

**Security Council**

Distr.: General  
30 December 2019

Original: English

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**Security Council Committee established pursuant to  
resolution [1540 \(2004\)](#)****Note verbale dated 27 December 2019 from the Permanent  
Mission of Kazakhstan to the United Nations addressed to the  
Chair of the Committee**

The Permanent Mission of the Republic of Kazakhstan to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution [1540 \(2004\)](#) and, with reference to the Chair's letter dated 18 March 2019, has the honour to transmit herewith the updated national report of the Government of the Republic of Kazakhstan on the implementation of Security Council resolution [1540 \(2004\)](#) (see annex).



**Annex to the note verbale dated 27 December 2019 from the Permanent Mission of Kazakhstan to the United Nations addressed to the Chair of the Committee**

[Original: Russian]

**Report of Kazakhstan on the implementation of Security Council resolution 1540 (2004)**

Kazakhstan continues to support Security Council resolution 1540 (2004) and takes appropriate and effective measures to prevent proliferation, in all its aspects, of all weapons of mass destruction and their means of delivery, including preventing their proliferation to non-State actors.

Kazakhstan has reaffirmed many times that the policies of Kazakhstan on disarmament and the non-proliferation of weapons of mass destruction are determined in accordance with its foreign policy, which is based on a commitment to strengthening international security, developing cooperation among States and increasing the role of international organizations in resolving global problems and conflicts.

The foreign policy framework of Kazakhstan for 2014–2015, pursuant to Presidential Decree No. 741 of 21 January 2014, provides for:

- Efforts to achieve a world without nuclear weapons and other weapons of mass destruction;
- Participation in the development of multilateral mechanisms, with a view to strengthening non-proliferation regimes and achieving the complete prohibition and destruction of such weapons;
- Efforts to create nuclear-weapon-free zones in different parts of the world.

Concerned by the threat of terrorism and the risk that non-State actors may acquire, develop, traffic in or use nuclear, chemical or biological weapons and their means of delivery, Kazakhstan:

- Established the Counter-Terrorism Centre of the Republic of Kazakhstan in 2013, the main purpose of which is to develop conceptual approaches, identify key priorities and develop measures aimed at further strengthening interdepartmental cooperation and the national system for combating terrorism and religious extremism in general;
- Ratified 19 conventions aimed at combating international terrorism.

**National legislation**

One of the main principles of State policy in the sphere of export control is compliance with international treaties on the non-proliferation of nuclear weapons and the prohibition of chemical, biological and other types of weapons of mass destruction.

To that end, Act No. 300 of 21 July 2007 on export control is in force in Kazakhstan.

This Act contains the main guidelines for upholding and implementing the following commitments undertaken on the non-proliferation of weapons of mass destruction, their means of delivery and arms and military equipment:

- The procedure for the export, re-export, import and transit of dual-use and military items, and for end-user controls and transfer to third parties;
- The legal basis and the powers of government agencies and legal and natural persons of Kazakhstan in the field of export control, as well as goals and basic principles;
- Catch-all controls.

National legislation contains effective mechanisms that provide liability for offences relating directly or indirectly to weapons of mass destruction, as well as measures to prevent and combat such offences. These mechanisms include:

- Criminal Code No. 226-V of 3 July 2014;
- Counter-Terrorism Act No. 416 of 13 July 1999;
- Act No. 70-V of 16 January 2013 on the State border of the Republic of Kazakhstan;
- Code No. 123-VI of 26 December 2017 on customs regulations in the Republic of Kazakhstan;
- Act No. 104-VI of 31 October 2017 on the ratification of the Arms Trade Treaty (regarding the support of international efforts to combat illicit arms trafficking);
- Code No. 235-V of 5 July 2014 on administrative violations.

The list of items subject to export control was approved by Government Decision No. 104 of 5 February 2008.

The list of items subject to export control in Kazakhstan was developed on the basis of the following lists of international export control regimes:

- Nuclear Suppliers Group;
- Wassenaar Arrangement;
- Australia Group;
- Missile Technology Control Regime.

