



**NBD / 164 / 2016**

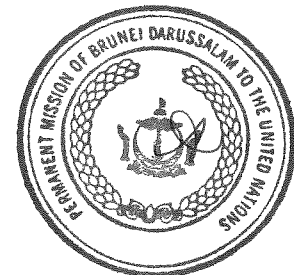
The Permanent Mission of Brunei Darussalam presents its compliments to the Secretariat of the Security Council Committee established pursuant to resolution 1540 (2004) and has the honour to refer to the letter of the Chair of the Committee dated 20 November 2014 ref: S/AC.44/2014/OC.73 regarding submission of up-to-date information to facilitate preparation of the Committee's reports to the Security Council.

In this regard, the Permanent Mission of Brunei Darussalam has the further honour to attach herewith the said information for the Committee's consideration.

The Permanent Mission of Brunei Darussalam avails itself of this opportunity to renew to the Secretariat of the Security Council Committee established pursuant to resolution 1540 (2004) the assurances of its highest consideration.

21 June 2016

Secretariat of the 1540 Committee,  
Attention: Chair, 1540 Committee  
2 United Nations Plaza, Room DC2-2046  
United Nations, New York, NY 10017



Fax: (212) 963 1300

Ref: 29: H/B/3 c.r. 29: A/6C/16

# DRAFT 1540 COMMITTEE MATRIX OF BRUNEI DARUSSALAM

The information in the matrices originates primarily from national reports and is complemented by official government information, including that made available to inter-governmental organizations. The matrices are prepared under the direction of the 1540 Committee.

The 1540 Committee intends to use the matrices as a reference tool for facilitating technical assistance and to enable the Committee to continue to enhance its dialogue with States on their implementation of Security Council Resolution 1540.

The matrices are not a tool for measuring compliance of States in their non-proliferation obligations but for facilitating the implementation of Security Council Resolutions 1540 (2004), 1673 (2006), 1810 (2008) and 1977 (2011). They do not reflect or prejudice any ongoing discussions outside of the Committee, in the Security Council or any of its organs, of a State's compliance with its non-proliferation or any other obligations. Information on voluntary commitments is for reporting purpose only and does not constitute in any way a legal obligation arising from resolution 1540 or its successive resolutions.

## OP 1 and related matters from OP 5, OP 6, OP 8 (a), (b), (c) and OP 10

State:	Brunei Darussalam
Date of First Report:	30 December 2004
Date of Additional Information:	26 December 2007
Last Approval by the Committee:	30 December 2010
Last Update:	12 May 2014

Legally binding instruments, organizations, codes of conduct, arrangements, statements and other issues.	YES	if YES, relevant information (i.e. signing, accession, ratification, etc)	Remarks (information refers to the page of the English version of the national report or an official web site)
1 Nuclear Non-Proliferation Treaty (NPT)	X	Acceded on 26 March 1985, Entered into force for Brunei on 26 March 1985.	
2 Nuclear Weapons Free Zone/ Protocol(s)	X	Southeast Asia Nuclear-Weapon-Free Zone Treaty (SEANWFZ) (the Bangkok Treaty) (Signed on 15 December 1995, Ratified on 22 November 1996. Entered into force for Brunei on 22 November 1996.	
3 Convention for the Suppression of Acts of Nuclear Terrorism			
4 Convention on Physical Protection of Nuclear Material (CPPNM)			

5	2005 Amendment to the CPPNM			
6	Comprehensive Nuclear-Test-Ban Treaty (CTBT) (not in force)	X	Signed on 22 January 1997 , Ratified on 10 January 2013	
7	Chemical Weapons Convention (CWC)	X	Signed on 13 January 1993 , Ratified on 28 July 1997. Entered into force for Brunei on 28 July 1997	
8	Biological Weapons Convention (BWC)	X	Acceded on 31 January 1991. Entered into force for Brunei on 31 Jan 1991	
9	Geneva Protocol of 1925			
10	Other Conventions/Treaties	X	<p>A Party to 11 of 18 international counter-terrorism instruments, including the following 2 relevant to resolution 1540 (2004):</p> <ul style="list-style-type: none"> <li>• 1997 International Convention for the Suppression of Terrorist Bombings (Acceded on 14 March 2002, entered into force for Brunei on 13 April 2002)</li> <li>• 1999 International Convention for the Suppression of the Financing of Terrorism (Acceded on 4 December 2002, entered into force for Brunei on 4 Jan 2003)</li> </ul> <p>Brunei Darussalam is also Party to the following treaties relevant to the prevention of threats from chemical and biological materials:</p> <ul style="list-style-type: none"> <li>• Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Acceded on 16 December 2002)</li> <li>• Amendment to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Acceded on 16 December 2002)</li> </ul> <p>Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships 1973 (as amended) (MARPOL Protocol 1978)</p>	
11	International Atomic Energy Agency (IAEA)	X	Member State of the IAEA since 18 February 2014	
12	Hague Code of Conduct (HCOC)			
13	Other Arrangements	X	<ol style="list-style-type: none"> <li>1. Proliferation Security Initiative (PSI)</li> <li>2. Member of the World Customs Organization (WCO) and its Framework of Standards to Secure and Facilitate Global Trade (SAFE) Programme</li> </ol>	
14	General statement on non-possession of WMD	X	State reports that it supported Security Council's Resolution 1540 and also to curb non-State actors from manufacturing, acquiring, possessing, developing, transporting, transferring, or using nuclear, chemical, biological materials and weapons	

15	General statement on commitment to disarmament and non-proliferation	X	State reports that it is committed to the promotion of arms control and disarmament.	
16	General statement on non-provision of WMD and related materials to non-State actors	X	State reports that it promotes the universal adoption of and full implementation of multilateral disarmament treaties and conventions, particularly on cooperation to prevent non-State actors from acquiring WMD and their means of delivery.	
17	Other <sup>1</sup>	X	<ol style="list-style-type: none"> <li>1. Member state of the Association of Southeast Asian Nations (ASEAN)</li> <li>2. Participant of the ASEAN Regional Forum (ARF)</li> <li>3. Participant of the Asia Pacific Economic Cooperation (APEC) Counter Terrorism Task Force (CTTF), whereby cooperation in combating terrorism particularly measures in ensuring that WMD will not fall into the hands of non-state actors</li> <li>4. Member Country of INTERPOL</li> <li>5. World Health Organization (WHO)</li> <li>6. World Organisation for Animal Health (OIE)</li> <li>7. International Maritime Organization (IMO)</li> <li>8. Member of Asia/Pacific Group on Money Laundering (APG)</li> </ol> <p>And others:</p> <ul style="list-style-type: none"> <li>▪ MOU with Pakistan on combating terrorism and other transnational crimes (signed on 19 May 2004)</li> <li>▪ Extradition arrangements with Malaysia and Singapore</li> <li>▪ Agreement on information exchange and establishment of communication procedures with Cambodia, Indonesia, Malaysia, Philippines and Thailand to combat terrorism and other transnational crimes</li> <li>▪ Mutual legal assistance treaty with Cambodia, Indonesia, Laos, Malaysia, Philippines, Singapore and Viet Nam</li> <li>▪ State Party to the ASEAN Convention on Counter Terrorism (signed on 13 January 2007 , ratified on 28 April 2011)</li> <li>▪ MOU with Australia on Cooperation to Combat International Terrorism (signed on 15 February 2005)</li> <li>▪ MOU between Ministry of Finance, Brunei Darussalam and Malaysian National Bank in Combating Money-Laundering and Terrorist Financing (signed on 4 February 2008)MOU between Brunei Darussalam and the Indonesian Financial Reports and Analysis Centre (Intrac) concerning cooperation in the exchange of information related to money laundering and terrorism financing (signed on 17 December 2008)</li> <li>▪ MOU between Autoriti Monetari Brunei Darussalam (AMBD) and the Korea Financial Intelligence Unit of the Financial Services Commission (KoFIU) (signed on 15 August 2012)</li> </ul>	

