

## 5. Illicit brokering

Arms brokers differ from arms traders in the sense that brokers do not *own* weapons shipments. The most common definition is thus that the essence of brokers' activities is to arrange, mediate, facilitate, organize or negotiate arms deals between a supplier and a recipient for material gain, without necessarily taking ownership or possession of the arms.

In fact, in a globalised world an arms broker might never *see* the weapons he is dealing with, or might even never *come near* them. Brokers only need a mobile phone, a computer and a bank account to work from any continent bringing interested parties in distant parts of the world together. That is why sound regulation on arms brokering is vital for *every* country – even in those states where arms trade is a state monopoly, where small arms are not a problem, or where borders are secure.

Over the last years, research conducted by both governmental and non-governmental organizations has consistently shown that brokers are critical in the diversion of weapons from the licit to the illicit market. Brokers have been central in procuring arms to countries under international embargo, zones of conflict or internal disturbance, insurgent groups, and countries with a worrisome human rights situation. Examples of illicit weapons transfers made possible by brokers are found in UN reports like the 'Fowler report' of March 2000, which documented violations to the sanctions imposed on UNITA in Angola (UN doc S/2000/203). Other examples include the circumvention of embargoes on Rwanda, Somalia, Sierra Leone and Liberia; deliverance to zones of conflict in Sri Lanka and DR Congo; and to armed non-state groups in Colombia.

In most countries, brokering of SALW is unregulated. Actually, of all the actors involved in the arms trade, brokers are the only ones who can work without any form of monitoring and control on the side of national authorities.

Norway and the Netherlands have been promoting the need for effective national, regional and international regulations on arms brokering activities, in what is called the Dutch-Norwegian Initiative. Over the past years, in regional workshops, and in UN workshops and broad-based consultations, all of our states have been able to develop a good knowledge of the truly globalised character of the brokering trade. These cross-border elements make it a particular challenge for states to come to grips with the issue: extraterritoriality very often plays a role. And what has become clear as well, is that facilitating in financing and transportation are often very closely interlinked with the core activities of illicit brokers.

Since the adoption of the UN Programme of Action, we have witnessed the development of five regional and multilateral agreements with specific provisions on brokering. There are an **EU Common Position** on arms brokering and the **Wassenaar Arrangement Guidelines** on arms brokering. Recently, the **OSCE Principles** on the Control of Brokering in Small Arms and Light Weapons and the **Nairobi Protocol** for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa, both adopted in 2004, were added, as was the **SADC Protocol** on the Control of Firearms, Ammunition and other Related Materials (in November 2004).

We need regional and international co-operation between States to develop and harmonise national laws and to deter non-compliance with these laws.

The 59<sup>th</sup> UNGA resolution on small arms and light weapons calls for the establishment of a group of governmental experts on illicit brokering. The NL urges all UN member states to press for a rapid establishment of this group, as soon as possible after the 2006 Review Conference. In the meantime we need to continue raising awareness and further improving our knowledge about this issue. Member States, regional organisations as well as DDA and relevant NGOs should be encouraged to organise activities to promote our understanding of brokering activities.