



UN Programme of Action Reporting Tool

Republic of Korea

2011

SECTION 1: POINTS OF CONTACT

Sources National Coordination Agency

- PoA II.4 1. Has your country established a National Coordination Agency or other body responsible for policy guidance, research and monitoring of efforts to prevent, combat and eradicate the illicit trade in SALW in all its aspects?
- a) Name of agency : The Defense Acquisition Program Administration (DAPA)
 b) Address : 54-99 Duteopbawi-ro, Yongsan-gu, Seoul, Republic of Korea 140-833
 c) Contact details :
- i) Contact person : JEONG, YoungGkwon
 ii) Telephone number(s) : +82-2-2079-4620
 iii) Fax number : +82-2-2079-6459
 iv) Email : jyg6464@korea.kr

Sources National Point of Contact

- PoA II.5, 24 2. Does your country have a National Point of Contact designated to act as a liaison on matters relating to the implementation of the UN Programme of Action on Small Arms (PoA)?
- 2.1. Details:
 a) Name : YOO, Kyung-jin, Second Secretary
 b) Organization or agency : Disarmament and Nonproliferation Division, International Organizations Bureau, Ministry of Foreign Affairs and Trade
 c) Address : MOFAT Bldg., 60 Sajik-ro 8-gil, Jongno-gu, Seoul, Republic of Korea 110-787
 d) Telephone number(s) : +82-2-2100-7246
 e) Fax number : +82-2-2100-7933
 f) Email : kjyoo05@mofat.go.kr
- ITI 25 2.2 Is the National Point of Contact identified above also responsible for exchanging information and liaising on matters relating to the International Tracing Instrument (ITI)?
- GGE Report para 63(ix) 3. Is the National Point of Contact identified above in either Q. 2 or 2.3 also responsible for exchanging information and liaising on matters relating to brokering in SALW?

SECTION 2: MANUFACTURE

Sources Laws, regulations and administrative procedures

- PoA II.2 4. Are there any SALW manufactured in your country?
- 4.1. Does your country have laws, regulations and/or administrative procedures to exercise effective control over the manufacture of SALW?
- 4.1.1 List laws, regulations and/or administrative procedures regulating the manufacture of SALW in your country
 i) The Act on Defense Acquisition, its Presidential Decree and its Execution Regulation ii) The Act on the Control of Firearms, Swords, Explosives, etc., and its Presidential Decree and its Execution Regulation
- 4.1.2. Does your country license the manufacture of SALW?
- PoA II.3 4.1.3. Is illegal manufacture of SALW considered a criminal offence in your country?

Sources Marking at manufacture

- PoA II.7; ITI 8a 4.2. Does your country require that SALW be marked at the time of manufacture?
- ITI 8a 4.2.1. What information is included in the marking (check relevant boxes)?
- a) Name of the manufacturer
 b) Country of manufacture
 c) Serial number
 d) Year of manufacture
 e) Weapon type/model
 f) Caliber
 g) Other
- ITI 10a 4.2.2. What part of the SALW is marked?

For military purposes, pursuant to Article 53 of the Defense Acquisition Act, markings are engraved on finished products by the way of intaglio using a roll or laser. For non-military purposes, pursuant to the Article 2 (4) of the Execution Regulation of the Firearms Control Act, markings are engraved on the left and right side of the

receiver, and on the trigger.
4.2.3 Are there exceptions to the requirement to mark SALW at the time of manufacture?

No

Sources Record-keeping by manufactures

PoA II.9; ITI 11 **4.3. Does your country require that manufacturers keep records of their activities?** Yes

ITI 12a **4.3.1. What information must be recorded (check relevant boxes)?**

- a) Quantity of SALW manufactured
- b) Type or model of SALW manufactured
- c) Markings applied to manufactured SALW
- d) Transactions (e.g. sales of manufactured and marked SALW)
- e) Other

ITI 12a **4.3.2. How long must manufacturing records be kept?** Indefinitely

Sources Actions taken during the reporting period

PoA II.6 **4.4. During the reporting period, was action taken against groups or individuals engaged in illegal manufacturing of SALW (e.g. prosecution)?** No

International assistance

PoA III.6 **5. Does your country wish to request assistance in developing laws, regulations and/or administrative procedures regarding SALW manufacture?** No

SECTION 3: INTERNATIONAL TRANSFERS

Sources Laws, regulations and administrative procedures

PoA II.2, 12 **6. Does your country have laws, regulations or administrative procedures to exercise effective control over the export, import, transit or retransfer of SALW?** Yes