1. Including, as appropriate, information with regard to membership in relevant international, regional or sub-regional organizations.

## OP 2 - Nuclear Weapons (NW), Chemical Weapons (CW) and Biological Weapons (BW)

Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ?		National legal framework					Enforcement: civil/criminal penalties and others					Remarks
		YES			if YES, source document of national implementation law	YES			if YES, source document			
		N W	C W	B W		N W	C W	B W				
1	manufacture/produce	?	X	X	<p><b>NW, CW, BW:</b></p> <ul style="list-style-type: none"> <li>▪ Arms and Explosives Act<sup>1</sup>, section 3 (d)</li> <li>▪ Arms and Explosives Rules , rule 10</li> <li>▪ Anti-Terrorism Order, section 8</li> </ul> <p><b>CW:</b></p> <ul style="list-style-type: none"> <li>▪ Poisons Act, section 21 (b)</li> <li>▪ Poisons Rules, rule 6</li> </ul> <p><b>BW:</b></p> <ul style="list-style-type: none"> <li>▪ Biological Weapons Act, section 2 and 4</li> </ul>	?	X	X	<p><b>NW, CW, BW:</b></p> <ul style="list-style-type: none"> <li>▪ Arms and Explosives Act, section 4</li> <li>▪ Arms and Explosives Rules , rule 17</li> <li>▪ Anti-Terrorism Order, section 8</li> </ul> <p><b>CW:</b></p> <ul style="list-style-type: none"> <li>▪ Poisons Act “license required”, section 17 “the Poison Schedule includes some items on the AG Common Lists and the CWC Schedules”</li> </ul> <p><b>BW:</b></p> <ul style="list-style-type: none"> <li>▪ Biological Weapons Act, sections 2(3) and 5.</li> </ul>			
2	Acquire	?	X	X	<p><b>NW, CW, BW:</b></p> <ul style="list-style-type: none"> <li>▪ Internal Security Act, section 40</li> <li>▪ Arms and Explosive Act ,section 3 (d)</li> <li>▪ Arms and Explosive Rules, rule 7,10 and 11.</li> <li>▪ Anti-Terrorism Order, section 8</li> </ul> <p><b>CW:</b></p> <ul style="list-style-type: none"> <li>▪ Poisons Act, sections 5, 6, 20 and 21 (a)</li> <li>▪ Poisons Rules</li> </ul> <p><b>BW:</b></p> <ul style="list-style-type: none"> <li>▪ Biological Weapons Act (Cap. 87), section 2</li> <li>▪ Infectious Diseases Act Section 41 and 42.</li> </ul>	?	X	X	<p><b>NW, CW, BW:</b></p> <ul style="list-style-type: none"> <li>▪ Arms and Explosives Act, section 4</li> <li>▪ Arms and Explosives Rules, rule 17</li> <li>▪ Anti-Terrorism Order, section 8</li> </ul> <p><b>CW:</b></p> <ul style="list-style-type: none"> <li>▪ Poisons Act, section 17 and 20(2)</li> </ul> <p><b>BW:</b></p> <ul style="list-style-type: none"> <li>▪ Biological Weapons Act, sections 2(3) and 5</li> <li>▪ Infectious Diseases Act, Section 41 and 42</li> </ul>			

<sup>1</sup> The provisions of the Arms and Explosives Act have been declared to apply to the arms and explosives defined in the Subsidiary Legislation Cap. 58 DEC 1.

3	Possess	?	X	X	<p><b>NW, CW, BW:</b></p> <ul style="list-style-type: none"> <li>▪ Internal Security Act, section 40</li> <li>▪ Arms and Explosives Act, Section 3(a) and 3(f)</li> <li>▪ Arms and Explosives Rule</li> <li>▪ Public Order Act, section 28</li> <li>▪ Anti-Terrorism Order, section 8</li> </ul> <p><b>CW:</b></p> <ul style="list-style-type: none"> <li>▪ Poisons Act, sections 5 and 9</li> </ul> <p><b>BW:</b></p> <ul style="list-style-type: none"> <li>▪ Biological Weapons Act, section 2 and 4</li> </ul>	X	X	X	<p><b>NW, CW, BW:</b></p> <ul style="list-style-type: none"> <li>▪ Internal Security Act</li> <li>▪ Arms and Explosives Act, Section 4</li> <li>▪ Arms and Explosives Rules, rule 17</li> <li>▪ Public Order Act, section 17(1)</li> <li>▪ Anti-Terrorism Order, section 8</li> </ul> <p><b>CW:</b></p> <ul style="list-style-type: none"> <li>▪ Poisons Act (license required), section 17 (the Poison Schedule includes some items on the Australia Group Common Lists and the CWC Schedules)</li> </ul> <p><b>BW:</b></p> <ul style="list-style-type: none"> <li>▪ Biological Weapons Act, sections 2(3) and 5</li> </ul>			
4	stockpile/store	?	X	X	<p><b>NW, CW, BW:</b></p> <ul style="list-style-type: none"> <li>▪ Arms and Explosives Act, section 3 (g)</li> <li>▪ Arms and Explosives Rules, rule 10 and 11</li> <li>▪ Anti-Terrorism Order, section 8</li> </ul> <p><b>CW:</b></p> <ul style="list-style-type: none"> <li>▪ Poisons Act, sections 5-6 and section 21 (d)</li> <li>▪ Poisons Rules, rule 17, 18, 19, 20, 21, 23 and 24.</li> </ul> <p><b>BW:</b></p> <ul style="list-style-type: none"> <li>▪ Biological Weapons Act, section 2 and 4.</li> </ul>	?	X	X	<p><b>NW, CW, BW:</b></p> <ul style="list-style-type: none"> <li>▪ Arms and Explosives Act, section 4</li> <li>▪ Arms and Explosives Rules, rule 17</li> <li>▪ Anti-Terrorism Order, section 8</li> </ul> <p><b>CW:</b></p> <ul style="list-style-type: none"> <li>▪ Poisons Act (license required), section 17 (the Poison Schedule includes some items on the Australia Group Common Lists and the CWC Schedules)</li> </ul> <p><b>BW:</b></p> <ul style="list-style-type: none"> <li>▪ Biological Weapons Act, sections 2(3) and 5</li> </ul>			
5	Develop	?	?	X	<p><b>NW, CW, BW:</b></p> <ul style="list-style-type: none"> <li>▪ Anti-Terrorism Order, section 8</li> </ul> <p><b>BW:</b></p> <ul style="list-style-type: none"> <li>▪ Biological Weapons Act, section 2 and 4</li> </ul>	?	?	X	<p><b>NW, CW, BW:</b></p> <ul style="list-style-type: none"> <li>▪ Anti-Terrorism Order, section 8</li> </ul> <p><b>BW:</b></p> <ul style="list-style-type: none"> <li>▪ Biological Weapons Act, sections 2(3) and 5</li> </ul>			

