

**Implementation of the United Nations Programme of Action
to Prevent, Combat, and Eradicate the Illicit Trade
in Small Arms and Light Weapons in All Its Aspects**

Report submitted by the Republic of Korea

As stated in the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, in paragraph 1 (b) of Section IV entitled, “Follow-up to the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects,” the States participating in the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects agreed “to convene a meeting of States on a biennial basis to consider the national, regional and global implementation of the Programme of Action.” Moreover, in operative paragraphs 5 and 6 of Resolution 57/72 entitled, “The illicit trade in small arms and light weapons in all its aspects,” adopted by the General Assembly on 22 November 2002, the General Assembly calls on the Secretary-General to “continue to collate and circulate data and information provided by States on a voluntary basis” and to “report to the General Assembly at its 58th session on the implementation of the present resolution.” Accordingly, the Republic of Korea hereby submits its report to the Department of Disarmament Affairs of the Secretariat for circulation and discussion at the First Biennial Meeting of States on the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

National Level

1. The Republic of Korea has put in place adequate laws, regulations and administrative procedures to exercise effective control over the production and trade of Small Arms and Light Weapons (SALW) in order to prevent the unauthorized manufacture of and illicit trafficking in SALW.

The legal framework for exercising controls over SALW is as follows:

- The Act on Special Measures for the Defense Industry;
- The Act on Control of Firearms, Swords, Explosives, etc.;
- The Foreign Trade Act;
- Presidential decrees and enforcement decrees; and
- The Public Notice on the Export and Import of Strategic Goods.

The text of these laws, regulations and administrative procedures can be obtained upon request to the national point of contact.

The Act on Special Measures for the Defense Industry and its decrees regulate the production and export of 'defense industry supplies,' including SALW for military use. The Act on the Control of Firearms, Swords, Explosives, etc and its decrees apply to those SALW which are not used for military purposes, but are employed for the sake of maintaining public safety. In addition, the Public Notice on the Export and Import of Strategic Goods, which is given its authority by the 'Foreign Trade Act', contains control lists of multilateral export control regimes and a catch-all control system which have provisions relating to the export and import of SALW.

2. For the effective management of issues related to SALW, the Republic of Korea divides the relevant duties among several governmental organizations. The Ministry of Foreign Affairs and Trade, as the national point of contact, serves as a liaison with other States on issues concerning the UN Programme of Action. The Ministry of National Defense regulates SALW for military purposes, while the National Police Agency controls non-military SALW. The Customs Office is the agency in charge of the enforcement of national laws and regulations on SALW at the national border.

3. The Republic of Korea has maintained very stringent and effective licensing and authorization systems and export controls for SALW.

With regard to the military use of SALW, the Minister of National Defense permits and supervises the production, management, export and import of all military SALW and issues orders and actions as necessary in relation thereto.

Those who wish to produce ‘defense industry supplies,’ including SALW for military purposes, must be designated by the government, namely the Minister of Commerce, Industry and Energy in consultation with the Minister of National Defense, after having met certain criteria for their facilities and security.

Those who intend to export ‘defense industry supplies’ to a foreign country must obtain permission from the government, namely from the Minister of National Defense for major ‘defense industry supplies’ including SALW, and from the Minister of Commerce, Industry and Energy for general ‘defense industry supplies.’ Various forms of permission may be obtained for preparations for export participation in international bidding, sample export or real transactions. Authorization relating to the export of SALW may be granted after a review of the official purchase request or bidding participation request from a government and the EUC.

The Minister of National Defense may order restrictions on or adjustment to the export of major defense supplies in the following cases, *inter alia*:

- When it is necessary for the maintenance of international peace and security and national security; or
- When it is expected that the export of major defense industry supplies will create diplomatic friction.

Furthermore, the export of SALW to areas where arms embargoes have been imposed by the United Nations Security Council is strictly prohibited.

Concerning those SALW not for military use, any person who desires to engage in the manufacture or sale of SALW must obtain the permission of the Director of the National Police Agency and the director of the local police agency concerned, respectively. Those who wish to export or import SALW must obtain permission from the Director of the National Police Agency on a case-by-case basis.

