



Cooperating to Disarm

**STATEMENT ON ILLICIT BROKERING AT THE BMS 3 TO CONSIDER
THE IMPLEMENTATION OF THE UNPoA**

PRESENTED BY

**DR FRANCIS SANG,
EXECUTIVE SECRETARY, RECSA**

NEW YORK, 14-18 JULY 2008

Allow me, Mr Chairman, on behalf of Member States signatory to the Nairobi Declaration and the Nairobi Protocol to make this brief statement on illicit brokering in small arms and light weapons.

Mr Chairman,

Illicit brokering is one of the major avenue through which the proliferation of illegal firearms takes place. A report by Small Arms Survey indicates that research during the past years has shown that brokers have been central in transferring weapons to illicit or undesirable users or destinations. These have included, for example, countries under UN or other embargo, armed groups, repressive governments and zones of conflict.

RECSA Member States in the Great Lakes Region and the Horn of Africa face a huge problem of proliferation of illegal weapons. To combat illicit brokering as one of the means that fuel this proliferation, the Nairobi Protocol requires signatory State Parties to establish a national system, for regulating dealers and brokers of small arms and light weapons. This is in line with the UNPoA which commits signatory countries to develop adequate national legislation or administrative procedures regulating the activities of those who engage in small arms and light weapons brokering.

When facilitating illicit deals, arms brokers rely on a general lack of governmental control and screening over their activities. Around the world, very few countries have enacted specific measures for the regulation of such activities. This means

that, unlike other arms trade actors - notably, importers and exporters - brokers have so far operated with few if any constraints, hence the proliferation of illegal firearms.

Mr Chairman,

Among RECSA Member States, Seychelles is the only country that so far has relevant legislation that specifically addresses illicit arms brokering. The rest of the countries lack adequate legal frameworks to regulate illicit brokering while depending on weak legislation on SALW. To strengthen their laws, Member States have committed themselves to harmonise their legislation in line with the recommendations of the Nairobi Protocol and with each other to enable collaboration in addressing the common problem of illicit brokering of arms.

Towards this end, RECSA has facilitated the establishment of legal drafting committees in 11 of its 12 Member States. The committees are charged with the responsibility of drafting the revised laws. At least five Member States are at advanced stages of finalising the review process. Forums on SALW and regional workshops on harmonisation of legislation on SALW have been held since 2005. These meetings serve as a platform through which Member States appraise themselves on the progress of the national review processes.

Once in place, these pieces of legislation will address issues of registration, licensing, record-keeping, jurisdiction provisions and penalties. In addition, Mr

Chairman, RECSA Member States will require international assistance to build the necessary capacity.

The United Nations Programme of Action on Small Arms listed illicit brokering as an aspect to be included in its implementation by States at the national and global levels.

RECSA Member States are therefore, committed to developing adequate national legislation and administrative procedures to regulate the activities of those who engage in small arms and light weapons brokering. This legislation or procedures include measures such as registration of brokers, licensing or authorization of brokering transactions as well as the appropriate penalties for all illicit brokering activities performed within the State's jurisdiction and control.

It is well established that corruption and lack of transparency affect arms transfers at all stages. It empowers “corrupt” brokers vis- a- vis “clean” brokers to purchase their anonymity by corrupting registration processes if required.

Mr. Chairman,

As they are involved in revising their national laws, RECSA Member States will ensure that their new laws conform with the regulations laid out in the UNPoA and the Nairobi Protocol on the control of illicit brokering of small arms and light weapons.

In July 2006, UN Member countries agreed on a legally binding accord on arms brokering to curb the illicit trade in small arms and light weapons. The accord recognized the need for global action to combat illicit arms brokering. RECSA Member States are therefore committed to addressing factors that fuel the trade in illegal arms and call on the UN to ensure that commitments on brokering are adhered to.

Finally, Mr Chairman,

To further boost regional efforts in curbing illicit brokering in small arms, RECSA is planning a regional workshop on illicit brokering to boost cooperation among Member States in addressing the problem. This is in recognition of illicit brokering as a serious problem in which the international community should collaborate in addressing and as a matter of urgency.

In this regard, RECSA is hopeful that through international cooperation and assistance, development partners will offer their financial and technical support to the envisaged regional workshop on brokering.

Thank you, Mr Chairman