6	Transport	X	X	X	<p><b>NW, CW, BW:</b></p> <ul style="list-style-type: none"> <li>▪ Arms and Explosives Act, section 3 (g) and 3 (e)</li> <li>▪ Internal Security Act, section 42</li> <li>▪ Anti-Terrorism Order, sections 8 and 18</li> <li>▪ Arms and Explosives Rules, rule 9</li> </ul> <p><b>CW:</b></p> <ul style="list-style-type: none"> <li>▪ Poisons Act, section 21 (d)</li> <li>▪ Poisons Rules, rules 25 and 26</li> </ul> <p><b>BW:</b></p> <ul style="list-style-type: none"> <li>▪ Infectious Disease Act, sections 41 and 42</li> </ul>	X	X	X	<p><b>NW, CW, BW:</b></p> <ul style="list-style-type: none"> <li>▪ Arms and Explosives Act, section 4</li> <li>▪ Arms and Explosives Rules, rule 17</li> <li>▪ Internal Security Act, section 42 and 45</li> <li>▪ Anti-Terrorism Order, section 8 and 18.</li> </ul> <p><b>CW:</b></p> <ul style="list-style-type: none"> <li>▪ Poisons Act, section 17</li> </ul> <p><b>BW:</b></p> <ul style="list-style-type: none"> <li>▪ Infectious Disease Act, section 41 and 42</li> </ul>
7	transfer	?	X	X	<p><b>NW, CW, BW:</b></p> <ul style="list-style-type: none"> <li>▪ Arms and Explosives Act, section 3(d) and 3 (g)</li> <li>▪ Internal Security Act, section 40 and 42</li> <li>▪ Arms and Explosives Rules, rule 10 and 11</li> <li>▪ Anti-Terrorism Order, section 8 and 18</li> </ul> <p><b>CW:</b></p> <ul style="list-style-type: none"> <li>▪ Poisons Act, section 5,6, 20 and 21 (c)</li> </ul> <p><b>BW:</b></p> <ul style="list-style-type: none"> <li>▪ Infectious Diseases Act, Section 22 (1) - 17 and 27</li> <li>▪ Infectious Diseases (Quarantine) Regulations</li> </ul>	?	X	X	<p><b>NW, CW, BW:</b></p> <ul style="list-style-type: none"> <li>▪ Internal Security Act, section 42 with section 2</li> <li>▪ Arms and Explosives Act, section 4</li> <li>▪ Arms and Explosives Rules, rule 17</li> <li>▪ Anti-Terrorism Order, sections 8 and 18</li> </ul> <p><b>CW:</b></p> <ul style="list-style-type: none"> <li>▪ Poisons Act, (license required), section 17 (the Poison Schedule includes some items on the AG Common Lists and the CWC Schedules)</li> </ul> <p><b>BW:</b></p> <ul style="list-style-type: none"> <li>▪ Infectious Disease Act , section 22(4), 17, 27, and 69</li> <li>▪ Infectious Diseases (Quarantine) Regulations</li> </ul>
8	use	X	X	X	<p><b>NW, CW, BW:</b></p> <ul style="list-style-type: none"> <li>▪ Arms and Explosives Act, section 3(g)</li> <li>▪ Internal Security Act</li> <li>▪ Anti-Terrorism Order, section 3, 6 and 18</li> <li>▪ Arms and Explosives Rules, rules 10 and 11</li> </ul> <p><b>NW:</b></p> <ul style="list-style-type: none"> <li>▪ Penal Code, section 435 and 436</li> </ul>	X	X	X	<p><b>NW, CW, BW:</b></p> <ul style="list-style-type: none"> <li>▪ Internal Security Act</li> <li>▪ Anti-Terrorism Order, sections 3, 6 and 18</li> <li>▪ Arms and Explosives Act, section 4</li> <li>▪ Arms and Explosives Rules</li> </ul> <p><b>NW:</b></p> <ul style="list-style-type: none"> <li>▪ Penal Code, sections 435 and 436</li> </ul>

				<p><b>CW:</b></p> <ul style="list-style-type: none"> <li>▪ Penal Code, section 278, 274 and 284</li> <li>▪ Poisons Act , section 21(a)</li> </ul> <p><b>BW:</b></p> <ul style="list-style-type: none"> <li>▪ Penal Code (Cap 22), sections 269-271</li> </ul>				<p><b>CW:</b></p> <ul style="list-style-type: none"> <li>▪ Penal Code, section 278, 274 and 284.</li> <li>▪ Poisons Act (license required), section 17 (the Poison Schedule includes some items on the AG Common Lists and the CWC Schedules)</li> </ul> <p><b>BW:</b></p> <ul style="list-style-type: none"> <li>▪ Penal Code, sections 269-271</li> </ul>		
9	participate as an accomplice in abovementioned activities	x	x	x	<p><b>NW, CW, BW:</b></p> <ul style="list-style-type: none"> <li>▪ Internal Security Act, section 44 and 41</li> <li>▪ Penal Code, section 34, 35, 37 and 107-120B</li> <li>▪ Anti-Terrorism Order, section 3, 13, 57 and 58.</li> </ul>	x	x	x	<p><b>NW, CW, BW:</b></p> <ul style="list-style-type: none"> <li>▪ Internal Security Act, section 41 and 45.</li> <li>▪ Penal Code, section 34, 35, 37, 107-120B.</li> <li>▪ Anti-Terrorism Order, section 3, 13, 57 and 58.</li> </ul>	
10	assist in abovementioned activities	x	x	x	<p><b>NW, CW, BW:</b></p> <ul style="list-style-type: none"> <li>▪ Internal Security Act, section 26 , 40, 41, 44 and 45</li> <li>▪ Anti-Terrorism Order, section 3, 13, 57 and 58</li> <li>▪ Penal Code, section 34, 35, 37, 107-120B</li> </ul>	x	x	x	<p><b>NW, CW, BW:</b></p> <ul style="list-style-type: none"> <li>▪ Internal Security Act, section 26, 40, 41, 44 and 45</li> <li>▪ Anti-Terrorism Order, section 3, 13, 57 and 58</li> <li>▪ Penal Code, section 34, 35, 37, 107-120B</li> </ul>	
11	finance abovementioned activities	x	x	x	<p><b>NW, CW, BW:</b></p> <ul style="list-style-type: none"> <li>▪ Anti-Terrorism Order : <ul style="list-style-type: none"> <li>- sections 4, 5, 6, 7 and 8 provides for terrorism financing offences</li> <li>- Sections 47 – 52 provides for the obligations of financial institutions and designated non-financial businesses and professions to report suspicious transactions.</li> </ul> </li> <li>▪ Anti-Terrorism (Terrorist Financing) Regulations</li> <li>▪ Criminal Assets Recovery Order, provides: <ul style="list-style-type: none"> <li>- Measures to prevent money laundering and terrorist financing</li> <li>- Reporting obligations for suspicious transactions and compliance</li> <li>- Application of restraining orders, confiscation orders and benefit recovery</li> </ul> </li> </ul>	x	x	x	<p><b>NW, CW, BW:</b></p> <ul style="list-style-type: none"> <li>▪ Anti-Terrorism Order <ul style="list-style-type: none"> <li>- Sections 4, 5, 6, 7 and 8 provide for penalties of the terrorism financing offences.</li> <li>- Section 51 provides for penalty for failure to report suspicious transactions.</li> </ul> </li> <li>▪ Anti-Terrorism (Terrorist Financing) Regulations</li> <li>▪ Criminal Assets Recovery Order</li> </ul>	



