

Belarus

Belarus does not possess nuclear, chemical or biological weapons and their means of delivery (weapons of mass destruction).

Belarus does not provide any support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery.

Non state actors

Article 129 of the Criminal Code establishes responsibility for the manufacture, acquisition, storage, transport, transfer and sale of weapons of mass destruction prohibited by the international treaties of Belarus and other prohibited instruments of war or their components and the conduct of research aimed at manufacturing or using such weapons or components. Such acts are punishable by restriction of liberty for 3 to 5 years or deprivation of liberty for 3 to 10 years.

Article 134 also provides responsibility for the use of weapons of mass destruction prohibited by the international treaties of Belarus, which is punishable by deprivation of liberty for 10 to 25 years or life imprisonment or the death penalty.

Articles 322 to 324 of the Criminal Code establish responsibility for illegal actions involving radioactive materials, which, although they are not categorized as weapons of mass destruction, may be used for unlawful purposes.

In accordance with article 294, paragraph 2, of the Criminal Code, stealing nuclear, chemical, biological or other types of weapons of mass destruction or their basic components is punishable by deprivation of liberty for 5 to 10 years, with or without confiscation of property. There are deemed to be aggravating circumstances if this act is committed for the purpose of selling the weapons or components, if it is a repeat offence, if it is committed by a group of persons, by an official using his or her powers, or by a person to whom weapons of mass destruction have been issued for official use or entrusted for protection, or if it involves the use of violence or extortion, or is committed by an organized group. In this article, stealing means the deliberate, unlawful seizure of weapons of mass destruction or of title to such weapons, without compensation, through theft, aggravated theft, robbery, extortion, fraud, abuse of official powers, expropriation, misuse or use of information technology, regardless of whether there is a mercenary motive.

With regard to the punishability of complicity in the commission of these offences (particularly their financing), article 16, paragraph 6, of the Criminal Code, defines an accomplice as a person who facilitates the commission of an offence by giving advice or instructions, supplying information or instruments used to commit the offence, eliminating obstacles or providing other assistance, a person who promises before the offence is committed to conceal the offender, the instruments used to commit the offence, evidence of the offence or items obtained by criminal means, or a person who promises before the offence is committed to acquire or sell such items.

The laws in the Republic regulating financial relations between the State and economic actors (Act "On the budgetary system of the Republic of Belarus and on extra-budgetary funds") ensure complete control over financial flows and preclude the possibility of funds and services being provided to non-State actors that could manufacture or acquire weapons of mass destruction.

Securing the goods

Since 1975, Belarus has been a State party to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction.

In order to fulfill its international obligations under the Convention, Belarus adopted the following legislative acts and other laws and regulations governing the procedures for the handling (including (a) work with, (b) storage, (c) transfer, (d) carriage and (e) transport) of micro-organisms, biological agents and toxins hazardous to humans, animals and plants:

Act of the Republic of Belarus of 23 November 1993 "On the medical and epidemiological welfare of the population";

Act of the Republic of Belarus of 2 December 1994 "On veterinary matters";

Act of the Republic of Belarus of 25 November 1993 "On waste";

Decision No. 1807 of the Council of Ministers of the Republic of Belarus of 14 December 2001 "On improving the State system for the sanitary regulation and registration of chemical and biological substances, materials and articles made from such substances, products for industrial and military use, goods for personal use and foodstuffs";

Decision No. 1481 of the Council of Ministers of the Republic of Belarus of 24 October 2002 "On the State pesticides programme for 2003-2006 and subsequent years".

In addition, the State security agencies thoroughly analyze all instances in which radioactive, chemical and other substances are discovered in the territory of Belarus on account of their potential use for terrorist and other extremist ends. Effective counter-intelligence is organized at facilities where there are radioactive materials and chemicals, primarily for early-warning purposes.

Customs

The Act "On Export Controls" of 6 January 1998 is the basic legislation relating to export controls. The Act sets out the legal bases and the powers of government agencies and legal and natural persons in the sphere of export controls, as well as the purposes, fundamental principles and concepts of the export-control system and a schedule of controlled items (goods, services).

Lists of items

Human, animal and plant disease-causing agents (pathogens), genetically modified forms thereof, fragments of genetic material and equipment that can be used in the production of bacteriological (biological) and toxin weapons;

Equipment, materials and technologies used in the production of missile weapons and other means of delivery of nuclear, chemical, bacteriological (biological) and toxin weapons;

Dual-use goods and technologies; Products intended for military use; Means of encipherment (work or services), including ciphertechnology together with special technical devices intended for the private transmission of information.

Lists of scheduled items (work, services) are approved by decision of the State Military and Industrial Committee and of the State Customs Committee.

The lists are based on the lists of international non-proliferation regimes and the relevant international treaties.

Under the agreement between the Government of the Republic of Belarus and the Government of the Russian Federation "On unified export control procedures", the Russian Federation and the Republic of Belarus have agreed to implement export controls on the basis of standardized lists of export control items, such that the lists must correspond to the control lists of the international non-proliferation regimes, irrespective of whether the contracting parties are parties to them.