PoA II.11 **6.1. List laws, regulations or administrative procedures to exercise effective control over the export, import, transit or retransfer of SALW.**

i) The Act on Defense Acquisition, its Presidential Decree and its Execution Regulation ii) The Act on the Control of Firearms, Swords, Explosives, etc., and its Presidential Decree and its Execution Regulation iii) The Foreign Trade Act, its Presidential Decree and its Integrated Public Notice on the Export and Import of Strategic Items and Technology iv) The Customs Act, its Presidential Decree and its Execution Regulation

Licensing and authorisation

PoA II.11 **6.2. Does a person or an entity who transfers SALW require a licence or other form of authorisation to transfer SALW from/into your country?** Yes

PoA II.3 **6.3. Is it a criminal offence to trade SALW without a licence or authorisation, or to do so in a manner that is in contradiction to the terms of a licence or authorisation, in your country?** Yes

PoA II.11 **6.4. Name the relevant international commitments that your Government applies or considers when assessing an application for export authorisation.**

For military purposes, the Defense Acquisition Program Administration has established a review process which considers whether or not the importing countries are subject to UNSC sanctions or are violating international norms regarding the protection of human rights and fundamental freedoms and prevention of terrorism and drug trafficking, and whether the export of certain weapons to a certain country will result in the illegal proliferation of WMD. For non-military purposes, pursuant to Article 9(1) of the Act on the Control of Firearms, Swords and Explosives, etc., the National Police Agency is entitled to permit the export and import of small arms and light weapons to be used for non-military purposes. The Article 17 of the Act's Execution Regulation outlines the specified administrative procedures on the application for a permit to export small arms and light weapons likewise.

PoA II.12 **6.5. What kind of documentation does your country require prior to authorising an export of SALW to another country?** Yes

- a) An end-user certificate (EUC) from the importing country
 - i) What elements does an end-user certificate in your country contain (check relevant boxes)?
 - 1) Detailed description (type, quantity, characteristics) of the SALW or technology
 - 2) Contract number or order reference and date
 - 3) Final destination country
 - 4) Description of the end-use of the SALW
 - 5) Exporter's details (name, address and business name)
 - 6) End-user information (name, position, full address and original signature)
 - 7) Information on other parties involved in the transaction
 - 8) Certification by the relevant government authorities of the authenticity of the end-user

9) Date of issue

10) Other

b) Other types of end-user documentation

For military purposes, prior to engaging in bilateral or international negotiations on the export of such armed goods, all exporters must obtain a preliminary permit issued by the Commissioner of the Defense Acquisition Program Administration in order to be allowed to participate in bilateral negotiations or international bidding. Pursuant to Article 57 of the Defense Acquisition Act's Execution Regulation, to obtain the preliminary permit, exporters must submit the following documents: 1) a copy of the authorization certificate for the exporter; 2) a purchasing request form issued by the government of the importing state; 3) an end-user certificate issued by the government of the importing state; 4) a form of guarantee for the prevention of re-export to third countries issued by the government of the importing state; 5) consular confirmation by the Korean Ambassador in the importing state on 3) and 4); 6) a form of guarantee for supply of goods issued by the manufacturer. For non-military purposes, the National Police Agency requires exporters to submit documents including an application form for export permission, documentation for permission to import issued by the government of the importing state, and a form of guarantee for the prevention of re-export to third countries confirmed by the government of the importing state.

6.6. When exporting, does your country places any restriction on re-export of SALW?

If so, what are the restrictions placed on re-export?

a) Re-export permitted only when there is prior notification

b) Re-export permitted only when there is prior approval

PoA II.12

6.7. Does your country verify or seek to authenticate EUCs or other types of end-user documentation provided?

6.7.1 Details:

The authenticity of the EUC is verified through the importing country's Embassy in Korea or the Korean Embassy in the importing country. In case that the importing country doesn't issue EUCs or other types of end-user documentation, the military attache of the importing country's Embassy in Korea or the Korean Embassy in the importing country needs to verify the authenticity of relevant documentation.

6.8. Does your country have measures in place aimed at preventing the forgery and misuse of EUCs or other types of end-user documentation?

6.8.1 Details:

EUCs or other types of end-user documentations are examined case by case in comparison with previously issued documentations from the importing country in similar cases.

6.9. Does your country permit the export of SALW without a licence or under simplified procedure under certain circumstances?

