

**Report
by
DENMARK**

**On the Implementation of the United Nations Programme of Action to Prevent,
Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All
Its Aspects.**

Introduction

The United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects contains in section II on preventing, combating and eradicating the illicit trade in small arms and light weapons in all its aspects a range of measures which the States participating in the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects in New York from 9 to 20 July 2001 undertake in order to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects. Section III of the Programme of Action on implementation, international cooperation and assistance contains a number of commitments that the States participating in the Conference undertake with a view to promoting the implementation, international cooperation and assistance concerning the prevention, reduction and eradication of the illicit trade in small arms and light weapons in all its aspects.

This report describes the measures and controls that until now have been taken by Denmark in fulfilling her commitments under the Programme of Action.

Report

National coordination agency, cf. section II, para 4

Denmark has no national coordination agency responsible for policy guidance, research and monitoring of effort to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects. However, the Danish police centres for criminal investigation support coordinate the efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons, both nationally and internationally.

National point of contact, cf. section II, para 5

The Danish national point of contact is:
Royal Danish Ministry of Foreign Affairs,
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Legislation, regulations and administrative procedures, cf. section II, para 2

Domestic laws and procedures to control production and transfer

The Weapons and Explosives Act¹ and the Act on War Materiel² are the legal basis for the control over the production and transfer of weapons.

In principle, it is prohibited to *manufacture* firearms, ammunition etc., but individual licenses for manufacture of weapons may be granted on a case-by-case evaluation (section 1 of the Weapons and Explosives Act).

Section 1(1) and (2) of the Weapons and Explosives Act list the weapons covered by the manufacture ban. Within the meaning of the Weapons and Explosives Act manufacture covers manufacture as well as rebuilding of weapons.

The manufacture ban applies neither to military authorities nor to the police (section 8(1) and 9(1) of the Weapons and Explosives Act).

¹ Consolidated Act No. 1316 of 26 November 2007 on Weapons and Explosives..

² Act. No. 400 of 13 June 1990 on War Materiel, as amended.

In principle, it is prohibited to produce war materiel. However, war materiel may be produced if the Minister of Justice so permits (section 2 and 14 of the Act on War Materiel). Undertakings producing war materiel are subject to inspections by the National Committee on the Control of Firearms (section 10 and 12 of the Act). Furthermore, undertakings producing war materiel shall upon request provide the National Committee with information regarding the undertaking and its production (section 11 of the Act).

In principle, it is prohibited to *import* firearms, ammunition etc., but individual licenses for import of weapons may be granted on a case-by-case evaluation (section 1 of the Weapons and Explosives Act).

Section 1(1) and (2) of the Weapons and Explosives Act list the weapons covered by the import ban. The import ban covers physical movement of weapons etc. into Danish territory.

The import ban applies neither to military authorities nor to the police (section 8(1) and 9(1) of the Weapons and Explosives Act).

In principle, it is prohibited to *export* firearms, ammunition etc. and war materiel, but licenses for export of weapons and war materiel may be granted on a case-by-case evaluation (section 6 of the Weapons and Explosives Act).

Section 6(1) of the Weapons and Explosives Act lists the weapons and war materiel covered by the export ban. These rules came into force on 1 July 2005. According to section 6, the export ban – besides physical movement of weapons etc. out of Danish territory – now also covers intangible transfers of software and technology regarding weapons. Furthermore by Act no. 555 of 24 June 2005, an amendment to the Weapons and Explosives Act, Denmark introduced a new set of rules concerning arms brokering.

According to section 8 (2) of the Weapons and Explosives Act, the export ban does not apply to the armed forces and military personnel carrying out military services. Moreover, the temporary export of equipment and material by military authorities for repair and maintenance does not require an export license. Furthermore, according to section 9 (1) of the Weapons and Explosives Act, the export ban does not apply to the police.

The necessary documentation for obtaining an export license depends, among other things, on the status of the exporter and the recipient, the importing country, the amount of weapons, the intended use and quantity. In most cases either an import license or an International Import Certificate from the competent authorities in the import country is necessary. An end user statement may be required, depending on the circumstances.

Transit is governed by the rules of import and export. The rules imply that transit through Denmark as a principal rule requires prior permissions to import and export. The Ministry of Justice issues the permissions as one joint license – a transit license.

Legislation to criminalize illicit activities, cf. section II, para 3

Section 10 of the Weapons and Explosives Act and section 43 of the Order on Weapons and Ammunition³ establishes illegal manufacture, import, export, acquisition, possession, carrying, use and trade of weapons and explosives as criminal offences. The sanctions may vary from a fine to imprisonment up to two years. In cases concerning exceedingly dangerous weapons the sanctions may rise to imprisonment up to six years (section 192 a of the Danish Criminal Code⁴).

