

LIECHTENSTEIN
National Report

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

International Instrument to Enable States to Identify and Trace , in a Timely
and Reliable Manner, Illicit Small Arms and Light Weapons

NATIONAL LEVEL

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General Remarks

On 23 March 1923, Switzerland and the Principality of Liechtenstein concluded a Customs Union Treaty under which the national territories of Switzerland and the Principality of Liechtenstein were brought together to form a common customs area. For this reason, a great number of Swiss laws are also applicable in the Principality of

Liechtenstein, in particular with regard to the physical import, export and transit of goods. The provision of services, however, is not covered by that treaty and therefore regulated by Liechtenstein law.

In the area of SALW there are two sets of legislation that apply, depending on whether the items concerned have been manufactured to military specifications (military material) or not. A distinction has therefore to be made between military material and non-military material on the one hand, and between the import, export and transit of such material and the provision of services related to such material (such as brokering) on the other.

Military material

Legislation and practice regarding export policy

Swiss law is applicable to the manufacture, import, export and transit of military material on the basis of the Customs Union Treaty (Swiss Military Material Act and Ordinance).

The Sanctions Act of 10 December 2008 (published in LGBl. 2009 No. 41)¹ allows to limit or inhibit trade with foreign States in order to fulfill international obligations by which Liechtenstein is bound. This law provides the basis for the implementation by Government ordinance of all sanctions and embargoes adopted by the United Nations Security Council as well as the autonomous sanctions of the European Union. The revised Sanctions Act entered into force on 1 March 2009. It brings the letter of the Liechtenstein law more in line with the current realities of international sanctions. Furthermore, the law improves the legal basis for cooperation with international organizations in the implementation of sanctions and for data protection, sets clear responsibilities for enforcement and increases the penalties for sanctions violations.

Procedures and documentation

Trade in military material is subject to a basic, general authorization. Pursuant to this basic authorization, individual authorizations must subsequently be obtained for import, export and transit.

Records must be kept regarding both the manufacture and the sale of military material. This record-keeping must cover incoming and outgoing consignments and inventories; names and addresses of suppliers, customers and contractual partners; and the dates and objects of the transactions involved. There is no time-limit to this obligation. In addition, records must be kept, for a period of 10 years, of suppliers' invoices; copies of invoices to customers and contractual partners; and, where payment is in cash, receipts signed by customers for the goods.

¹ Liechtenstein legislation can be found at www.gesetze.li (German version only).

Non-military material

Legislation and practice regarding export policy

On the basis of the Customs Union Treaty, Swiss law is applicable for import, export and transit operations (Swiss Weapons Act and Ordinance). The manufacture of non-military material is mainly regulated by the Swiss Weapons Act and its Ordinance. In addition, the Liechtenstein Weapons Act prohibits the manufacture of certain weapons which are considered to cause serious humanitarian concerns. The private manufacture or modification of weapons is prohibited.

Procedures and documentation

Commercial manufacture of weapons and essential components as well as ammunition requires a general licence. Holders of this licence are obliged to keep records on the manufacture and to provide the authorities, on their request, with such information.

A licence is also required to carry a weapon. This licence specifies the specific number and type of weapons that a person may carry. Handguns may be sold, transferred or acquired only if a weapon acquisition permit (with a validity of six months) has been produced. The issuing of weapon acquisition permits and gun licences is the responsibility of the Liechtenstein National Police.

Commercial transactions involving weapons require a weapons trading permit. Weapons trading permits are issued by the Liechtenstein Government. The trader is required to maintain a list covering his sales of handguns and automatic or semi-automatic weapons. This list must indicate the date of the sale, the exact personal details of the purchaser, and the type and manufacturer's serial number of the weapon. The weapon acquisition permit must also be attached to this list. Record books and copies of weapons acquisition permits are to be kept for a period of 10 years and then handed over to the authorities (police).

Approval for commercial imports, exports and transit operations involving weapons and ammunition is given by the Swiss Central Weapons Office upon receipt of the appropriate application form. Authorization for non-commercial imports, exports and transit operations is given by the Swiss customs authorities and the police. Oversight authority over sales in Liechtenstein is the Liechtenstein National Police.

Brokering

Swiss law is applicable for manufacture, import, export and transit of weapons on the basis of the Customs Union Treaty (Swiss Military Material Act and Ordinance and Swiss Weapons Act and Ordinance). For brokering the Liechtenstein Law on Brokering in Military Material of 10 December 2008 (LGBl. 2009 No. 39) applies. This Law was revised in 2008 in order to strengthen the licensing procedures as well as the international cooperation. Brokerage as defined in Article 5 of the law covers establishing the

essential conditions for the conclusion of contracts with regard to the manufacture, tender, procurement or transfer of weapons, the transfer of intangible goods including know-how, or the granting of rights thereto, insofar as these relate to war material and weapons, and the conclusion of such contracts if the service concerned is to be provided by third parties. Categorization of war material is based on the Munitions List (ML) of the Wassenaar Arrangement (Art. 2 and Annex 1 of the Ordinance on Brokering in Military Material). Accordingly, SALW are subject to War Material Category 1 (hand guns of all calibres) and War Material Category 2 (weapons of all calibres except hand guns listed in category 1). Nevertheless, the latter category does not exclusively include SALW.