					orders to recover criminal assets from those convicted of serious offences or a money laundering offence - The rendering of assistance to foreign countries who wish to request the enforcement of orders and location of proceeds of crime				
12	abovementioned activities related to means of delivery <sup>2</sup>			X	<b>BW:</b> ▪ Biological Weapons Act			X	<b>BW:</b> ▪ Biological Weapons Act
13	involvement of non-State actors in abovementioned activities	X	X	X	<b>NW, CW, BW:</b> ▪ Anti-terrorism Order - Definition of "terrorist", "terrorist entity" and "terrorist group" under section 2 - Definition of "body corporate" under section 60  <b>BW:</b> ▪ Biological Weapons Act, section 2 and 4	X	X	X	<b>NW, CW, BW:</b> ▪ Anti-terrorism Order 2011 - Definition of "terrorist", "terrorist entity" and "terrorist group" under section 2 - Definition of "body corporate" under section 60  <b>BW:</b> ▪ Biological Weapons Act, sections 2(3) and 5
14	Other	?	?		<b>NW:</b> ▪ Draft Radiation [Protection/Safety] Order 2016  <b>CW:</b> ▪ Ongoing consultation with other national agencies	?	?		<b>NW:</b> ▪ Draft Radiation [Protection/Safety] Order 2016  <b>CW:</b> ▪ Ongoing consultation with other national agencies

2. Means of delivery: missiles, rockets and other unmanned systems capable of delivering nuclear, chemical, or biological weapons, that are specially designed for such use.

OP 3 (a) and (b) - Account for/Secure/Physically protect NW, CW and BW, including Related Materials <sup>3</sup>

	Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW, CW, BW and Related Materials? Can violators be penalized ?	National legal framework			Enforcement: civil/criminal penalties and others			Remarks	
		YES			if YES, source document	YES			
		N W	C W	B W *		N W	C W		B W
1	Measures to account for production	X	x	x	<b>NW:</b> <ul style="list-style-type: none"> <li>IAEA Safeguards Agreement (INFCIRC/365)</li> </ul> <b>CW:</b> <ul style="list-style-type: none"> <li>Poisons Act, section 21</li> </ul> <b>BW:</b> <ul style="list-style-type: none"> <li>Biological Weapons Act</li> </ul>		x	X	<b>CW:</b> <ul style="list-style-type: none"> <li>Poisons Act (license required), section 15 and 17 (the Poison Schedule includes some items on the AG Common Lists and the CWC Schedules)</li> </ul> <b>BW:</b> <ul style="list-style-type: none"> <li>Biological Weapons Act, section 5</li> </ul>
2	Measures to account for use	X	X	X	<b>NW:</b> <ul style="list-style-type: none"> <li>IAEA Safeguards Agreement (INFCIRC/365)</li> </ul> <b>CW:</b> <ul style="list-style-type: none"> <li>Poisons Act, section 6, 12 and 13</li> </ul> <b>BW:</b> <ul style="list-style-type: none"> <li>Biological Weapons Act</li> </ul>		X	X	<b>CW:</b> <ul style="list-style-type: none"> <li>Poisons Act (license required), section 15 and 17 (the Poison Schedule includes some items on the AG Common Lists and the CWC Schedules)</li> </ul> <b>BW:</b> <ul style="list-style-type: none"> <li>Biological Weapons Act, section 5</li> </ul>
3	Measures to account for storage	X	X	X	<b>NW:</b> IAEA Safeguards Agreement (INFCIRC/365)  <b>CW:</b> <ul style="list-style-type: none"> <li>Poisons Act , sections 9 , 11 and 21 (d)</li> </ul>		X	X	<b>CW:</b> <ul style="list-style-type: none"> <li>Poisons Act, (license required), section 15 and 17 (the Poison Schedule includes some items on the AG Common Lists and the CWC Schedules)</li> </ul>

				<b>BW:</b> <ul style="list-style-type: none"> <li>Biological Weapons Act</li> </ul>			<b>BW:</b> <ul style="list-style-type: none"> <li>Biological Weapons Act, section 5</li> </ul>	
4	Measures to account for transport	X	X	<b>CW:</b> <ul style="list-style-type: none"> <li>Poisons Act, sections 21 (d)</li> </ul> <b>BW:</b> <ul style="list-style-type: none"> <li>Infectious Disease Act, section 17 (may prohibit movement of people and goods)</li> </ul>	X	X ?	<b>NW:</b> <ul style="list-style-type: none"> <li>The International Maritime Organisation (IMO) International Ship and Port Facility Security (ISPS) Code has been reflected in the Merchant Shipping (Safety Convention) (Amendment) Regulations, 2004</li> </ul> <b>CW:</b> <ul style="list-style-type: none"> <li>Poisons Act (license required), section 15 and 17 (the Poison Schedule includes some items on the AG Common Lists and the CWC Schedules)</li> </ul> <b>BW:</b> <ul style="list-style-type: none"> <li>Biological Weapons Act, section 5</li> </ul>	
5	Other measures for accounting	X	X	<b>CW:</b> <ul style="list-style-type: none"> <li>Poisons Act</li> </ul> <b>BW:</b> <ul style="list-style-type: none"> <li>Biological Weapons Act</li> </ul>	X	X	<b>CW:</b> <ul style="list-style-type: none"> <li>Poisons Act</li> </ul> <b>BW:</b> <ul style="list-style-type: none"> <li>Biological Weapons Act, section 5</li> </ul>	
6	Measures to secure production	X	X	<b>CW:</b> <ul style="list-style-type: none"> <li>Poisons Act , section 9 and 11</li> </ul> <b>BW:</b> <ul style="list-style-type: none"> <li>Biological Weapons Act</li> </ul>	X	X	<b>CW:</b> <ul style="list-style-type: none"> <li>Poisons Act (license required), section 15 and 17 (the Poison Schedule includes some items on the AG Common Lists and the CWC Schedules)</li> </ul> <b>BW:</b> <ul style="list-style-type: none"> <li>Biological Weapons Act</li> </ul>	
7	Measures to secure use	?	?	<b>CW:</b> <ul style="list-style-type: none"> <li>Poisons Act, section 11</li> </ul> <b>BW:</b> <ul style="list-style-type: none"> <li>Biological Weapons Act</li> </ul>	?	?	<b>CW:</b> <ul style="list-style-type: none"> <li>Poisons Act</li> </ul> <b>BW:</b> <ul style="list-style-type: none"> <li>Biological Weapons Act</li> </ul>	