According to section 114(1) of the Criminal Code, any person is liable to imprisonment for any term up to life imprisonment in case of serious violations of section 192 a of the Danish Criminal Code or section 10(2) of the Act on Weapons and Explosives with the intent of committing an act of terror. The same penalty shall apply to any person who transports weapons or explosives with the said intent (section 114(2) of the Criminal Code).

Section 15 of the Act on War Materiel establishes illegal production of war materiel as a criminal offence. The sanctions may vary from a fine to imprisonment up to one year.

Stockpiling of weapons is not established as a criminal offence in itself. However, as mentioned above it is a criminal offence to be in possession of weapons without a license.

Identification of groups associated with illicit activities, cf. section II, para 6

The individual police districts are responsible for the criminal investigation of illicit trade in small arms and light weapons in all its aspects.

Marking, cf. section II, para 7 and 8

Small arms and light weapons imported by the Danish Armed Forces after 30 June 2001 are required to be marked with unique identification of the country of manufacture. In addition, the Minister of Justice is authorised to lay down provisions to the effect that weapons etc. shall have identification numbers on them (section 3(1) of the Weapons and Explosives Act). Accordingly, the Minister of Justice has authorised the local Chief Constable to order any holder of weapons to apply identification numbers on the weapons (section 42 of the Order on Weapons and Ammunition).

Record keeping on manufacture, holding, and transfer, cf. section II, para 9

³ Order No. 449 of 9 June 2005 on Weapons and Ammunition etc.

⁴ Consolidated Act No. 1260 of 23 October 2007.

Since 1996 the Danish Armed Forces has kept complete, electronic records of all its small arms and light weapons.

The Danish police has a central electronic register called the Police Weapons Register in which all persons authorized to possess firearms are registered on the basis of applications received for firearms licences and registrations of purchases of smooth-bore shotguns. Furthermore, the Police Weapons Register contains information on all reports on loss and findings of weapons. In case of a report on the loss of a firearm marked with a number the report is also made through the Schengen Information System (SIS).

In the Police Weapons Register all relevant information may be registered, including category and type of weapon, manufacture, model, marking (number), calibre and special characteristics.

At the registration of small arms and light weapons each weapon is registered under a specific identification number in the Register. The police authority may demand that the weapon be marked with this registration number in case the weapon does not have a number from its manufacturer. In case the owner or user of a weapon changes, a record of the former owner(s) is kept.

An arrangement is being planned by which weapons dealers - importers and gunsmiths - will be required to report to the Police Weapons Register on their purchases and sales of weapons.

In addition to the Police Weapons Register the rifle associations are required to have their own weapons registers on all firearms owned by the associations and their members. It is envisaged that the registration information of the rifle associations shall be transferred continuously to the Police Weapons Register.

Identification and traceability, cf. section II, para 7 and 10

Small arms and light weapons held by the Danish Armed Forces that are insufficiently marked when imported are remarked by the Danish Acquisition And Logistics Organization. A record is kept on all disposed, lost, stolen and destroyed arms and weapons.

All weapons purchased by the Danish police are registered under a specific number and description in an electronic inventory system. Transfers to and from stocks are also registered. Weapons are delivered either personally or to a police district. The weapons delivered are registered in an electronic system containing personal information on all employees in the Danish police force including their weapons.

Export and import licensing, cf. section II, para 11

Danish arms exports are controlled on the basis of a definition of weapons, military equipment and other items contained in the Weapons and Explosives Act. All items on the European

Union common list of military equipment and the Wassenaar Arrangement Military List are subject to export control, including small arms and light weapons.

The Weapons and Explosives Act prohibits import and export of arms without permission from the Minister of Justice in each individual case. The rules apply to international transit as well.

The Weapons and Explosives Act does not list the conditions to be fulfilled for an export license to be granted. For a number of years, however, export licenses have, as a general rule, not been granted to countries involved in armed conflicts or to areas with such a level of unrest and instability that an outbreak of violent conflict must be reckoned with. The criteria of the EU Code of Conduct are taken into account as a minimum standard in the assessment of license applications. Export licenses are not granted in contravention of UN, EU or OSCE embargoes. For small arms and light weapons transfers the Wassenaar Arrangement guidelines adopted December 2002 are applied.

End-user certification, legal and enforcement measures, cf. section II, para 12

End-user certificates are used depending on the circumstances, i.e. determined on a case-by-case basis, cf. the information provided under section II, para 2.

Re-export authority, cf. section II, para 13

As the principal rule and unless specifically agreed the Danish authorities do not notify the original exporting state in case of re-export of small arms and light weapons from Denmark. However, according to an agreement between Denmark, Finland, Norway and Sweden⁵, the Danish authorities may be obliged to notify Finland, Norway or Sweden as the original exporting State in case of re-export.

