

Liechtenstein

Treaties

Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction of 10 April 1972

Liechtenstein does not provide any form of 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. Such support would be contrary to the Liechtenstein legislation, the international obligations Liechtenstein has entered into and to the policy it pursues at the international level.

Liechtenstein ratified the Biological Weapons Convention and the Chemical Weapons Convention in 1991 and 1999 respectively. It supports the above mentioned organizations and conventions by paying its assessed contributions fully and on time. Furthermore it submits periodic national reports where requested.

Under article 7 of the Swiss Federal Law on War Material the development, production, indirect transfer, acquisition, import, export, transit and stockpiling of nuclear, biological and chemical weapons is forbidden, as well as aiding and abetting. This article is also applicable to offences committed abroad if they are in violation of rules of international law by which Switzerland is bound and if the offender is of Swiss nationality or domiciled in Switzerland. The same applies with regard to offenders of Liechtenstein nationality or offenders who are domiciled in Liechtenstein. According to article 34 violations of article 7 shall be punished with imprisonment up to 10 years and fines up to 5 million Swiss Francs. It is also punishable to attempt to engage in any of the mentioned activities or to participate in them. The Convention for the Suppression of the Financing of Terrorism specifies that even attempted financing of terrorism within the meaning of the Convention shall be criminalized and that the punishability of financing of terrorism shall not be made dependent on the actual use of the financial means for perpetrating one of the named criminal acts. Article 278d of the Liechtenstein Criminal Code serves as catch-all clause for this purpose. The provision and collection of assets for the purpose of perpetrating a criminal act listed in the individual subparagraphs is punishable. Assets include in particular legally relevant papers and documents (including electronic and digital) substantiating the right to such assets or rights pertaining to such items. Indirect intent is sufficient for commission of the act as is the intent to use the assets only partially for the illegal purpose.

Liechtenstein does not maintain armed forces and has never developed, produced, acquired, possessed or stockpiled nuclear, chemical or biological weapons and their means of delivery.

Enterprises and institutions working with nuclear, chemical or biological material are subject to the reporting obligations and inspections provided for in the international instruments Liechtenstein is a party to.

Border Patrol

Article 7 forbids brokerage of nuclear, biological or chemical weapons as well as aiding and abetting the aforementioned actions. This article is also applicable to offences committed abroad if they violate rules of international law by which

Liechtenstein is bound and if the offender is of Liechtenstein nationality or domiciled in Liechtenstein. Sanctions consist of fines up to one million Swiss Francs. The competent supervisory organ is the Liechtenstein Police. Regarding law enforcement outside the scope the Ordinance on the Brokerage of War Materials, reference is made again to the customs union with Switzerland. The customs and border controls are conducted by Swiss authorities in accordance with Swiss law.

Dual-Use Export

Export, import and transit of goods are covered by the Customs Treaty and are thus subject to Swiss law. Switzerland maintains strict and efficient export controls on dual-use goods which might be used in weapons of mass destruction programs and/or conventional weapons programs. The legal basis is the Law on the Control of Goods Usable for Civilian and Military Purposes and Specific Military Goods which is complemented by the Ordinance concerning the Export, Import and Transit of Dual-Use Goods and Specific Military Goods and the Ordinance on the Control of Chemicals with Civilian and Military Use. The law and its ordinances require exporters to apply for an export permit for certain sensitive goods which are listed in the annexes of the ordinances. The competent authority, the Swiss State secretariat for Economic Affairs (seco), denies such a permit if the activity applied for violates international agreements, non-binding international control measures or embargoes. A permit is also denied if there is reason to assume that the activity applied for would support terrorist groups or organized crime. The Ordinance concerning the Export, Import and Transit of Dual-Use Goods and Specific Military Goods further specifies that a permit shall be denied if there is reason to assume that the goods in question:

- a) are to be used for the development, production or use of biological or chemical weapons;
- b) serve for the development, production or use of nuclear weapons or of unmanned missiles for the delivery of NBC weapons or the proliferation of such weapons;
- c) contribute to the conventional armaments of a State which through its behaviour endangers regional or global security.

Furthermore, the Ordinance concerning the Export, Import and Transit of Dual-Use Goods and Specific Military Goods contains a catch-all clause. Any planned exports not subject to a permit requirement must be reported to the seco if the exporter knows or has been informed by the authorities that the goods are or could be intended for a program for weapons of mass destruction or their means of delivery. Individuals or legal entities which apply for a permit or have received a permit have to provide all information to the authorities and submit documentation necessary for a comprehensive evaluation or control. The requested documentation includes company profiles, confirmation of orders, sales contracts or customer bills, exporter's end-use statements, import certificates of the country of destination and consignee's end-use statements. Article 21 of the Ordinance provides for mandatory record-keeping for a period of five years.

Dual-Use Transit

Dual-use goods may not be transported through the combined Liechtenstein/Swiss customs territory if the shipment is not proven to be in accordance with the relevant regulations of the country of origin. If there is reason to believe that the transit violates international control measures supported by Switzerland seco prohibits the transit.