

629th Plenary Meeting

FSC Journal No. 635, Agenda item 6

**DECISION No. 17/10
AN INFORMATION EXCHANGE WITH REGARD TO
OSCE PRINCIPLES ON THE CONTROL OF BROKERING IN
SMALL ARMS AND LIGHT WEAPONS**

The Forum for Security Co-operation (FSC),

Reaffirming its commitment to the full implementation of the OSCE Document on Small Arms and Light Weapons (SALW) (FSC.DOC/1/00, 24 November 2000), and with particular regard to its section III, part D,

Recalling FSC Decision No. 8/04, OSCE Principles on the Control of Brokering in SALW, which was adopted in recognition of the need to strengthen section III, part D, of the OSCE Document on SALW,

Recalling also Ministerial Council Decision No. 15/09, which tasked the FSC with taking steps to review the implementation of Ministerial Council Decision No. 11/08 with regard to the establishment or reinforcement of a legal framework for lawful brokering activities within the national jurisdiction of participating States, by the end of 2010,

Recalling further FSC Decision No. 2/10, the OSCE Plan of Action on SALW, which referred to a progress report by the CPC as a possible measure to review the implementation of FSC Decision No. 8/04, and also decided that, as a transparency measure, the FSC should consider making public one-off information exchanges,

Taking due consideration of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in SALW in All its Aspects (A/CONF.192/15, 20 July 2001), in which States affirm their commitment to developing adequate national legislation or administrative procedures to regulate SALW brokering activities, and to undertaking further steps to enhance international co-operation in preventing, combating and eradicating illicit brokering in SALW,

Taking into account the work done by the group of governmental experts established in 2005 pursuant to UN General Assembly resolution 60/81 to consider further steps to enhance international co-operation in preventing, combating and eradicating illicit brokering in SALW (Report of the Group of Governmental Experts, United Nations General Assembly document A/62/163),

Recognizing the importance of transparency measures in the area of SALW brokering controls as an indication of effective implementation of existing commitments, and as a tool for identifying strengths and further needs for assistance,

Decides:

1. To request participating States to exchange information on their present regulations concerning brokering activities with regard to SALW, as a one-off exchange, by 30 June 2011, based on the attached questionnaire;
2. To task the Conflict Prevention Centre (CPC) with providing a summary report of the replies. The report will be limited to the provision of statistical data related to implementation and will not compare national policies or assess implementation. The report should be made available to the participating States not later than 1 September 2011. This task will be completed within the existing CPC budget;
3. To make the summary report public and to task the Secretariat with publishing it on the OSCE public website no later than 1 September 2011.

QUESTIONNAIRE

Question	Sources	Question	YES	NO
1	PoA II.14	Does your country have laws, regulations and/or administrative procedures governing brokering in SALW?		
2		List laws and/or administrative procedures regulating SALW brokering in your country. [type text]		
3	GGE Report, paragraph 63(i)	Are those laws and procedures part of the national export control system?		
		Comments [type text]		
4	FSC.DEC/8/04	Does your country have a definition of brokering activities by persons and entities?		
4a		If yes, please provide. [type text]		
5		Does your country require brokers to register before they can apply for brokering licences?		
		Comments [type text]		
6		Does your country require a licence to engage in brokering activities?		
		Comments [type text]		
7		Does your country make a background check on past involvement in illicit activities before registering a broker or issuing brokering licences?		
		Comments [type text]		
8	PoA II.14	Does your country keep a register of SALW brokers/traders?		
		Comments [type text]		
9	FSC.DEC/8/04	Does your country require a licence for SALW brokering activities on the territory of your country regardless of the nationality of the brokers?		
		Comments [type text]		
10		Does your country control brokering activities outside your territory carried out by brokers of your country's nationality?		
		Comments [type text]		
11		Does your country control brokering activities outside your territory carried out by non-citizen residents who are established in your country's territory?		
		Comments [type text]		
12	BPG, Brokering, V (1)	What is the policy on deciding which State's jurisdiction is appropriate for each brokering transaction? [type text]		
13	BPG, Brokering, V (5(i))	Does your country have requirements for end-use documentation that must be met before each brokering activity is authorized?		
13(a)		If so, describe. [type text]		
14	PoA II.14	Does your country require a licence, permit or other authorization for each brokering transaction?		
15	GGE Report paragraph 44	Are such applications for a licence, permit or other authorization considered for approval on a case-by-case basis?		
		Comments [type text]		
16		Are there exceptions to the requirement to hold a licence or authorization for a brokering transaction?		
16a		Details (e.g. if the transaction is on behalf of the police or armed forces or other government officials) [type text]		
17		What are the criteria for granting a licence, permit or other authorization? [type text]		

QUESTIONNAIRE (continued)

Question	Sources	Question	YES	NO
18	BPG, Brokering, V (3)	Is <i>ex post facto</i> licensing possible?		
18(a)		If yes, under which conditions? [type text]		
19		Does your country have measures to validate the authenticity of documentation submitted by the broker?		
19(a)		If so, describe those measures.		
20	FSC.DEC/8/04	Does your country keep records of all licences or written authorizations issued?		
20(a)		If yes, how long are the records kept for?		
		(a) 10 years		
		(b) Indefinitely		
		(c) Other		
21	BPG, Brokering, V (4(ii))	Does your country require brokers to report regularly on their activities?		
21(a)		If so, describe. [type text]		
22	PoA II.3	Is it a criminal offence to engage in a SALW brokering transaction without a licence or authorization in your country? Comments [type text]		
23		Does your country share with other States information on such matters as the disbarment of brokers and revocation of registration? Comments [type text]		
24		Does your country regulate activities that are closely associated with the brokering of SALW?		
24(a)		If so, which of the following activities are regulated (check relevant boxes)? (a) Acting as dealers or agents in SALW (b) Providing for technical assistance (c) Training (d) Transport (e) Freight forwarding (f) Storage (g) Finance (h) Insurance (i) Maintenance (j) Security (k) Other services Comments [type text]		
25		Are these activities regulated by legislation on brokering or any other legislation?		
26	PoA II.14	What penalties or sanctions does your country impose for illegal brokering activities?		
27	PoA II.14	If the answer to question 1 is "no", does your country wish to request assistance in developing laws, regulations and/or administrative procedures to regulate brokering in SALW?		
28		What kind of assistance do you require?		
29		Has your country developed a project proposal for assistance?		
29(a)		Does your country require training on controlling brokering activities in SALW?		
30	PoA II.6	During the reporting period, was action taken against groups or individuals engaged in illegal brokering (e.g., prosecution)?		
30(a)		Please give details.		
31		Is your country content for these replies to be published on the OSCE website?		