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NOTE VERBALE DATED 22 JUNE 1987 FROM THE PERMANENT REPRESENTATIVE  
OF DENMARK TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of Denmark to the United Nations presents its compliments to the Secretary-General of the Organization and in reply to the Secretary-General's Note SCPC/2/86/3(1) of 5 December 1986 has the honour to communicate the following concerning the implementation of Security Council resolution 591 (1986) of 28 November 1986:

1. As regards the mandatory embargo of export of arms to South Africa imposed by Security Council resolution 418 (1977), the Danish compliance is based on a Royal Decree on certain measures against South Africa of 3 February 1978 as amended by Decree of 7 April 1982 and 14 July 1986 in which it is stated, inter alia, that:

"It shall be prohibited to sell and transfer, or attempt to sell and transfer or in any other way provide or transport, the following items to South Africa, individuals or undertakings in South Africa or undertakings operated from South Africa:

- (I) Arms, weapons and war matériel and related matériel of all types;
- (II) Ammunition of all types;
- (III) Military vehicles and military equipment and paramilitary police equipment;
- (IV) Spare parts for the aforementioned;
- (V) Equipment, components, and matériel of all types for the manufacture or maintenance of the aforementioned."

According to the Decree it is prohibited to engage in licensing arrangements with any of the aforementioned parties involving the maintenance or manufacture of items under (I)-(V). It is further prohibited to participate in any co-operation with South Africa involving manufacture and development of nuclear weapons.

According to the Danish civil penal code as amended by Parliament on 15 May 1985 the maximum penalty for violation of the Royal Decree is four years' imprisonment.

By Royal Decree of 14 July 1986 the confiscation of the haul from activities in violation of the embargo was made mandatory.

2. The Danish rules governing import of arms and ammunition are laid down in the so-called "Arms Act" of 20 January 1965 with subsequent amendments. According to this Act it is prohibited, except with permission issued by the Minister of Justice or by anyone acting on his behalf, to import or manufacture:

- firearms, and barrels and breechblocks for same;
- ammunition for firearms, including cartridge cases;
- priming screws, percussion caps, fuses and projectiles;
- hand grenades, bombs and similar weapons;
- explosives.

3. By Act of 4 June 1986, trade with South Africa and Namibia is prohibited. The Act states, inter alia:

"Import into Denmark of any kind of goods and services originating in the Republic of South Africa or Namibia and export of any kind of goods and services from Denmark to the Republic of South Africa or Namibia must not take place."

Individuals, including company board members, companies (or similar) as such, violating the Act, shall be liable to a fine or imprisonment.

4. The above-mentioned rules constitute the legal basis for Denmark's implementation of Security Council resolution 591 (1986).

The Permanent Representative of Denmark wishes to reiterate that, together with the other Nordic countries in accordance with their joint programme of action against South Africa, Denmark has actively worked for strict compliance with the mandatory arms embargo instituted by resolution 418 (1977), see section 1 above.

Likewise Denmark is abiding by Security Council resolution 558 (1984) on import of arms, ammunition and military vehicles from South Africa, see section 2. Reference is made to the Permanent Representative's Note on 22 March 1985 [see S/AC.20/38, annex II].

The Danish general trade embargo against South Africa, introduced by the Act mentioned in section 3, should be seen in the light, inter alia, of the new extended Nordic joint programme of action adopted by the Nordic Foreign Ministers in October 1985. The Act completes the régime described in sections 1 and 2,

e.g., as far as the electronic and telecommunications equipment mentioned in paragraph 3 of resolution 591 (1986) is concerned.

It will be seen that the Danish authorities have at their disposal the legal instruments required to implement Security Council resolution 591 (1986), and Denmark is actually already abiding by all provisions of this resolution.

The Permanent Representative of Denmark has the honour to request that this communication be issued as a document of the Security Council.

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