4. When any person has obtained permission relating to military SALW in a false or fraudulent manner, or has attempted to commit any act thereunder without obtaining such permission, then that person shall be punished by imprisonment of no more than 10 years, or by a fine not exceeding 50 million Won. Any person who is found in breach of an order issued by the Minister of National Defense shall be punished by

imprisonment of no more than 3 years or by a fine not exceeding 30 million Won. Any person who engages in the export of major defense industry supplies without reporting this activity to the Minister of National Defense or any person who makes a report on the export business of major defense industry supplies through false or other unjust means shall be punished by a fine not exceeding 5 million Won.

With respect to the regulation of the non-military use of SALW, any person who makes, exports and imports SALW without the permission of the Director of the National Police Agency shall be punished by imprisonment of no more than 10 years, or by a fine not exceeding 20 million Won.

The Republic of Korea has had no cases of organized illicit production and transfer of SALW. Those individuals charged with the illicit modification of SALW have been punished accordingly.

5. In order to ensure that all SALW in the Republic of Korea are accounted for, the inventory of all domestic military SALW is managed systematically through a computer programme known as the Firearms Management System. Under this system, appropriate stockpile management, physical security measures and record keeping are implemented. Military SALW are strictly secured at weapons storage facilities within military bases with double lock mechanisms. There are various regimes for the inspection of stocks of military SALW, including monthly computer inspections, regular annual on-site stockpile inspections, and special inspections on demand. SALW possessed by the National Police Agency are stored in police armories with double secured doors and are monitored by a surveillance system. Inventory of this stock is carried out more than once a month.

Surplus military SALW, like those currently in use, are stored in secured and guarded armories within military bases. The addition of SALW to and removal of SALW from these armories are controlled in accordance with the Standards for Safe Management of Ammunitions and Explosives. Military SALW for disposal are divided into stocks of wooden and iron materials, and are burned or recycled in accordance with the Non-militarization Standards.

Regarding SALW possessed by the National Police Agency, surplus of these SALW are stored at the National Police Agency, and SALW for disposal are returned

with the approval of the Director of the National Police Agency and are destroyed. Confiscated private SALW are disposed of in accordance with the provisions of the criminal procedure code, and surrendered SALW are kept in each police station and are disposed of annually.

6. Each military SALW in the Republic of Korea bears its own 6-digit serial number issued by the Minister of National Defence until its disposal. These serial numbers are engraved through the use of a laser or roll, which allow for unique and permanent markings. Through this system of engraved serial numbers and the use of delivery tags issued from the industry to the military, which mark the year of production, factory name, serial number, etc. of every SALW, the authorities concerned can identify and trace each SALW. In the case of non-military SALW, the name of the company of production, the year of production, and the serial number are also engraved.

7. In order to raise public awareness for the safety concerns posed by illicit SALW and to help prevent their possession and transfer, the National Police Agency designates an amnesty period for the voluntary surrender of illicit SALW once a year, during which those surrendering illicit SALW are exempt from criminal punishment.

Regional and Global Level

1. Through its designated national points of contact, the Republic of Korea has actively participated in regional seminars and workshops on topics related to SALW with a view to:

- Harmonizing its policies, as appropriate, to prevent, combat and eradicate the illicit trade in SALW;
- Identifying problems prevailing in the region with regard to the illicit trade in SALW and exploring the ways and means to address them; and
- Exchanging views and sharing experience among the regional focal points on the implementation of the UN Programme of Action.

2. At the ASEAN Regional Forum Expert Group Meeting On Transnational Crime held from 30 to 31 October 2000 in Seoul, the Republic of Korea submitted

country reports on its national policies against the misuse and illicit transfer of SALW.

3. To ensure the effective implementation of arms embargoes imposed by the United Nations Security Council, the Republic of Korea prohibits the export of SALW to those regions in which the arms embargoes are in place. Furthermore, the Republic of Korea has authorized maximum restraints on arms transfers to regions of tension where there exist risks associated with such transfers.

4. In order to take part in the international efforts to prevent terrorism, the Republic of Korea has acceded to and is implementing the following 8 of the 12 international terrorism-related treaties and intends to join the remaining four treaties in the near future.

- Convention on Offences and Certain Other Acts Committed on Board Aircraft;
- Convention for the Suppression of Unlawful Seizure of Aircraft;
- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation;
- Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, done at Montreal on 23 September 1971;
- International Convention against the Taking of Hostages;
- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents;
- Convention on the Physical Protection of Nuclear Material; and
- Convention on the Marking of Plastic Explosives for the Purpose of Detection

5. In addition, the Republic of Korea is closely cooperating with other countries through Interpol to identify and trace those groups and individuals involved in the illicit trade of SALW.