zealand is on a very small scale and generally restricted to boutique gunsmiths making bespoke specialist weapons. These specialist craftspeople are subject to strict regulatory oversight by NZP and are required to apply high levels of security. Anecdotal commentary from the NZP indicates that these manufacturers should hold a firearms dealers license, and are therefore subject to additional oversight. (R NZEO)

14. As these firearms manufacturers are subject to scrutiny, CTAG judges that they are likely to be fairly discerning in whom they manufacture for and sell their firearms to. CTAG judges that targeted theft from these manufacturers by a terrorist, extremist, or an ADP remains possible, but unlikely. (S NZEO)

**Illegal firearms and ammunition**

15. The 1997 Thorpe report estimated that there were approximately between 10,000 and 25,000 illicit firearms held by criminals in New Zealand<sup>8</sup>. Up to date estimated data on the number of illegal firearms in New Zealand is unavailable. There also remains an information gap on the number of firearms currently within New Zealand and the numbers which are imported each year, or seized at the border. CTAG judges that the lack of a statutory requirement to register all firearms makes this harder to gather (only licences are registered and only MSSAs are endorsed on them). Accordingly, it is not currently possible to make a reasonable assessment as to the actual number (or nature of threat) of illegal firearms in New Zealand. (S NZEO)

16. NZP confirms that there is a clear connection between illegal firearms and OCG's. Firearms held by criminal groups in New Zealand are known to be acquired from a variety of sources, including: burglaries (sometimes targeting dealers and collectors); illegal imports; illegal purchases from other OCGs; and illegal sales by licenced gun-owners. s6(a)

[REDACTED]

(R NZEO)

17. NZP indicates that while the overall quantity of illegal firearms in New Zealand remains unknown, recent anecdotal front-line evidence suggests that the number may be increasing. The majority of these weapons are rifles, pistols, and shotguns, but there is strong evidence that the number of MSSAs in circulation is also increasing. CTAG judges that based on available data, illegal firearms held by the criminal fraternity are predominantly utilised by competing criminals. During the 2008/09 NZP National Cannabis and Crime Operation, 191 firearms were seized by the police (this was an increase on previous years). There has also been an increase in recent years in the number of firearms present at clandestine drug laboratories. Notably, illegal firearms are rarely used against law-abiding members of the New Zealand public, or against NZP. (R NZEO)

18. NZP indicates that virtually any type of firearm could be readily acquired from this criminal community if one had adequate money, or drugs for barter and the right connections. While it appears on the surface that it would be difficult to procure a large quantity of MSSAs from this community, selective purchasing of these weapons from criminal elements around New Zealand would likely go unnoticed. (R NZEO)

<sup>8</sup> Commentary by NZ (s6(a)) at CTAG brainstorming session on 9 February 2011

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19. A recent example of this, from an ADP perspective, is the Jan Molenaar siege in Napier in May 2009. Prior to this incident taking place, NZP had no knowledge of the 18 firearms held by Molenaar (including two pump-action shotguns, two self-loading rifles, two semi-automatic carbines, and a handgun). Since his firearms license expired in 2002, it appears Molenaar acquired at least some of his firearms illegally. (R NZEO)

#### Firearms held by the New Zealand Police and the New Zealand Defence Force

20. The NZP is principally an unarmed organisation but it has both static and mobile armed response capabilities. NZP maintains armouries and magazines for both frontline and specialist armed staff which are located within staffed stations and patrol vehicles. The physical defences of these armouries and magazines are robust. Similarly, access to, and the protection of firearms and ammunition holdings by NZP personnel are bound by rigorously enforced procedures that follow a clearly articulated due process. Only the most determined individual could attempt to breach a NZP armoury or magazine. s6(a)

(C NZEO)

21. s6(a)

22. s6(a)

#### Sourcing firearms from outside New Zealand

23. Over the period 2000-2007, approximately 124,000 sporting firearms were legitimately imported into New Zealand<sup>9</sup>. These weapons were lawfully ordered and sourced by licenced firearms dealers in New Zealand for on-sale to firearms licence holders. NZP advise that New Zealand is also actively used as a legitimate transshipment point for firearms being shipped into the wider South Pacific. In some cases, firearms arrive in New Zealand as components which are then assembled before being shipped onward. NZP judged that it would be difficult for a terrorist or extremist to infiltrate this closely monitored supply chain (R NZEO)

24. Neither NZP, nor the New Zealand Customs Service (NZCS) have a clear picture as to the number of illicit firearms currently entering New Zealand. NZCS intercepts a number of illegal weapons at the border annually which include firearms and firearms parts. (R NZEO)

<sup>9</sup> "The Proliferation of firearms in New Zealand" by s6(a) (1 April 2009). Pg. 1

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25. It is acknowledged that it is possible for a small maritime craft to covertly land a firearm shipment at a remote part of New Zealand's coast without detection and for the sale of restricted firearms from incoming ships. s6(a)

(R NZEO)

26. Foreign container/cruise ships arriving into New Zealand ports also present a possible avenue for accessing firearms imported into New Zealand. s6(a)

(S NZEO)

27. s6(a)

28. While there is no intelligence to suggest that there is any large-scale illicit firearms importation into New Zealand by any of these means, CTAG notes this remains a potentially viable way to procure firearms for future use in an armed attack. (S NZEO)