8	Measures to secure storage		X	?	<p><b>CW:</b></p> <ul style="list-style-type: none"> <li>▪ Poisons Act, sections 9 and 11</li> </ul> <p><b>BW:</b></p> <ul style="list-style-type: none"> <li>▪ Biological Weapons Act</li> </ul>		X	?	<p><b>NW:</b></p> <ul style="list-style-type: none"> <li>▪ The International Ship and Port Facility Security (ISPS) Code has been reflected in the Merchant Shipping (Safety Convention) (Amendment) Regulations, 2004</li> </ul> <p><b>CW:</b></p> <ul style="list-style-type: none"> <li>▪ Poisons Act (license required), section 15 and 17 (the Poison Schedule includes some items on the AG Common Lists and the CWC Schedules)</li> </ul> <p><b>BW:</b></p> <ul style="list-style-type: none"> <li>▪ Biological Weapons Act</li> </ul>	
9	Measures to secure transport			?	?	<p><b>CW:</b></p> <ul style="list-style-type: none"> <li>▪ Poisons Act, section 21 (d)</li> </ul> <p><b>BW:</b></p> <ul style="list-style-type: none"> <li>▪ Infectious Disease Act, section 17 (may prohibit movement of people and goods)</li> <li>▪ Biological Weapons Act</li> </ul>		?	?	<p><b>CW:</b></p> <ul style="list-style-type: none"> <li>▪ Poisons Act</li> </ul> <p><b>BW:</b></p> <ul style="list-style-type: none"> <li>▪ Biological Weapons Act</li> </ul>
10	Other measures for securing	X		?	?	<p><b>NW:</b></p> <ul style="list-style-type: none"> <li>▪ Radiation Safety and Quality Unit (RSQU)</li> </ul> <p><b>CW:</b></p> <ul style="list-style-type: none"> <li>▪ Poisons Act</li> </ul> <p><b>BW:</b></p> <ul style="list-style-type: none"> <li>▪ Biological Weapons Act</li> </ul>	X	?	?	<p><b>NW:</b></p> <ul style="list-style-type: none"> <li>▪ Radiation Safety and Quality Unit (RSQU)</li> </ul> <p><b>CW:</b></p> <ul style="list-style-type: none"> <li>▪ Poisons Act</li> </ul> <p><b>BW:</b></p> <ul style="list-style-type: none"> <li>▪ Biological Weapons Act (Cap. 87)</li> </ul>
11	Regulations for physical protection of facilities/materials/ transports			?	?	<p><b>CW:</b></p> <ul style="list-style-type: none"> <li>▪ Poisons Act</li> </ul> <p><b>BW:</b></p> <ul style="list-style-type: none"> <li>▪ Biological Weapons Act</li> </ul>		?	?	<p><b>CW:</b></p> <ul style="list-style-type: none"> <li>▪ Poisons Act</li> </ul> <p><b>BW:</b></p> <ul style="list-style-type: none"> <li>▪ Biological Weapons Act</li> </ul>
12	Licensing/registration of installations/facilities/ persons/entities/use/ handling of materials		X		?	<p><b>CW:</b></p> <ul style="list-style-type: none"> <li>▪ Poisons Act, section 6 and 13</li> </ul> <p><b>BW:</b></p> <ul style="list-style-type: none"> <li>▪ Biological Weapons Act</li> </ul>		X	?	<p><b>CW:</b></p> <ul style="list-style-type: none"> <li>▪ Poisons Act, (license required), section 15 and 17 (the Poison Schedule includes some items on the AG Common Lists and the CWC Schedules)</li> </ul>

									<b>BW:</b> ▪ Biological Weapons Act
13	Reliability check of personnel –								▪ Biological Weapons Act ▪ Poisons Act ▪ Infectious Diseases Act
14	Measures to account for/secure/ physically protect means of delivery			?	?			?	<b>CW:</b> ▪ Poisons Act  <b>BW:</b> ▪ Biological Weapons Act

3. Related materials: materials, equipment and technology covered by relevant multilateral treaties and arrangements, or included on national control lists, which could be used for the design, development, production or use of nuclear, chemical and biological weapons and their means of delivery.

\* Information required in this section may also be available in the State's Confidence Building Measures report, if submitted to the BWC Implementation Support Unit (online at: [http://www.unog.ch/80256EE600585943/\(httpPages\)/4FA4DA37A55C7966C12575780055D9E8?OpenDocument](http://www.unog.ch/80256EE600585943/(httpPages)/4FA4DA37A55C7966C12575780055D9E8?OpenDocument) )

**OP 3 (a) and (b) - Account for/Secure/On Physically protect NW including Related Materials (NW specific)**

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties and others		Remarks
		YES	if YES, source document	YES	if YES, source document	
1	National regulatory authority					
2	IAEA Safeguards Agreements	X	<ul style="list-style-type: none"> <li>▪ INFCIRC 365 ( in force 04 November 1987)</li> <li>▪ A Small Quantities Protocol (SQP) is in force, but the 2005 modified SQP version is not adopted.</li> </ul>	X	<ul style="list-style-type: none"> <li>▪ INFCIRC 365 ( in force 04 November 1987)</li> <li>▪ A Small Quantities Protocol (SQP) is in force, but the 2005 modified SQP version is not adopted</li> </ul>	
3	IAEA Code of Conduct on Safety and Security of Radioactive Sources					
4	Supplementary Guidance on the Import and Export of Radioactive Sources of the Code of Conduct on the Safety and Security of Radioactive Sources					
5	IAEA Incident and Trafficking Database (ITDB): Incidents of Nuclear and other Radioactive Material out of regulatory control	X	<ul style="list-style-type: none"> <li>▪ Participates in IAEA ITDB since 24th April 2006</li> </ul>	X	<ul style="list-style-type: none"> <li>▪ Participates in IAEA ITDB since 24th April 2006</li> </ul>	
6	Other Agreements related to IAEA	X	<ul style="list-style-type: none"> <li>▪ Radiation Safety and Quality Unit (RSQU) is linked to IAEA ENAC (Early Notification and Assistance Conventions website)<sup>2</sup></li> </ul>	X	<ul style="list-style-type: none"> <li>▪ Radiation Safety and Quality Unit (RSQU) is linked to IAEA ENAC (Early Notification and</li> </ul>	

<sup>2</sup> Linking with IAEA ENAC only enables Brunei Darussalam to know about immediate radiation accident or emergencies occurring and participating in emergency contact drills via telecommunications. Brunei Darussalam is unable to obtain any technical assistance or expertise.