This list is updated on an ongoing basis. The last update was on 14 May 2018.

## **Nuclear**

In order to apply safeguards to all nuclear materials and prevent their diversion for military purposes, Kazakhstan ratified an agreement with the International Atomic Energy Agency in 1995 for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons.

In accordance with Acting Minister of Energy Order No. 59 of 12 February 2016 approving the rules for State accounting of ionizing radiation sources, the accounting of radioactive substances is performed when these exceed the minimum value established by Minister of National Economy Order No. 155 of 27 February 2015 approving hygienic standards for sanitary and epidemiological radiation safety requirements.

Furthermore, in accordance with Minister of Energy Order No. 44 of 9 February 2016 approving the rules for State accounting of nuclear materials, State accounting is performed both for nuclear materials that have not reached the composition and purity required for the manufacture of nuclear fuel or for uranium U-235 isotope enrichment (uranium production), and for nuclear materials that have reached the

composition and purity required for the manufacture of nuclear fuel or for U-235 isotope enrichment.

### **Chemical**

Kazakhstan signed the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction in January 1993.

In order to fulfil its international obligations, Kazakhstan:

- Ratified the Chemical Weapons Convention (Act No. 398 of 24 June 1999);
- Approved a list of poisons, the production, processing, acquisition, storage, sale, use and destruction of which are subject to licensing (list A), adopted by Kazakhstan as a State Party to the Chemical Weapons Convention (Government Decision No. 59 of 16 February 2015);
- Made a voluntary contribution in 2019 for the construction of the Centre for Chemistry and Technology of the Organisation for the Prohibition of Chemical Weapons.

### **Biological**

The Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction was ratified by Act No. 245 of 7 May 2007.

Within the framework of agreed confidence-building measures and in accordance with its international obligations, Kazakhstan annually submits information to the United Nations on activities in the biological sphere, which contributes to greater openness and predictability in this area.

The national legal framework on compliance with the Biological Weapons Convention in Kazakhstan is quite extensive and includes presidential decrees and orders, government resolutions and decisions, regulations and sanitary norms, methodical guidelines and recommendations, and interdepartmental and intradepartmental normative acts that generally ensure biological safety and export control rules.

The Masgut Aikimbayev National Scientific Centre of Especially Dangerous Infections within the Ministry of Health is a State-owned enterprise operating on the basis of the right of economic management. It carries out research into the non-proliferation, prophylaxis and prevention of quarantine and zoonotic diseases, produces medical immunobiological preparations and provides training to specialists from the countries of Central Asia and the Caucasus on especially dangerous infections.

The Biological Safety Research Institute, a State enterprise operating under the Science Committee of the Ministry of Education, carries out the following tasks:

- The development of biological safety plans, anti-epidemic and anti-epizootic measures, and action plans to combat biological terrorism involving the use of pathogens of extremely dangerous infectious diseases;
- The development and improvement of technologies for preventive, diagnostic and medical treatment against infectious diseases affecting humans, animals, birds and plants;
- The monitoring, in Kazakhstan and neighbouring States, of particularly dangerous infectious diseases affecting humans and animals.

The Republican Collection of Microorganisms is a State enterprise operating under the Science Committee of the Ministry of Education. It develops modern technologies for the maintenance of viable biological activity and organizes the centralized accounting and control of the movement of collection cultures of industrial microorganisms. The Republican Collection of Microorganisms performs the service of certifying, depositing and safely storing valuable cultures of industrial microorganisms, including those obtained from other organizations, as well as checking their purity and viability.

The National Reference Centre for Veterinary Medicine is a State enterprise operating under the Committee of Veterinary Control and Supervision of the Ministry of Agriculture. It carries out the reference work involved in the diagnosis of animal diseases and food safety.

In order to provide biological protection for personnel and prevent the release of dangerous pathogens into the environment, laboratories are equipped with decontamination facilities by means of disinfectants and waste disposal (through autoclave thermal treatment). The air in the premises is disinfected by a supply and exhaust ventilation system that uses high-efficiency particulate air (HEPA) filters.

