

Kyrgyzstan

The accession by the Kyrgyz Republic to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction was another clear sign of Kyrgyzstan's commitment to a policy of non-proliferation of weapons of mass destruction. **

In line with the requirements of the Act on export controls adopted in January 2003, the legislative basis has been established for an export control system with respect to raw materials, material, equipment, technologies and dual-use items that could be used to produce weapons of mass destruction and their means of delivery.

Decree No. 121-r of the Government of the Kyrgyz Republic, of 17 March 2003, established a standing interdepartmental working group of experts on export control, including specialists from the Ministry of Defence, the Ministry of Foreign Trade and Industry, the Ministry of Foreign Affairs, the Ministry of Finance, the Ministry of Justice, the National Security Service, the Border Service, the Customs Department of the Ministry of Finance and the National Academy of Sciences, in order to implement the Act on export controls, establish the necessary regulatory and legal basis for the introduction of an export control system for dual-use items, individual types of raw materials, material, equipment and technologies, scientific and technical information and services that may be used for the production of weapons of mass destruction, their means of delivery and other kinds of weapons and military equipment as well as draft proposals for the compilation of a national control on all kinds of controlled items. The working group is drafting proposals to establish and enhance the entire regulatory basis that is required in accordance with the Act adopted

A draft decree of the President of the Kyrgyz Republic on measures for the further development of military and technical cooperation between the Kyrgyz Republic and foreign States and the introduction of a national export control system which had been prepared by the working group, was signed by the Head of State in August 2003. The Decree established the Commission on military and technical cooperation and export control. The Commission's main responsibilities include coordinating the work of State administrative bodies and foreign trade actors with respect to export control, ensuring implementation of State policy in that area, and monitoring compliance with international agreements and regulatory and legal instruments of the Kyrgyz Republic in the area of export control.

Furthermore, the following regulatory instruments were developed by the working group and approved by Government decision No. 330 of 4 May 2004:

- Regulation on the Commission on military and technical cooperation and export control (which provides for the establishment of a single coordinating body in the area of export control and military and technical cooperation);
- Regulation on the export control system in the Kyrgyz Republic with respect to controlled goods (which provides for a uniform export control system and a mechanism for its implementation, by various State bodies and services, and a procedure for reviewing and coordinating the decisions taken by them and verifying and monitoring the end use of controlled items);
- A procedure for issuing permits for the transit of goods subject to export control through the territory of the Kyrgyz Republic (which provides for a

mechanism for cooperation among the control agencies and a procedure for organizing inspections of transit cargo and issuing transit permits).

It should be noted that in order to ensure the effective implementation of the Act on export controls, the *Zhogorku Kenesh* introduced a proposal (bill) on the establishment of criminal and administrative liability for violating the export control system, which is currently under consideration.

At the same time several other legislative acts (Acts on licensing and on State regulation of foreign trade activity) were brought in line with the Act on export controls.

Work is now being done to draft a national control list of controlled items.

It should be noted that the work on the preparation of the national control list is drawing on international experience. The working group has studied the experience and lists of such countries as the Russian Federation, Kazakhstan and Belarus, as well as the European Union model export control list and international export control regimes.

One of the most important factors for ensuring an effective export control system is the need to strengthen the physical protection of State borders. Border and customs service personnel are required to undergo regular training, and the posts are being modernized and now correspond to current realities.

In December 2003, by a Decree of the President of Kyrgyzstan, an independent Border Service of the Kyrgyz Republic was established, based on the Main Border Protection Administration which had formerly been part of the Ministry of Defence.

Despite its relatively "young" age, the Border Service has already proved its Worth, and has been actively involved in efforts to establish an effective export control system.

The Border Service is taking a number of measures to detect and suppress any illegal activity on the State borders of the Kyrgyz Republic. In particular, it is regularly conducting special border operations aimed at detecting and arresting violators of the State border regime, persons affiliated with international terrorist organizations and also persons involved in smuggling weapons, drugs and other items and substances that are prohibited from being imported into or exported from the territory of the Kyrgyz Republic. The Border Service is taking steps to reconfigure existing border crossing points of the Kyrgyz Republic in accordance with international standards and supply them with modern equipment, and is also working to open new crossing points.

The Government of the United States of America has extended assistance to Kyrgyzstan, free of charge, within the framework of the Export Control and Related Border Security Assistance Program, to ensure border security and strengthen the relevant agencies of the Kyrgyz Republic through material and technical means (such as radio stations and devices for detecting border violations).

At the same time, the Kyrgyz Republic urgently requires the necessary technical resources and financial and methodological assistance to make its export control system fully functional.

The Kyrgyz Republic is fully prepared to engage in dialogue and cooperation in the area of non-proliferation of weapons of mass destruction and their means of delivery and to take joint measures to prevent illicit trafficking in them.

Kyrgyzstan will continue to work actively to implement the provisions of Security Council resolution 1540 (2004).