			<ul style="list-style-type: none"> <li>▪ In the process of consideration on the following: <ul style="list-style-type: none"> <li>- Convention on Early Notification of a Nuclear Accident (CENNA)</li> <li>- Convention on Assistance in the case of a Nuclear Accident or Radiological Emergency (CACNARE)</li> <li>- Additional Protocol, and</li> <li>- Systems of Accounting for and Control of Nuclear Material (SSAC)</li> </ul> </li> </ul>		Assistance Conventions website) <sup>3</sup>	
7	Additional national legislation/regulations related to nuclear materials including CPPNM					
8	Other	?	<ul style="list-style-type: none"> <li>▪ Draft Radiation [Protection/Safety] Order 2016</li> </ul>	?	<ul style="list-style-type: none"> <li>▪ Draft Radiation [Protection/Safety] Order 2016</li> </ul>	

<sup>3</sup> Linking with IAEA ENAC only enables Brunei Darussalam to know about immediate radiation accident or emergencies occurring and participating in emergency contact drills via telecommunications. Brunei Darussalam is unable to obtain any technical assistance or expertise.

**OP 3 (a) and (b) - Account for/Secure/Physically protect CW including Related Materials (CW specific)**

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect CW and Related Materials? Can violators be penalized?		National legal framework		Enforcement: civil/criminal penalties and others		Remarks
		YES	if YES, source document	YES	if YES, source document	
1	National CWC authority	X	<ul style="list-style-type: none"> <li>▪ National Committee on CWC (NCCWC)</li> </ul>	X	<ul style="list-style-type: none"> <li>▪ National Authority: Ministry of Defence</li> </ul>	
2	Reporting Schedule I, II and III chemicals to OPCW	X	<ul style="list-style-type: none"> <li>▪ Brunei has made declarations to OPCW.</li> </ul>	X	<ul style="list-style-type: none"> <li>▪ Brunei has made declarations to OPCW.</li> </ul>	
3	Account for, secure or physically protect "old chemical weapons"					
4	Other legislation/regulations controlling chemical materials					
5	Other		<ul style="list-style-type: none"> <li>▪ On-going consultation with other national agencies</li> </ul>		<ul style="list-style-type: none"> <li>▪ Ongoing consultation with other national agencies</li> </ul>	



**OP 3 (a) and (b) - Account for/Secure/Physically protect BW including Related Materials (BW specific)**

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties and others		Remarks
		YES	if YES, source document	YES	if YES, source document	
1	Regulations for genetic engineering work	X	▪ Biological Weapons Act	X	▪ Biological Weapons Act	
2	Other legislation/ regulations related to safety and security of biological materials	X	▪ Biological Weapons Act	X	▪ Biological Weapons Act	
3	Other					

**OP 3 (c) and (d) and related matters from OP 6 and OP 10 - Controls of NW, CW and BW, including Related Materials**

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW, CW, BW and Related Materials ? Can violators be penalized ?	National legal framework						Enforcement: civil/criminal penalties, and measures of implementation, etc						Remarks
	YES			if YES, source document	YES			if YES, source document					
	N W	C W	B W		N W	C W	B W						
1 Border control	X	X	X	<p><b>NW, CW, BW:</b></p> <ul style="list-style-type: none"> <li>▪ Customs Order</li> <li>▪ Public Order Act, section 19.</li> <li>▪ Internal Security Act, section 47</li> <li>▪ Anti-Terrorism Order, section 22 and 23</li> </ul> <p><b>CW:</b></p> <ul style="list-style-type: none"> <li>▪ Poisons Act , sections 2, 5 and 10-11</li> </ul> <p><b>BW:</b></p> <ul style="list-style-type: none"> <li>▪ Infectious Disease Act , sections 41-42</li> </ul>	X	X	X	<p><b>NW, CW, BW:</b></p> <ul style="list-style-type: none"> <li>▪ Customs Order, section 104-118 and section 138-148</li> <li>▪ Control of import and export of dangerous goods in accordance with IMO's IMDG Code, permit required from Ministry of Health, etc</li> <li>▪ Director of Internal Security Department (ISD) and any persons authorised by the Director has the powers to stop and search any person or vehicle found in any public road or place; and enter and search any premises; board and search any vehicle, vessel or aircraft. Any such weapon, article, injurious thing or any evidence and any vehicle, vessel or aircraft in which it is found shall be seized</li> <li>▪ Public Order Act, section 19.</li> <li>▪ Internal Security Act, section 47</li> <li>▪ Anti-Terrorism Order, section 22 and 23</li> </ul> <p><b>CW:</b></p> <ul style="list-style-type: none"> <li>▪ Poisons Act, section 17</li> </ul> <p><b>BW:</b></p> <ul style="list-style-type: none"> <li>▪ Infectious Disease Act, section 56, 60-62, 65 and 69</li> </ul>					

2	Technical support of border control measures									Technical assistance needed
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology									
4	Enforcement agencies/authorities	X	X	X	<b>NW, CW, BW:</b> <ul style="list-style-type: none"> <li>▪ Customs Order, section 3-8</li> <li>▪ Arms and Explosives Act</li> <li>▪ Public Order Act</li> <li>▪ Anti -Terrorism Order,</li> <li>▪ Internal Security Act, section 47.</li> <li>▪</li> </ul>	X	X	X	<b>NW, CW, BW:</b> <ul style="list-style-type: none"> <li>▪ Department of Royal Customs and Excise, Royal Brunei Armed Forces, Royal Brunei Police Force. Internal Security Department.</li> </ul>	
5	Export control legislation in place	x	x	x	<b>NW, CW, BW:</b> <ul style="list-style-type: none"> <li>▪ Customs Order, section 27-29 and 31</li> <li>▪ Arms and Explosives Act, section 3</li> <li>▪ Arms and Explosives Rules, rule 8</li> </ul>	x	x	x	<b>NW, CW, BW:</b> <ul style="list-style-type: none"> <li>▪ Customs Order, section 39, 104-118 and 138-148</li> <li>▪ Arms and Explosives Act, section 3-4 and 17</li> </ul>	
6	Licensing provisions	?	X	?	<ul style="list-style-type: none"> <li>▪ Arms and Explosives Act Arms and Explosives Rules, rule 14</li> </ul>	?	X	?	<ul style="list-style-type: none"> <li>▪ Any organisation or company or individual who wishes to import “arms and explosives” into Brunei Darussalam must seek approval through import permits from the Commissioner of Police. The documents needed are a letter of intent, types of arms/explosives and amount of arms/explosives.</li> <li>▪ Before granting approval, the Commissioner will direct the request to the Directorate of Operations.</li> <li>▪ The Director of Operations will refer the matter for further inspection and recommendation, which must fulfill standards according to standard operating procedure.</li> <li>▪ Once recommendation is received from the relevant formation after inspection, the Director of Operation will extend the request with the recommendation to the Prime Minister’s Office for endorsement.</li> <li>▪ Upon receiving the approval from the Prime Minister’s Office, the Directorate of</li> </ul>	

