

**Security Council**

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**Security Council Committee established
pursuant to resolution 1540 (2004)****Letter dated 16 January 2006 from the Permanent
Representative of Liechtenstein to the United Nations
addressed to the Chairman of the Committee**

With reference to your letter dated 15 November 2005, I have the honour to forward herewith additional information provided by Liechtenstein, including in the form of an updated matrix (see annex). In areas which are regulated by laws and regulations under the umbrella of the 1923 Customs Union Agreement with Switzerland, the information included in the matrix is identical to the information provided to the Committee by Switzerland. Insofar as the attached matrix contains information identified by the Committee itself, Liechtenstein does consent to retain such information, as requested in your letter.

We trust that this information will be useful for the Committee, and underline our continued commitment to cooperate with the Committee and to provide further information as needed.

(Signed) Christian **Wenaweser**
Ambassador
Permanent Representative

Annex to the letter dated 16 January 2006 from the Permanent Representative of Liechtenstein to the United Nations addressed to the Chairman of the Committee

Implementation of Security Council resolution 1540 (2004)

Additional information provided by Liechtenstein

General remark

On 23 March 1923 Switzerland and the Principality of Liechtenstein concluded a Customs Union Agreement under which the national territories of Switzerland and the Principality of Liechtenstein form a common customs area. For this reason a great number of Swiss laws are applicable in Liechtenstein. The application of these laws in Liechtenstein is limited to regulations concerning import, export or transit through the combined Swiss/Liechtenstein customs territory.

1. National legislation to prohibit **non-state actors** from pursuing any activity related to WMD and their means of delivery as well as attempts to engage in any such activities

Article 7 of the Swiss Law on War Materials (514.51) which is also applicable in Liechtenstein prohibits any activity related to WMD whatsoever by whomsoever as well as any activity facilitating such actions, and thus includes non-state actors. It applies to all Swiss citizens and people living in Switzerland irrespective of the country in which they carry out these activities. The same applies with regard to offenders of Liechtenstein nationality or offenders who are domiciled in Liechtenstein:

Article 7: Nuclear, biological, and chemical weapons

1. It is forbidden to:

a. develop, manufacture, procure as an intermediary, acquire, hand over to anyone, import, export, transit, or store nuclear, biological, or chemical weapons (NBC weapons) or to dispose of them in any other way;

b. incite anyone to commit an act mentioned in subparagraph a.;

c. facilitate the commission of an act mentioned in subparagraph a.

2. Do not fall under the scope of this prohibition acts that are intended to:

a. enable the competent agencies to destroy NBC weapons, or

b. ensure the protection against the effects of NBC weapons or combat these effects.

3. The prohibition applies also to acts committed abroad, notwithstanding the law applicable in the place of commission, if:

a. these acts violate agreements of international law to which Switzerland is a party, and

b. the author is Swiss or domiciled in Switzerland.

Article 34 of the same Law establishes the relevant penalties and Article 36 stipulates that even attempts to commit any offence related to WMD are subject to prosecution:

Article 34: Infractions to the prohibition on nuclear, biological, and chemical weapons

1. Will be punished to a confinement for up to ten years at the most or imprisonment any person who, intentionally and without being able to invoke one of the exceptions mentioned in article 7, paragraph 2:

a. develops, manufactures, procures as an intermediary, acquires, hands over to anyone, imports, exports, transits, stores nuclear, biological or chemical weapons (NBC weapons), or disposes of them in any other way,

b. incites anyone to commit an act mentioned at subparagraph a., or facilitates the accomplishment of an act mentioned at subparagraph a.

c. facilitates the accomplishment of an act mentioned at subparagraph a.

2. The confinement or imprisonment can be accompanied by a fine of up to five million francs.

3. If the author commits the acts out of negligence, the penalty will be of imprisonment of twelve months at the most or a fine of up to 500,000 francs.

4. Any act committed abroad is punishable, notwithstanding the applicable law of the place of commission:

a. if it violates international law agreements to which Switzerland is a party, and

b. its author is Swiss or domiciled in Switzerland.

2. Laws and regulations

2.1. Laws to secure and protect WMD and their means of delivery

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.

2.2. Border controls to detect illicit trafficking of WMD

The customs and border controls are conducted by Swiss authorities in accordance with Swiss law. Border controls for the detection of illicit trafficking of WMD are in place. In such cases, Customs Law applies. Article 76 of the Swiss Customs Law (631.0) states that it is a criminal offence to export, import or transit goods that are controlled under other laws without the appropriate licence. This provision is mirrored in article 14 of the Law on the Control of Dual Use Goods and Military Goods which sets the penalties for this kind of offence. Further references to border controls are made in article 11 of the same law and in article 26 of the Ordinance on the Control of the Export, Import and Transit of Dual Use Goods and Specific Military Goods.

2.3. National export and trans-shipment controls:

For trans-shipment, see article 7 of the Law on War Materials which prohibits the trans-shipment of WMD.

National export controls: In general, national export controls are regulated by the Swiss Federal Law on the Control of Dual Use Goods and Specific Military Goods (946.202) and the Ordinance on the Export, Import and Transit of Dual Use Goods and Specific Military Goods (946.202.1).

3. Enforcing penalties for export control laws

Article 14 of the Swiss Law on the Control of Dual Use Goods establishes penalties of up to 5 million Swiss francs and imprisonment for up to 10 years for offences in connection with controlled goods.

4. Strengthening of multilateral non-proliferation treaties

Liechtenstein is of the opinion that the existing regime of multilateral treaties must constitute the basis for work in the area of non-proliferation. Full implementation, universal acceptance and where necessary strengthening of the existing instruments, in particular in the field of verification and monitoring, are indispensable elements of the long-term efforts to work towards the elimination of weapons of mass destruction.

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Comments on the Matrix attached to the Chairman of the Committee's letter dated 15 November 2005

Pages 15, 17 and 19, Question 1

- See point 2.2. above.

Pages 15, 17 and 19, Question 5

- See point 2.3. above.

Page 21, Question 6

- The Liechtenstein police participates in the "Prophylax" program launched by the Swiss Federal police. "Prophylax" is aimed at making companies aware of the dangers of proliferation. Members of the police visit companies that sell products which might be used in WMD or missile programs.
- The Swiss Customs Administration uses an Advanced Cargo Information System for risk assessment, pre-screening, and preliminary criminal investigations. Customs officers are briefed regularly on methods to combat proliferation.