### **Physical protection**

The physical protection of nuclear material in Kazakhstan is governed by Act No. 442-V of 12 January 2016 on the use of atomic energy and by Minister of Energy Order No. 40 of 8 February 2016 approving regulations for the physical protection of nuclear materials and nuclear facilities, the development of which took into account the provisions of the Convention on the Physical Protection of Nuclear Material and Nuclear Facilities.

The Internal Troops of the Republic of Kazakhstan Act was signed on 23 June 1992 and special military units were established to protect important State facilities. Government Decision No. 525-23 approving the list of strategic facilities was adopted on 22 June 1993, whereby special military units were instructed to take the necessary measures to guard and physically protect restricted, highly secure and protected premises or areas. Internal troops of the Ministry of Internal Affairs have provided protection for the “Degelen”, “Aktan Berli” and “RBSH-2” sites at the former Semipalatinsk test site since 2008.

Since February 2009 the facilities at the former Semipalatinsk test site have been guarded by the internal troops, which in 2015 were transformed into the National Guard. One of the main tasks of the National Guard is to protect important State facilities and special cargoes. Important State facilities include nuclear installations and most of the facilities at the former Semipalatinsk test site. No accidents or theft of equipment or components from nuclear facilities have occurred over this period. Supplementary measures are currently being implemented to ensure the security of strategic facilities.

### **Border control**

Effective measures are implemented to prevent the proliferation of nuclear, chemical or biological weapons and their means of delivery by establishing appropriate control over related materials. In Kazakhstan, State revenue agencies monitor the movement across the State border of items used in the creation of weapons of mass destruction and their means of delivery as well as arms and military equipment. These agencies are tasked with detecting, preventing and suppressing criminal and administrative violations and conducting radio controls at entry and other points for the movement of goods across the customs border of the Eurasian Economic Union.

On 25 July 2016, the First Deputy Prime Minister instructed the Ministry of Finance to take all necessary measures with States members of the Eurasian Economic Union in order to strengthen export controls at the State border of Kazakhstan.

To comply with this instruction, the State Revenue Committee of the Ministry of Finance established the Export Control Office in 2017.

As part of the measures taken to restructure the State Revenue Committee of the Ministry of Finance, export control offices were established within local agencies in 2018 and officials from these subdivisions were deployed to 37 vehicle checkpoints on the State border.

In addition, risk profiles for goods related to the creation of weapons of mass destruction were developed and introduced by category (nuclear, radioactive, chemical, biological materials and toxins) into the Astana-1 information system for electronic customs declarations of the State Revenue Committee of the Ministry of Finance.

Kazakhstan is continuously implementing measures to improve the system of State border protection, including operational cover and border control, and to develop infrastructure and technical equipment.

In accordance with article 67, paragraph 1, subparagraph 33, of the State Border Act, the Border Guard Service of the National Security Committee is responsible for carrying out radiation monitoring at checkpoints where there are no State revenue agencies (on the border with the Russian Federation and with Kyrgyzstan).

Of the 58 checkpoints currently in operation (the 30 roadway and 20 railway checkpoints on the Kazakhstan-Russian border, and the seven roadway checkpoints and one railway checkpoint on the Kazakhstan-Kyrgyzstan border), 33 are equipped with stationary radiation monitoring systems.

In addition, 12 sets of radiation detectors and scanners in the form of backpacks (the “Thermo FHT 1377 PackEye backpack” and the “Atomtex AT6101C”) are used at railway checkpoints. The Border Guard Service of the National Security Committee is also equipped with 12 mobile radiation monitoring systems mounted on Ford Transit vehicles.

### **International cooperation**

The election of Kazakhstan as a non-permanent member of the Security Council in 2017–2018 demonstrates the trust that the international community places in our country and its commitment to peace. This is also a recognition of our initiatives and proposals to strengthen the role of the United Nations in maintaining global peace and security.

