

Kazakhstan

Attempts to illicitly transfer weapons, explosive, poisonous or psychotropic substances and radioactive material across the State border are detected, prevented and suppressed, in accordance with article 7 of the Act of the Republic of Kazakhstan "On measures to combat terrorism" of 13 July 1999, as amended by the Act of the Republic of Kazakhstan of 19 February 2002.

Under article 243 of the Criminal Code of the Republic of Kazakhstan of 16 July 1997, the illegal export of technology, scientific and technical data and services that could be used in the production of weapons of mass destruction and their means of delivery and arms and military hardware subject to special export controls is punishable by deprivation of liberty for 3 to 10 years.

Article 250 (Smuggling of items withdrawn from circulation or items with restricted circulation) prohibits the illicit transfer across the State customs border of toxic, poisonous, radioactive or explosive substances, arms, military hardware, explosive devices, firearms and ammunition, nuclear, chemical, biological and other weapons of mass destruction and materials and equipment that could be used in the production of weapons of mass destruction.

Weapons are an important component of Kazakhstan's policy on non-proliferation of weapons of mass destruction.

At a meeting held in September 2004 under the chairmanship of the Minister for Foreign Affairs, the interdepartmental commission on foreign policy issues of the Security Council of Kazakhstan considered measures to prevent international terrorism and illegal migration and promote international cooperation in the field of export control. It was decided to develop a plan of action for the further enhancement of the Republic's export control system, providing for the introduction of an automated export control system, strengthening of customs controls and in service training for officials of government agencies involved in export control activities.

The foundations of Kazakhstan's export control system were laid in March 1993 with the adoption of Decision No. 183 of the Cabinet of Ministers of Kazakhstan "On the export and import of nuclear material, technology, equipment and facilities, special non-nuclear material, dual-use equipment, materials and technology, sources of radioactive emanation and isotope products".

The implementation of this text created conditions for the development of effective State controls on activities in the nuclear sphere and the introduction of an automated system of accounting for nuclear material, both within enterprises and at the national level.

The next step was the issuance in March 1995 of a government decision defining categories and lists of goods subject to export controls, including arms, raw materials and supplies for the production of arms, nuclear material, and dual-use goods, technology and equipment that could be used in the production of missile, chemical and bacteriological weapons.

Building on all the previous laws and regulations, in 1997 the President signed the Decree Law "On licensing", establishing the procedure for the issuance of licences for export-import operations and defining the rights and duties of both the licensing body and the applicant.

In August 1999 rules were elaborated on the issuance by the Government of permits for the transit through the territory of Kazakhstan of goods subject to export controls, pursuant to Government Decision No. 1143 "On specific issues relating to the transit of goods subject to export controls".

In December 1999 the State Commission for Export Control was established, in accordance with Government Decision No. 1917 "On the enhancement of the export control system of the Republic of Kazakhstan".

In 1996 Kazakhstan was one of the first countries of the Commonwealth of Independent States (CIS) to adopt an Act "On export controls on arms, military hardware and dual-use goods"; this Act became the cornerstone of the national export regulation system. Pursuant to the Act, a list was drawn up of goods that could not be exported or imported without government authorization. Licensing procedures were approved, as well as a set of safeguards to ensure that exported goods were used only for the purpose stated. A mechanism was developed to monitor compliance with the rules, and responsibility was established for violating them.

The Act was amended and supplemented in 2000 in order to broaden its scope of application. Such concepts as comprehensive and intra-firm monitoring were introduced, and definitions were established of the powers of the President of Kazakhstan, particularly with respect to the imposition and lifting of embargoes on the supply of dual-use goods.

Article 2 of the Act establishes the following principles for the implementation of the State export control policy:

- Compliance with international commitments relating to non-proliferation of weapons of mass destruction, other types of dangerous weapons and their means of delivery
- Primacy of political interests in the implementation of export controls
- Verification of the end use of goods subject to export controls within the framework of the non-proliferation regime and in accordance with international commitments
- Accessibility of information on export control legislation
- Prevention of access to support for international terrorism
- Coordination of efforts and cooperation with international organizations and foreign States in the field of export control
- Conformity of export control procedures and rules with universally recognized international norms and practices.

In article 6 of the Act, lists of goods subject to export controls are established and approved.

They include:

Pathogens, genetically modified forms thereof and fragments of genetic material that could be used in the production of bacteriological (biological) and toxin weapons, according to the lists established by international nonproliferation regimes;

Other types of dangerous weapons;

- Scientific and technical data, services and intellectual property relating to military goods and dual-use technology.

In accordance with article 4, the Act is applicable to the export, re-export, import, re-import and transit of the goods referred to in article 6.

Kazakhstan supports international efforts for the effective implementation of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction and intends to contribute further to strengthening the non-proliferation regime for this type of weapon.

Kazakhstan is pursuing the internal procedures necessary for accession to the Biological Weapons Convention.