Post-delivery controls

6.10. When exporting, does your country require a Delivery Verification Certificate (DVC) to confirm that SALW have reached their intended end-user or intended importer in the importing State?

6.11. After exporting, does your country verify or seek to authenticate DVCs provided?

6.12. When importing, does your country grant the right to the exporting State to conduct a physical check at the point of delivery?

Sources Marking at import

ITI 8b

6.13. Does your country require that SALW imported into your country be marked at the time of import?

6.13.1. Who is required to mark the SALW?

For military purposes, pursuant to Article 53 of the Defense Acquisition Act, the DAPA requires an authorized manufacturer to produce small arms and light weapons in accordance with the Directives of the Ministry of National Defense. The directives stipulate that markings must be comprised of the caliber, model, serial number and country of manufacture, and markings should be done at the point of manufacture. For non-military purposes, according to the Article 2 (4) of the Execution Regulation of the Firearms Control Act, information on the manufacturer, model and caliber should be marked on the left side of the receiver and initials of the manufacturer, year of manufacture and six-digit serial number on the right side of the receiver. The Article adds that the initials of the manufacturer, year of manufacture and six-digit serial number should be marked on the trigger.

6.13.2. What information is included in the marking on import (check relevant boxes)?

a) Country of import

b) Year of import

c) Other

6.13.3. Are there exceptions to the requirement to mark imported SALW?

6.13.4. If marked SALW imported into your country do not bear a unique marking when they arrive, does your country require that they be given such a marking?

6.13.4.1 Details:

Unless it bears an adequate marking, its entry will be denied by the Defense Acquisition Program Administration or the National Police Agency according to the purposes of the import.

Sources Record Keeping

PoA II.9; ITI 12

6.14. Does your country require that exporters and importers of SALW keep records of their activities?

Yes

6.14.1. What information must be recorded (check relevant boxes)?

- a) Quantity of SALW traded
- b) Type or model of SALW traded
- c) Markings appearing on transferred SALW
- d) Transactions
 - i) Identity of buyer/seller
 - ii) Country SALW are to be delivered to or purchased from
 - iii) Date of delivery
- e) Other

6.14.2. How long must records of transfers be kept?

Indefinitely

Sources Actions taken during the reporting period

PoA II.6

6.15. During the reporting period, was action taken against groups or individuals engaged in transferring SALW illegally (e.g. prosecution)?

No

International assistance

PoA III.6

7. Does your country wish to request assistance in developing laws, regulations or administrative procedures to exercise effective control over the export, import, transit or retransfer of SALW?

No

SECTION 4: BROKERING

Sources Laws, regulations and administrative procedures

PoA II.14

8. Does your country have laws, regulations and/or administrative procedures governing brokering of SALW?

Yes

8.1. List laws and/or administrative procedures regulating SALW brokering in your country.

The Act on Defense Acquisition, its Presidential Decree and its Execution Regulation

8.1.1 Are those laws and procedures part of the national arms export control system?

Yes

8.2. Does your country require registration of SALW brokers?

Yes

8.3. Does your country require a licence, permit or other authorisation for each brokering transaction?

Yes

GGE Report para 44

8.3.1. Are such applications for a licence, permit or other authorisation considered for approval on a case-by-case basis?

Yes

8.3.2. Are there exceptions to the requirement to hold a licence or authorisation for a brokering transaction?

No

8.3.2.1. Details (e.g. if the transaction is on behalf of the police or armed forces or other government officials)

8.3.3. What are the criteria for granting a licence, permit or other authorisation?

The Article 68 (6) of the Defense Acquisition Act's Presidential Decree stipulates the Defense Acquisition Program Administration may restrict the export of small arms and light weapons to be used for military purposes in consideration of factors such as 1) maintenance of international peace and security and protection of national security; 2) high possibility of creating diplomatic friction due to the export; and 3) compliance with export controls on strategic goods.

8.4. Does your country have measures to validate the authenticity of documentation submitted by the broker?

Yes

8.4.1 Describe those measures.

Consular confirmation is required to verify the authenticity.

8.5. Is it a criminal offence in your country to engage in a SALW brokering transaction without a licence or authorisation, or to do so in a manner that is in contradiction to the terms of a license or authorisation?

Yes

8.6. Does your country allow for sharing with other States such information as the disbarment of brokers and revocation of registration?

Yes

8.7. Does your country regulate activities that are closely associated with the brokering of SALW?

Yes

8.7.1. If so which of the following activities are regulated when undertaken in connection with the brokering of SALW (check relevant boxes)?