### Conclusion

29. New Zealand's arms control regulatory framework and supporting legislation are already robust by international standards, however, under the current legal parameters of firearms availability, registration and licensee vetting, CTAG judges that a terrorist, violent extremist or ADP could legally acquire firearms, including MSSAs, for use in an attack. (S NZEO)

30. CTAG also judges that targeted thefts from, or intimidation of, firearms collectors represent another likely way for a terrorist, violent extremist or ADP to acquire firearms, including MSSAs, within New Zealand. (S NZEO)

31. CTAG judges that a terrorist, violent extremist or ADP could also obtain firearms, including MSSAs, from a criminal source. (S NZEO)

32. CTAG judges that the acquisition of firearms by a terrorist, violent extremist or ADP from illegally smuggled shipments is viable but less likely. (S NZEO)

33. CTAG judges that the acquisition of firearms by terrorists, violent extremists, or ADPs from NZP or NZDF holdings is less likely, but possible. (S NZEO).

### Annexes:

A. Methodology Statement

B. Definition of Key Terms in this Paper.

C. s6(a)

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Annex A

### Methodology Statement

1. s6(a), s6(b)(i)  


2. A secondary motivation for this report was a February 2011 multi-agency NZIC "Red Team" exercise examining the possibility of Al Qaida in the Arabian Peninsula (AQAP) attacking the 2011 Rugby World Cup (RWC). s6(a)  


(S NZEO)

3. In February 2011, CTAG convened a subject matter expert directed brainstorm on this topic. This successful activity was attended by representatives of the New Zealand Police and the New Zealand Defence Force. (R NZEO)

4. The most significant challenge associated with developing this assessment has been a lack of recent quantitative data to support the assertions made regarding the availability of firearms in New Zealand. For a variety of reasons, the New Zealand Police and New Zealand Customs Service do not presently have the ability to provide current/accurate statistical data regarding: the number/type of firearms legitimately held by firearms collectors in New Zealand; the number of illicit firearms in New Zealand; or the number of firearms crossing the border into New Zealand (legitimately or otherwise). (C NZEO)

5. Consequently, the majority of the judgements asserted by CTAG within this assessment are based on anecdotal experience(s) from New Zealand Police and New Zealand Customs Service front-line staff. These agencies have therefore been closely consulted with, and had active input, into the drafting of this paper. (C NZEO)

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Annex B

**Definition of Key Terms in this Paper**

**ADP:** Acutely Disaffected Persons (ADP's) are individuals who are willing to stage a violent form of action to support their own agenda or perceived grievances. Terming an affected individual an ADP presupposes that the person is incapable of acting in a reasoned or rational manner. The term also includes individuals who undertake violent or threatening acts, and who are profoundly intoxicated; adversely affected by a mental disorder; or harbors' an excessive grudge or fixation.

**Assess:** A deliberate estimate or evaluation drawn from documented events and analysis. An assessment is stated with high confidence.

**Homegrown Terrorist:** A New Zealander who was radicalised either in New Zealand or abroad and who develops, either in a group or as a lone wolf, a terrorist agenda that includes the intent to conduct (or support) a terrorist act within New Zealand by planning the act primarily within New Zealand. That is, a New Zealand "originated and owned" attack plan largely conducted by New Zealanders. A home grown terrorist could conceivably support a trans-national terrorist or extremist plot within New Zealand.

**Issue Motivated Group:** A group of people whose unifying purpose is a common cause and the collective desire to seek change in policies or practices via protest or disruptive tactics.

**Judge:** The pronouncement of an "expert" opinion drawn from knowledge of the subject area but not necessarily documented events. A judgement is perceived as contestable in terms of deductive process through the incompleteness of supporting evidence. Nonetheless judgements are made for the predicative or probabilistic value they provide to decision makers.

**Lone Wolf:** A lone wolf is an individual who independently develops the capability and intent to perpetuate and conduct a terrorist act.

**Terrorist:** A terrorist seeks to advance an ideological, political or religious cause and has the intent or acts to: induce terror in a population, or seeks to compel or force a government or an international organisation to do or abstain from doing any act.

**Transnational Terrorist:** A person, including a New Zealander, who when radicalised, either abroad or within New Zealand, joins a terrorist group that is focused on conducting global attacks - wherever a target set is determined, irrespective of their nationality. In the context of this paper leadership of the group is not provided by a New Zealander.

**New Zealander:** A national (citizen) or permanent resident of New Zealand.

**Terrorist Act:** A terrorist act is one that: is intended to cause, in any one or more countries, one or more of the following outcomes:

- The death of, or other serious bodily injury to, one or more persons (other than a person carrying out the act);
- a serious risk to the health or safety of a population;

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- destruction of, or serious damage to, property of great value or importance, or major economic loss, or major environmental damage, if likely to result in one or more of the listed outcomes;
- serious interference with, or serious disruption to, an infrastructure facility, if likely to endanger human life;
- introduction or release of a disease-bearing organism, if likely to devastate the national economy of a country, and is carried out for the purpose of advancing an ideological, political, or religious cause, and with the following intention:
  - to induce terror in a civilian population; or
  - to unduly compel or to force a government or an international organisation to do or abstain from doing any act

**Violent Extremist:** A person or group who advocates, uses or attempts to use violence to impress their own political, ethnic, economic, social change or religious viewpoint on others.

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Annex C

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