

In accordance with operative paragraphs 8 and 9 of Resolution 59/86 entitled, "The Illicit Trade in Small Arms and Light Weapons in All Its Aspects" adopted by the General Assembly on 3 December 2004, the Republic of Korea hereby submits its report to the United Nations Department of Disarmament Affairs (DDA) for circulation and discussion at the Second Biennial Meeting 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

Laws, regulations and administrative procedures

As stated in the first report on the Implementation of the Programme of Action, the Republic of Korea imposes strict controls on Small Arms and Light Weapons (SALW). The life cycle of SALW, such as production, storage, management, transfer and dismantlement, are regulated by legal frameworks which may be divided into two categories: SALWs for military use and those for non-military use.

The Act on Special Measures for the Defense Industry and its enforcement decrees regulate the production as well as export and import of SALW for military use under the authority of the Ministry of National Defense.

Regarding SALW for non-military purposes, mostly for law enforcement purposes and civilian use such as sporting and leisure activities, the Act on the Control of Firearms, Swords, Explosives, etc. (Firearms Act) and its Presidential decrees apply and these put the onus of licensing and authorization on the Korean National Police Agency. Those who wish to engage in the manufacture or sale of small arms for civilian uses must obtain the permission of the Commissioner General of the National Police Agency and the Director of the local police agency concerned.

Civilian ownership

The Firearms Act requires the licensing of all civilian ownership of small arms and

ammunition as well as screening of individuals seeking ownership of small arms on the basis of age, criminal record, and justification of need. The National Police Agency regulates the type and number of weapons that can be held by private owners. In the implementation of the Firearms Act, the National Police Agency and local police agency apply high standards for the justification for gun ownership, practically restricting firearms ownership to a small number of professional athletes.

Since the 1950's when illicit small arms were prevalent in the aftermath of the Korean War, the National Police Agency has maintained a program to encourage the voluntary surrender of illicit firearms in exchange for amnesty. Confiscated private SALW are disposed of in accordance with the provisions of the Code of Criminal Procedure, and surrendered SALW are periodically dismantled in an irreversible manner.

Export, import and transfer controls

Those who intend to export SALW must obtain permission from the Minister of National Defense. Authorization relating to the export of SALW may be granted after a review of the official purchase request from a foreign government and the End Use Certificate (EUC). Manufacturers designated as defense industry suppliers are forbidden to sell SALW outside the state to private individuals or groups.

According to the *Act on Special Measures for the Defense Industry and Enforcement Decree*, the Minister of National Defense may restrict the export of SALW in consideration of such factors as the risk of diversion, regional stability, and the human rights situation, amongst others. (There has been no export of SALW manufactured by the defense industry over the last two years). The EUC commits an importing government not to re-export or transfer to other entities other than a stated end-user.

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uses must obtain the permission of the Commissioner General of the National Police Agency and the Director of the local police agency concerned.

Currently, the ROK government is taking steps to upgrade the national export control system, putting greater emphasis on voluntary compliance and effective enforcement at the borders. The Customs Office, in charge of the enforcement of national laws on SALW at national borders, scrutinizes export declaration documentation and conducts a physical examination of the consigned goods to verify exporters' compliance with national regulations on SALW and international obligations such as arms embargoes imposed by the UNSC.

Brokering

Pursuant to Article 21 of the *Act on Special Measures for the Defense Industry*, trade activities in major defense industry supplies, including SALW, require permission from the government and a person who wishes to engage in the export of major defense industry items as an occupation shall report to the Minister of National Defense.

Those who engage in the export of major defense industry supplies without reporting this activity to the Minister of National Defense or any person who submits a report on the export business of major defense industry supplies through false or fraudulent means shall be fined an amount of less than 5 million won (approximately \$5,000) or be sentenced to 10 years imprisonment.

The license requirement also applies to those who wish to engage in trade activities relating to small arms for non-military purposes, according to Article 6 and Article 9 of the *Act on the Control of Firearms, Swords, Explosives, etc.*

Those found to be in violation of Article 6 or Article 9 of the *Firearms Act* shall be fined an amount of less than 20 million won (approximately \$20,000) or sentenced to 10 years imprisonment.

The ROK government is currently reviewing the possibility of strengthening the legal basis for transit, transshipment, and brokering through the amendment of the relevant laws, including the Foreign Trade Act, as part of efforts to implement UN Security Council Resolution 1540.

Marking, record-keeping and tracing

For an effective tracing mechanism to be established, it is necessary to computerize all records relating to the production, stockpile management and transfer of SALW. All SALW produced in the ROK bare a country code, the company of production, the year of production, and a unique serial number engraved through the use of roll or laser marking. All military SALW are accounted for in real time through the Firearms Management System, a database program for stockpile management and record-keeping.

The year of production, name of producer and unique serial number are marked in the frame or bottom of ammunition for military purposes. (In the case of light caliber bullets, the name of the producer and the year of production are marked).

Regional and Global Level

The Republic of Korea has been committed to combating the illicit trade and proliferation of small arms and light weapons, and supports the ongoing efforts by the Open-Ended Working Group (OEWG) established pursuant to Resolution 58/241 of December 2003 of the General Assembly to negotiate an international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons. As recommended by the UN High-level Panel's Report on Threats, Challenges and Change and the UN Secretary-General's Report on the Implementation of the Millennium Declaration, it would be preferable to have an international document legally binding in nature. The new instrument, as a final outcome of the OEWG's deliberations, should facilitate the tracing of illicit weapons in a timely and reliable manner, constituting a substantial and practical contribution to dealing with the problem of illicit trade.

With regard to regional cooperation, on the occasion of the ASEAN Regional Forum Expert Group Meeting on Transnational Crime as well as the APEC Counter Terrorism Task Force, the Republic of Korea has played an active part in promoting the harmonization of regional practices and capacity-building in national export control systems. Indeed, this is imperative for eradicating the illicit transfer of SALW.

The Republic of Korea has also cooperated with other countries through Interpol or the National Point of Contact to identify and trace those groups and individuals involved in the illicit trade of SALW.

In addition, in order to explore areas of cooperation where the ROK's practices and experience relating to SALW is of assistance to the African region, the ROK government invited Ambassador Carlos Dos Santos, Chairman of the Preparatory Committee for the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects to visit Korea on 18-22 May, 2005. The ROK government has made use of the opportunity this valuable visit presents to raise awareness amongst the public of the devastation and debilitation unleashed as a result of the illicit trade in SALW.