- a) Acting as dealers or agents

- b) Providing technical assistance
- c) Training
- d) Transport
- e) Freight forwarding
- f) Storage
- g) Finance
- h) Insurance
- i) Maintenance
- j) Security
- k) Other services

8.8 What penalties or sanctions does your country impose for illegal brokering activities?

Pursuant to Article 70 of the Act on the Control of Firearms, Swords, Explosives, etc., illicit possessors, manufacturers, sellers, exporters and importers are subject to imprisonment of less than ten years or a fine of less than 20,000,000 KRW (approximately \$20,000USD). According to Article 62 of the Defense Acquisition Act, the illicit manufacture, import, export, transfer, possession, stockpiling and destruction of small arms and light weapons are subject to imprisonment of less than ten years or a fine of less than 50,000,000 KRW (approximately \$50,000USD). According to Article 53 to 55 and 57 of the Foreign Trade Act, those engaged in the illegal trade of SALW are subject to imprisonment of less than ten years or a fine of less than 30,000,000 KRW (approximately \$30,000USD). In particular, when a corporation violates related regulations, its representative, employee and corporation itself are subject to a fine of relevant articles.

Sources Actions taken during the reporting period

8.9 During the reporting period, was action taken against groups or individuals engaged in illegal brokering (e.g. prosecution)?

International assistance

PoA III.6 **9. Does your country wish to request assistance in developing laws, regulations or administrative procedures to regulate SALW brokering?**

SECTION 5: STOCKPILE MANAGEMENT

Sources Laws, regulations and administrative procedures

PoA II.17 **10. Does your country have standards and procedures relating to the management and security of SALW held by the armed forces, police or any other entity authorised to hold SALW?**

PoA II.17 **10.1. If so, which of the following provisions are included in these standards and procedures (check relevant boxes)?**

- a) Appropriate locations for stockpiles
- b) Physical security measures
- c) Control of access to stocks
- d) Inventory management and accounting control
- e) Staff training
- f) Security, accounting and control of SALW held or transported by operational units or authorised personnel
- g) Procedures and sanctions in the event of theft or loss
- h) Other

Sources Surplus

PoA II.18 **10.2. Are there systems in place to conduct reviews of SALW stocks held by armed forces, police and other authorised entities to identify surplus or obsolete SALW?**

10.3. How often/frequently are these reviews conducted?
The Army has been running its integrated system on information regarding the status of management of munitions since September 11, 2001. The system easily identifies the stocks of small arms and light weapons held by the Army.

PoA II.18 **10.4. When stocks are identified as surplus, what actions does your country take with regard to the surplus (check relevant boxes)?**

- a) Officially declare as surplus
- b) Take out of service
- c) Record by type, lot, batch, and serial number
- d) Store separately
- e) Other

10.5. In disposing of the surplus stocks, which of the following methods may be used (check relevant boxes)?

- a) Destruction
- b) Sale to another State
- c) Donation to another State
- d) Transfer to another state agency
- e) Sale to civilians
- f) Sale or transfer to legal entities (e.g. museums, private security companies, etc.)
- g) Other

10.5.1. If (a) Destruction is checked for Q.10.5, which of the following methods are used (check relevant boxes)?

- i) Burning or melting
- ii) Open-pit detonation
- iii) Cutting/shredding
- iv) Bending/crushing
- v) Dumping at sea
- vi) Burial on land
- vii) Other

Sources Actions taken during the reporting period

PoA II.19 10.6. During the reporting period, has your country destroyed surplus stocks?

International assistance

PoA II.29; III.6 11. Does your country wish to request assistance in developing standards and procedures on stockpile management?

PoA III.6; 14 12. Does your country wish to request assistance in developing capacity for the destruction of weapons?

SECTION 6: CONFISCATION, SEIZURE & COLLECTION

Sources Confiscation and seizure

PoA II.23 a 13. During the reporting period, has your country found, seized or confiscated any SALW under its jurisdiction?

International assistance

PoA III.6 16. Does your country wish to request assistance in building capacity for confiscation and seizure of the illicit SALW?

SECTION 7: MARKING AND RECORD KEEPING

Sources Marking

PoA II.8 17. Does your country enforce measures to prevent the manufacture, stockpiling, transfer and possession of any unmarked or inadequately marked SALW?

17.1. Details

Small arms and light weapons that fail to comply with marking regulations are not permitted to be manufactured and imported. All authorized possessors should submit full information regarding their authorized small arms and light weapons such as the country of manufacture, serial number, model, caliber, manufacturer, authorization number, authorized function, personal data of possessor, storage, etc. The information is inputted into the electronic system for management and safety of arms, which is used to trace small arms and light weapons to be used for non-military purposes.