Brokering in military material and weapons is subject to a basic, general authorization. Pursuant to this basic authorization, specific authorizations must subsequently be obtained. To grant specific authorizations the following criteria listed in Article 6 of the Ordinance on Brokering in Military Material (LGBl. 2009 No. 73) are taken into account:

- maintenance of peace, international security and regional stability;
- the situation in the country of destination, in particular with regard to the human rights situation and the restraint from using child soldiers;
- the efforts made by Liechtenstein in the area of development cooperation;
- the conduct of the country of destination towards the international community, in particular with regard to compliance with international law;
- the attitude of the countries which are participating with Liechtenstein in international export control regimes.

The Liechtenstein Law on Brokering in Military Material provides for mandatory record-keeping. The records must cover the names and addresses of recipients and contractual partners as well as the dates and objects of business transactions. As part of the record-keeping, it must therefore be possible to produce the following documentation for a period of 10 years: the contracts covering military material brokering and trading in military material and also contracts in respect of transactions involving intangible goods (including know-how) associated with military material.

Oversight over brokering activities is exercised by the Liechtenstein Government (through licensing) and the Liechtenstein National Police (for controls). Based on a court order authorities can enter the business premises of persons required to provide information during regular office hours without prior announcement, to make observations and to access pertinent documents.

According to Article 27 of the Law on Brokering in Military Material violations of the provisions set out in this ordinance (brokering without license, violations of the conditions and requirements of the respective license, incorrect or insufficient

information in an application, refusal to provide information, documentation or access to business premises) are punishable.

Tracing and Marking of SALW

According to Article 25 of the revised Liechtenstein Weapons Act which entered into force 1 July 2009 (LGBL. 2008 No. 285) manufacturers of firearms or substantial components and accessories thereof are obliged to mark these individually for the purpose of identification and traceability. The marking is to be put in a way that can only be modified or removed by mechanical methods. It has to include the individual numerical or alphabetical marking and the name of the manufacturer.

Techniques for the destruction of SALW

Military material

If the legal use of military material is no longer guaranteed, such material may be confiscated by a judge. The material becomes property of the State of Liechtenstein (Articles 38 and 39 of the Swiss War Materials Act are not applicable).

Non-military material

Weapons and munitions which are held in violation of the regulations established by the Weapons Act are confiscated by a court order and become property of the State (Article 47 of the Weapons Act).

Weapon permits and permits to obtain weapons which are in conflict with the regulations established by the Weapons Act are to be confiscated (Article 44 of the Weapons Act).

Destruction

Confiscated weapons for which the possibility of return is excluded are, after a certain period of time, destroyed by crushing by hydraulic press in a civilian recycling company.

GLOBAL LEVEL

International instruments against terrorism and crime

Liechtenstein has ratified and implemented all 16 relevant legal instruments (conventions and protocols) of the United Nations relating to the fight against terrorism. Liechtenstein is also a State party to the 1977 European Convention on the Suppression of Terrorism and of the Amending Protocol of 2003 to this convention. Moreover Liechtenstein supports actively the negotiations on a general convention on international terrorism.

Furthermore, Liechtenstein has ratified the UN Convention against Transnational Organized Crime and two of its additional Protocols (Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and Protocol against the Smuggling of Migrants by Land, Sea and Air).

International cooperation and assistance

Financial assistance provided by Liechtenstein for purposes of supporting the implementation of the Programme of Action

2006

Project	Financing
UNDP; Disarmament, Demobilization and Reintegration programme	CHF 50'000.-
Geneva Centre for the Democratic Control of Armed Forces (DCAF); Secondment	CHF 347'427.-

2007

Project	Financing
UNDP; Disarmament, Demobilization and Reintegration programme	CHF 100'000.-
Geneva Centre for the Democratic Control of Armed Forces (DCAF); Secondment	CHF 352'000.-
Geneva Centre for the Democratic Control of Armed Forces (DCAF); annual contribution	CHF 20'000.-
OSCE; Disarmament Project in Montenegro (special focus on SALW)	CHF 33'000.-

2008

Project	Financing
Geneva Call; "Children and Armed non-State Actor (CANSA)" programme	CHF 30'000.-
UNDP; Disarmament, Demobilization and Reintegration programme	CHF 100'000.-
Geneva Centre for the Democratic Control of Armed Forces (DCAF); Secondment	CHF 433'640.-
Geneva Centre for the Democratic Control of Armed Forces (DCAF); annual contribution	CHF 20'000.-

2009

Project	Financing
Geneva Call; "Children and Armed non-State Actor (CANSA)" programme	CHF 30'000.-
UNDP; Disarmament, Demobilization and Reintegration programme	CHF 90'000.-
Geneva Centre for the Democratic Control of Armed Forces (DCAF); Secondment	CHF 298'550.-
Geneva Centre for the Democratic Control of Armed Forces (DCAF); annual contribution	CHF 20'000.-