								Operations will issue the permit for the Commissioner's final consent.	
7	Individual licensing	?	X	?	<p><b>NW, BW:</b></p> <ul style="list-style-type: none"> <li>▪ Arms and Explosives Act, section 3 (i) (j) (k) (l) (m) (n)</li> <li>▪ Arms and Explosives Rules: <ul style="list-style-type: none"> <li>– Rule 9 "License to land or transship guns or arms"</li> <li>– rule 10 "License to manufacture etc. guns and arms"</li> <li>– rule 11 "License to manufacture, posses etc. explosive"</li> <li>– rule 12 "Period of validity of explosive licenses"</li> <li>– rule 13 "Fees"</li> <li>– rule 14 "Licensing Officer"</li> <li>– rule 18 "Implied conditions in licenses"</li> </ul> </li> </ul> <p><b>CW:</b></p> <ul style="list-style-type: none"> <li>▪ Poisons Act, section 14</li> </ul>	?	X	?	<p><b>NW, CW, BW:</b></p> <ul style="list-style-type: none"> <li>▪ Arms and Explosives Act section 3</li> <li>▪ Arms and Explosives Rules, rule 17</li> </ul> <p><b>CW:</b></p> <ul style="list-style-type: none"> <li>▪ Poisons Act</li> </ul>
8	General licensing -				<ul style="list-style-type: none"> <li>▪ Our laws do not distinguish between individual and general licensing. Refer to above.</li> </ul>				
9	Exceptions from licensing								
10	Licensing of deemed export/visa								
11	National licensing authority	?	X	?	<ul style="list-style-type: none"> <li>▪ Arms and Explosives Act</li> <li>▪ Arms and Explosives Act (Cap. 58) Delegation of Powers (GN 225/00)<sup>4</sup></li> <li>▪ Arms and Explosives Rule, rule 14</li> </ul>	?	X	?	<ul style="list-style-type: none"> <li>▪ Refer to no. 6 above</li> </ul>
12	Interagency review for licenses								
13	Control lists		X		<ul style="list-style-type: none"> <li>▪ <b>CW:</b> Poisons Act, Schedule, Poisons list (Part I</li> </ul>		X		<ul style="list-style-type: none"> <li>▪ <b>CW:</b> Poisons Act</li> </ul>

<sup>4</sup> In exercise of the power conferred by rule 14 of the Arms and Explosives Rules, the Prime Minister hereby delegates to the Commissioner of Police the exercise of his power (in his capacity as Licensing Officer), to sign licences issued under the Arms and Explosives Rules which have been approved by the Licensing Officer under those Rules.

					and Part II: extensive list overlaps with CWC Schedules and AG Common Lists)					
14	Updating of lists									
15	Inclusion of technologies									
16	Inclusion of means of delivery			X	<b>NW, CW, BW:</b> <ul style="list-style-type: none"> <li>▪ Anti-Terrorism Order</li> <li>▪ Arms and Explosives Act</li> </ul> <b>BW:</b> <ul style="list-style-type: none"> <li>▪ Biological Weapons Act, section 2 (b)</li> </ul>			X	<b>NW, CW, BW:</b> <ul style="list-style-type: none"> <li>▪ Anti-Terrorism Order</li> <li>▪ Arms and Explosives Act</li> </ul> <b>BW:</b> <ul style="list-style-type: none"> <li>▪ Biological Weapons Act, section 2 (b)</li> </ul>	
17	End-user controls									
18	Catch all clause									
19	Intangible transfers									
20	Transit control		?	?	<b>NW, CW, BW:</b> <ul style="list-style-type: none"> <li>▪ Arms and Explosives Act, section 3,</li> <li>▪ Arms and Explosives Rules, Rule 8</li> <li>▪ Customs Order (controlled by the controller)</li> <li>▪ Customs Transit Rules</li> </ul>			?	?	<b>CW, BW:</b> <ul style="list-style-type: none"> <li>▪ Arms and Explosives Act, section 3 and its Arrangement Rules, Section 17 (Penalty)</li> <li>▪ Customs Order</li> <li>▪ Customs Transit Rules, (if seal is broken)</li> </ul>
21	Trans-shipment control		?	?	<b>NW:</b>  <b>NW, CW, BW:</b> <ul style="list-style-type: none"> <li>▪ Arms and Explosives Act, section 3 and Arms and Explosives Rules, rule 9:</li> <li>▪ The International Ship and Port Facility Security (ISPS) Code has been reflected in the Merchant Shipping (Safety Convention) (Amendment) Regulations, 2004</li> </ul>			?	?	<b>NW, CW, BW:</b> <ul style="list-style-type: none"> <li>▪ Arms and Explosives Act, section 3 and Arms and Explosives Rules, rule 17</li> <li>▪ Customs Order</li> <li>▪ The International Ship and Port Facility Security (ISPS) Code has been reflected in the Merchant Shipping (Safety Convention) (Amendment) Regulations, 2004</li> </ul>
22	Re-export control				<ul style="list-style-type: none"> <li>▪ Customs Order</li> <li>▪ Arms and Explosives Act, section 3, and Arms and Explosives Rules, rule 8</li> </ul>					<ul style="list-style-type: none"> <li>▪ Customs Order</li> <li>▪ Arms and Explosives Act, section 3,</li> <li>▪ Arms and Explosives Rules, rule 8</li> </ul>
23	Control of providing funds	?	X	?	<ul style="list-style-type: none"> <li>▪ Internal Security Act, section 42</li> <li>▪ Anti-Terrorism Order, section 2 – 9 and 13.</li> </ul>	?	X	?		<ul style="list-style-type: none"> <li>▪ Internal Security Act</li> <li>▪ Anti-Terrorism Order, Section 2 – 9 and 13</li> </ul>