Regulation of arms brokers, legal and enforcement tool, cf. section II, para 14

As an EU Member State Denmark has acceded to the EU Council Common Position 2003/468/CFSP of 23 June 2003 on the control of arms brokering. The Wassenaar Arrangement elements agreed in December 2003 are also taken into account. By Act No. 555 of 24 June 2005 Denmark has introduced a new set of rules concerning arms brokering. According to section 7 b (1) of the Weapons and Explosives Act, it is prohibited without a license from the Minister of Justice as a broker to negotiate or arrange transactions that involve the transfer of weapons etc., as defined in section 6 (1) of the Weapons and Explosives Act, between countries outside the EU. Furthermore it is prohibited to buy or sell weapons etc., as defined in section 6 (1), as part of a transfer between countries outside the EU, or, as owner of

⁵ Agreement between Denmark, Finland, Norway and Sweden regarding support to industrial cooperation in the area of defence materiel.

the weapons etc., to arrange such a transfer. These rules took effect on 1 July 2005. Individual licenses for arms brokering may be granted on a case-by-case basis.

Enforcement of United Nations Security Council embargoes; penalties for violation, cf. section II, para 15, 32

Act number 156 of 10 May 1967 on Certain Measures according to the Charter of the United Nations empowers The Ministry of Foreign Affairs to implement arms embargoes decided by the United Nations Security Council in accordance with Chapter VII of the Charter of the United Nations. The Ministry of Foreign Affairs implements an embargo by adopting an order.

Section 110 c (2) of the Criminal Code establishes as a criminal offence the violation of a provision or order in accordance with an act that implements a United Nation Security Council arms embargo into Danish law. Persons who intentionally or negligently violate such a provision or order shall be fined, imprisoned up to four months or, under aggravating circumstances, imprisoned up to four years.

Other embargoes are implemented through the administration of the export ban in the Weapons and Explosives Act, as the Ministry of Justice denies granting export licenses in contravention of embargoes, cf. the information provided under section II, para 2 and 11.

According to section 7 a (1) of the Weapons and Explosives Act cf. section 1 of the Order on Transportation of Weapons etc. between Third Countries, it is prohibited to transport weapons and war equipment to countries covered by a UN, EU or OSCE arms embargo. Furthermore, it is prohibited to transport weapons and war equipment between third countries if the competent authorities in these countries have not issued the necessary export and import licenses according to the national legislation in these countries (section 7 a (2) of the Weapons and Explosives Act).

Section 10 of the Weapons and Explosives Act establishes illegal export of firearms, ammunition and war materiel as a criminal offence. The sanctions may vary from fines to imprisonment up to two years.

According to section 114(2) of the Criminal Code any person who is transporting weapons or explosives with the intent of committing an act of terror is liable to imprisonment for any term up to life imprisonment.

Destruction of surplus, confiscated, seized or collected small arms and light weapons, cf. section II, para 16, 19 and section III, para 14

Weapons seized or otherwise collected by the police are destroyed after the case is investigated by the police and decided upon by the judiciary system.

Management and security of national stockpiles, cf. section II, para 17, 19

The size and equipment of the Danish Armed Forces are decided by the Danish Parliament, and the requirements for military stocks of small arms and light weapons are related to this decision. A surplus stock of five percent is allowed by the Danish Armed Forces in order to retain service reliability. Stocks are reviewed regularly.

The stock of weapons held by the national police is kept in an armoured box within the general safe-deposit at the national police headquarters which is equipped with alarms against both theft and fire. The armoured weapons box is equipped with its own alarms and electronic combination lock. Munitions are locked in separate steel safes. Detailed instructions have been issued by the national police concerning storage, transportation, maintenance, tests and repair of firearms.

Storage of weapons at police stations in the police districts is made in locked drawers or cupboards in rooms under constant surveillance or in locked strongboxes.

Regular review of States' stocks, identification of surplus, safe storage, disposal/destruction, cf. section II, para 18

Reference is made to the information given under section II, para 10, 17 and 29.

Worn-out or obsolete weapons are destroyed.

Surplus stocks of small arms and light weapons held by the Danish Armed Forces are safeguarded in the same way as all other weapons, according to the procedures for military security and safety. The means of disposal of such stocks is destruction. Small amounts are destroyed by cutting them in halves or in pieces of no more than ten centimetres. Large amounts are destroyed by crushing and melting.

The Danish Acquisition And Logistics Organization is responsible for the Armed Forces' destruction of small arms and light weapons. An impartial verification team supervises and verifies the destruction. All confiscated, seized or collected small arms and light weapons are destroyed, except in accordance with the exceptions set out in section II, para 16.

Confidence Building Measures, public awareness programs about illicit trade; encourage role of civil society, cf. section II, para 20, 40, and 41

At regular intervals so-called safe-conducts are granted by means of which illicit weapons may be handed over to the police without the person being charged with a violation of the Weapons and Explosives Act.