ITI 8d 18. Does your country take measures to ensure that all SALW in the possession of government armed and security forces for their own use are duly marked?

18.1. Describe the markings that are applied to government-held stocks.

Pursuant to Article 53 of the Defense Acquisition Act, small arms and light weapons are produced in accordance with the Directives of the Ministry of National Defense. The directives stipulate that markings must be comprised of the caliber, model, serial number and country of manufacture. Marking should be done at the point of manufacture. All information on domestically manufactured small arms and light weapons are inputted into an integrated system of information regarding the status of the management of munitions, which is utilized for tracing small arms and light weapons to be used for military purposes.

ITI 8c 18.2. When government stocks are transferred to civilians or private companies in your territory, are such stocks marked to indicate that your government transferred the stocks?

ITI 8e 19. Does your country encourage manufacturers of SALW to develop measures against the removal or alteration of markings?

19.1 Details

According to Article 48 of the Defense Acquisition Act and Article 45 of the Firearms Control Act, the license of a manufacturer which is not in compliance with relevant regulations is subject to revocation.

Record-keeping

PoA II.9 20. Does your country have standards and procedures related to keeping of records for all marked SALW in its territory?

20.1. What records relating to SALW are kept by the State (e.g. manufacturing, brokering, import and export licences granted, sales to other States, SALW held by State agencies such as the armed forces etc)?

For military purposes, all the records on SALW are managed by the computerized Military Equipment Management System to allow effective tracing. For non-military purposes, all the information is inputted into the electronic system for management and safety of arms of GESTA, which traces small arms and light weapons to be used for non-military purposes.

ITI 12 a,b 20.2. How long does the government keep such records?
Manufacturers are required to permanently maintain records on the manufacture, possession, and transfer of all manufactured weapons including small arms and light weapons. And the records are managed by the governmental electronic systems accordingly.

ITI 13 20.3. In the event that they go out of business, are companies engaged in SALW activities (e.g. manufacturing, importing, exporting etc) required to submit all records held by them to the government?

International assistance

ITI III.6, ITI 27 21. Does your country wish to request assistance in building capacity for record-keeping?

No

SECTION 8: INTERNATIONAL TRACING

Sources Laws, regulations and administrative procedures

PoA II.10;
ITI 14, 24

22. Does your country have procedures in place to trace SALW?

Yes

Sources Tracing requests

22.1 Has your country ever issued an international tracing request regarding SALW?

No

ITI 25; 31a

22.2. Which government agency is responsible for making a tracing request to another country?

the National Police Agency

ITI 17

22.3. What information does the designated agency include in a tracing request? (check relevant boxes)

- a) Circumstances under which the SALW was found
- b) Reasons why the SALW is considered to be illegal or illicit
- c) The intended use of the information being sought
- d) Any markings on the SALW
- e) Type/calibre of SALW
- f) Other

others necessary

ITI 15

22.4. When receiving information related to SALW as a result of your country's tracing request, does your country have procedures in place to ensure that all restrictions placed on its use are respected, and the confidentiality of such information is guaranteed?

Yes

Sources Responses for tracing requests

22.5. Which government agency is responsible for responding to a tracing request from another country?

the National Police Agency

22.6. During the reporting period, how many tracing requests did your country receive?

none

ITI 22

22.7. During the reporting period, did your country delay, restrict or refuse tracing requests?

- Delayed
- Restricted
- Refused

Sources Cooperation with INTERPOL

PoA II.37; ITI 33 23. During the reporting period, has your country cooperated on the issue of tracing SALW with the International Criminal Police Organization (INTERPOL) ?

No

International assistance

PoA II.36;
III.6; ITI 27

24. Does your country wish to request assistance in developing procedures to trace SALW?

No

PoA III.10;
ITI 28

25. Has your country considered providing assistance to examine technologies to improve the tracing and detection of illicit SALW?

SECTION 9: INTERNATIONAL COOPERATION & ASSISTANCE

Sources Assistance requested / received / provided

PoA III.3, 6

26. During the reporting period, in addition to the assistance requested/received mentioned in the Sections 2-8 above, has your country requested / received / provided assistance to implement the PoA and ITI?

Any further comments on PoA and ITI, including implementation challenges and opportunities?

Additional information may be uploaded/attached, if necessary:
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