Kazakhstan was the first State to have represented the Central Asian subregion in that body, which is responsible for international peace and security.

Kazakhstan supports efforts aimed at creating effective barriers to prevent weapons of mass destruction and their means of delivery from falling into the hands of non-State actors, as well as efforts aimed at countering international terrorism.

Kazakhstan contributes to the fullest extent to the development of peace and the strengthening of international security in accordance with the commitments that it has made pursuant to Security Council resolution [1540 \(2004\)](#). This includes the following:

- Kazakhstan 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;

- Kazakhstan does not possess nuclear, chemical or biological weapons or their means of delivery.

Realizing that the provisions of all regimes, agreements and treaties on the non-proliferation of weapons of mass destruction cannot be fully or effectively implemented without international and regional cooperation among countries, Kazakhstan supports the provision of reciprocal advisory assistance among countries in order to improve the legal framework for countering the proliferation of weapons of mass destruction and their means of delivery.

Attaching importance to this, Kazakhstan has ratified and implemented the following international agreements in its legislative system:

- Treaty on the Non-Proliferation of Nuclear Weapons;
- Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction;
- Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction;
- Comprehensive Nuclear-Test-Ban Treaty;
- Convention on the Physical Protection of Nuclear Material and Nuclear Facilities;
- Convention on Nuclear Safety;
- International Convention for the Suppression of Acts of Nuclear Terrorism;
- Nuclear Suppliers Group;
- Safeguards Agreement with the International Atomic Energy Agency.

Kazakhstan undertook the following activities in 2019 within the framework of cooperation and for the purpose of jointly coordinated action to combat the proliferation of weapons of mass destruction, their means of delivery and arms:

- Participation in a workshop on the implementation of Security Council resolution [1540 \(2004\)](#) held on 3 and 4 April in Minsk, Belarus;
- Hosting of a seminar for Central Asia and Mongolia on the implementation of the Arms Trade Treaty held on 3 and 4 July in Nur-Sultan;
- Holding on 25 and 26 July of a seminar of the weapons of mass destruction Proliferation Security Initiative, known as the “Krakow Initiative”, within the framework of bilateral cooperation between Kazakhstan and the Embassy of the United States of America;
- Holding on 17 and 18 September of a regional seminar for the Caucasus and Central Asia with the participation of Georgia, Kyrgyzstan, Latvia, Tajikistan and Uzbekistan, within the framework of bilateral cooperation between Kazakhstan and the Federal Office for Economic Affairs and Export Control of Germany;
- Holding on 18 and 19 September of a training course on the use of the Risk Report database (Wisconsin Project on Nuclear Arms Control).

Within the framework of cooperation with the United States Department of Energy, work is under way to equip sections of the State border with additional radiation monitoring equipment. Regular training sessions and seminars are held to improve competence in combating the smuggling of nuclear and radioactive materials.

### **Improvement plans**

In order to improve and maintain appropriate and effective national measures in keeping with its obligations, Kazakhstan is developing draft laws that further strengthen the national export control system in terms of controls over the provision of brokering services and technical assistance for dual-use and military goods.

A draft law has been developed amending certain legislative acts of Kazakhstan related to combating the legalization (laundering) of the proceeds of crime and the financing of terrorism. It is currently under consideration in the lower house of parliament of Kazakhstan.

The draft law provides for the following measures to implement Security Council resolution 1540 (2004) related to preventing, hindering and halting the proliferation of weapons of mass destruction and their financing:

- (a) Compilation of a list of organizations and individuals associated with financing the proliferation of weapons of mass destruction;
- (b) Adoption of measures to freeze transactions involving money and/or other assets with respect to persons included in the list;
- (c) Receipt, by the authorized body for financial monitoring of Kazakhstan, of export control documents and information from foreign trade actors and State bodies of the export control system;
- (d) Notification to the Security Council Committee when persons included in the list cross the State border;
- (e) A decision whether or not to conduct a transaction if at least one of the parties thereto is a person included in the list and the transaction is conducted within the framework of agreements concluded before such persons were included in the list.

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