The latest safe-conduct action for the handing in of illicit weapons was made in August-September 2003.

Voluntary submissions on destruction, illicit trade; transparency in laws and regulations, cf. section II, para 23

Reference is made to the information given under section II, para 4, 27, 28 and 36.

Denmark submits annual information to the Organization of Security and Cooperation in Europe (OSCE) according to the OSCE Document on Small Arms and Light Weapons.

Law enforcement cooperation, information sharing, implementing existing laws by region, cf. section II, para 27, 28

The Danish police centres for criminal investigation cooperate with a number of countries, in particular Norway, Sweden and Germany on exchange of information.

Furthermore the Danish law enforcement authorities participate in various international and regional initiatives dealing with arms control and arms trafficking issues.

Since November 2006 the Danish police has participated in Operation Crossfire II concerning arms smuggling within the framework of the Baltic Sea Task Force.

To improve national measures for criminal investigation, the Danish police took the initiative in 2006 to a national SALW-project, "Project Firearms", regarding the tracing, updating and registration of arms.

Furthermore, since 2004 the Danish police has participated in a group under the European Police Commissioners Task Force, referred to as the European Firearms Experts (EFE). The purpose of this group is to strengthen the European cooperation on the combating of smuggling, dealing and possession of illegal weapons and explosives. In this connection a common information system on weapons was established. EFE is also working on a European Weapons Dictionary in order to ensure a standardized terminology when exchanging information.

Moreover, within the Europol framework, the Danish police participates in the Homicide Working Group establishing a common database with weapons identification information.

Support to disarmament, demobilization and reintegration (DDR), cf. section II, para 30, 34

Denmark has supported a conference on small arms in Great Lakes Region with 250.000 DKK (2000).

Denmark has supported the DDR process in Great Lakes Region (World Bank Fund) with a total of 18 million DKK (2001-).

Denmark has supported the UNDP Disarmament programme in Eastern Niger (N'Guigmi) with a total of 1,5 million DKK (2001-2002).

Denmark has supported the DDR process in Sierra Leone (World Bank Programme) with 3 million DKK (2001-2004).

Denmark has supported the disarmament, demobilization, reintegration and rehabilitation of ex-combatants in Liberia through a UNDP Trust Fund with a total of 20 million DKK (2004-2006).

Denmark has supported the disarmament, demobilization, reintegration and rehabilitation of ex-combatants in Afghanistan through a UNDP Trust Fund with a total of 8,5 million DKK (2005-2006).

Denmark has supported the ordnance and destruction of surplus ammunition in Jordan through a Trust Fund project with 100.000 EUR (2007).

Denmark is supporting an OSCE project of ammunition demilitarisation in Montenegro, implemented by the UNDP, with 150.000 EUR. The scope of the project is the destruction of 9,900 tonnes of SALW conventional ammunition (2007-2009).

Denmark is supporting an OSCE project of disposal of rocket fuel (melange) in Ukraine with 500.000 EUR. The scope of the project is the destruction of 16,343 tonnes of melange (task I 2008-2009).

Strengthening the ability of states with regard to identification and tracing, cf. section II, para 36

Denmark is participating in cooperation within a number of international fora on identification and tracing. Among the Nordic countries a common weapons tracing system has been established which makes it possible to trace weapons directly through a common database. Information on missing weapons may also be provided to the Schengen Information System (SIS). At the European level Denmark is also cooperating under the European Network of Forensic Science Institutes (ENFSI) that has developed common standards for exchange of information on tracing of weapons. Furthermore, the Danish police applies Interpol's International Weapons and Explosives Tracking System.

Cooperation with civil society and NGOs, cf. section III, para 2

In 2000-2002 Denmark granted a total of CHF 220.000 as financial contributions for the publication of the yearbook by “The Small Arms Survey” under “The Graduate Institute of International Studies” in Geneva.

Information exchange among experts, cf. section III, para 7

Reference is made to the information given under section II, para 4 and 36 and section III, para 10.

Cooperation and technologies, cf. section III, para 10 and 11

Reference is made to the information given under section II, para 36.

Mutual legal assistance in investigations, cf. section III, para 13

Denmark has signed and ratified various international legal instruments on mutual assistance in criminal matters, among others the European Convention of 20 April 1959 on Mutual Assistance in Criminal Matters and the Additional Protocol of 17 March 1978. In addition, Denmark has concluded numerous bilateral agreements on mutual legal assistance, as well as ratified the Schengen Convention of 19 June 1990 and the Convention of 29 May 2000 on Mutual Assistance in Criminal Matters between the Member States of the European Union. Furthermore, Denmark provides mutual legal assistance to non-signatories of the abovementioned international instruments through application of the principles enshrined in them as well as an analogy of the Danish national legislation.

Assistance to combat illicit trade related to drugs, crime and terror, cf. section III, para 15

Reference is made to the information given under section II, para 36.