					<ul style="list-style-type: none"> <li>▪ Criminal Assets Recovery Order</li> </ul>				<ul style="list-style-type: none"> <li>▪ Criminal Assets Recovery Order</li> </ul>	
24	Control of providing transport services	?	X	?	<ul style="list-style-type: none"> <li>▪ Internal Security Act, section 2 and 42</li> </ul>	?	X	?	<ul style="list-style-type: none"> <li>▪ Internal Security Act, section 2 and 42</li> </ul>	
25	Control of importation	?	X	X	<p><b>NW, CW, BW:</b></p> <ul style="list-style-type: none"> <li>▪ Customs Order</li> <li>▪ Arms and Explosives Act</li> <li>▪ Arms and Explosives Rules</li> <li>▪ Anti-Terrorism Order</li> </ul> <p><b>CW:</b></p> <ul style="list-style-type: none"> <li>▪ Poisons Act, section 5 and 10-11</li> </ul> <p><b>BW:</b></p> <ul style="list-style-type: none"> <li>▪ Infectious Disease Act, section 41-42</li> </ul>	?	X	X	<p><b>NW, CW, BW:</b></p> <ul style="list-style-type: none"> <li>▪ Customs Order</li> <li>▪ Arms and Explosives Act</li> <li>▪ Arms and Explosives Rules</li> <li>▪ Anti-Terrorism Order</li> </ul> <p><b>CW:</b></p> <ul style="list-style-type: none"> <li>▪ Poisons Act , section 17</li> </ul> <p><b>BW:</b></p> <ul style="list-style-type: none"> <li>▪ Infectious Disease Act, section 56, 60-62, 65 and 69</li> </ul>	
26	Extraterritorial applicability				<ul style="list-style-type: none"> <li>▪ Anti-Terrorism Order, section 56</li> </ul>					
27	Other									

**OP 6, 7 and 8 (d) - Control lists, Assistance, Information**

Can information be provided on the following issues ?		YES		Remarks
1	Control lists - items (goods/ equipment/ materials/ technologies)	X	Poisons Act (Cap. 114), Schedule, Poisons list (Part I and Part II: extensive list overlaps with CWC Schedules and AG Common Lists)	
2	Control lists - other	X	IMDG Code: Dangerous Goods List	
3	Assistance offered			
4	Assistance requested	X	i. Setting up of radiological monitoring stations; ii. Setting up of radiological emergency response - technical support required; iii. Setting up of secondary standard dosimetry system; iv. Work attachment programs at radiation regulatory bodies; v. Work attachment programs at radio analytical labs to develop testing and detection capabilities	
5	Point of Contact for assistance			
6	Assistance in place (bilateral/multilateral)	X	By IAEA, Australia and USA	
7	Work with and inform industry			
8	Work with and inform the public			
9	Point of Contact			
10	Other <sup>4</sup>			

4. Information may include references to voluntary implementation national action plan and visits to States, at their invitation, by the 1540 Committee.

OP2 – Nuclear Weapons (NW), Chemical Weapons (CW) and Biological Weapons (BW)

<p>Manufacture/ produce</p>	<p><i>NW, CW, BW:</i></p> <ul style="list-style-type: none"> <li>• The <b>Arms and Explosives Rules</b> provide for the licensing requirements in order to <u>manufacture</u>, deal in, or repair guns or arms or <u>manufacture</u>, use, sell, purchase, store, transport, import or export any explosives. Specifically, r.10 Arms and Explosives Rules state that the manufacture of arms and explosives requires a licence.</li> </ul> <p><i>BW:</i></p> <p><b>Section 2 of the Biological Weapons Act</b> deals with individual ('persons'), whilst <b>Section 4</b> deals with body-corporate ('entities'), who if they committed an offence under Section 2, both the body-corporate and office holder of the corporation will be held liable.</p>
<p>acquire</p>	<p><i>NW, CW, BW:</i></p> <p>The <b>Arms and Explosives Rules</b> provides for the licensing requirements in order to manufacture, <u>deal in</u>, or repair guns or arms or manufacture, use, sell, <u>purchase</u>, store, transport, <u>import</u> or export any explosives.</p> <p><i>CW:</i></p> <ul style="list-style-type: none"> <li>• <b>Section 5 of the Poisons Act</b> states that a licence is required before any poison can be imported, possessed for sale, sell or offered for sale.</li> <li>• The <b>Poisons Rules 1957</b> and <b>Section 6 of the Poisons Act</b> both regulate the sale of poisons.</li> </ul> <p>Under "Enforcement":</p> <ul style="list-style-type: none"> <li>• <b>Section 17 of the Poisons Act</b> deals with the penalties should any person act in contravention of any of the provisions of the Poisons Act or of any rule or order made thereunder.</li> </ul> <p><i>BW:</i></p> <ul style="list-style-type: none"> <li>• <b>Section 41 of the Infectious Diseases Act</b> prohibits importation of vectors capable of transmitting a disease into Brunei without the written permission of the Director-General.</li> <li>• <b>Section 42 of the Infectious Diseases Act</b> prohibits importation into Brunei Darussalam of any disease-causing organism or any agent of disease capable of transmitting a disease, without prior written permission of the Director-General.</li> <li>• <b>Section 4 of the Biological Weapons Act</b> provides that body-corporate ('entities') can be liable to commit an offence under the Biological Weapons Act.</li> </ul>



<p>possess</p>	<p><i>NW, CW, BW:</i></p> <ul style="list-style-type: none"> <li>• <b>Section 28 of the Public Order Act</b> (Cap 148) provides a penalty for any person who without lawful excuse carries or has in his possession or under his control (a) any firearm, without lawful authority therefor; or (b) any ammunition or explosive, without lawful authority.</li> <li>• <b>Rules 3, 4, 5 &amp; 6 of the Arms and Explosives Rules</b> regulates the possession of guns or arms and for marking on guns and arms under possession. However, rules 3, 4, 5 &amp; 6 are listed as 'Reserved' (i.e the provisions are no longer applicable except in certain circumstances).</li> </ul> <p>"Enforcement":</p> <ul style="list-style-type: none"> <li>• <b>Section 17 Section 17(1) of the Public Order Act</b> – the Commissioner of Police (CP) may prohibit the use, possession or custody of firearms and ammunition, notwithstanding that the said firearms and ammunition have been issued with licenses or permits, if he considers it expedient in the public interest to do so. The CP may give direction to take the said firearms and ammunition into custody or suspend or cancel the license or permits. Upon being taken into custody, the CP may direct for the said firearms and ammunitions to be destroyed or disposed in such manner as he thinks fit. Compensation shall be paid to the person who surrendered the said firearms and ammunitions that was directed to be destroyed or disposed of by the CP.</li> </ul> <p><i>CW:</i>  <b>Section 5 of the Poisons Act</b> requires a license to the import, possess for sale, sell or offer for sale any poison.</p> <p><i>BW:</i>  <b>Section 4 of the Biological Weapons Act</b>, provides that a body-corporate ('entities') can be liable to commit an offence under the Biological Weapons Act.</p>
<p>Stockpile/store</p>	<p><i>NW, CW, BW:</i></p> <ul style="list-style-type: none"> <li>• The <b>Arms and Explosives Rules</b> also provides for the licensing requirements in order to manufacture, <u>deal in</u>, or repair guns or arms or manufacture, use, sell, purchase, <u>store</u>, transport, import or export any explosives.</li> </ul> <p><i>BW:</i>  <b>Section 4 of the Biological Weapons Act</b>, provides that a body-corporate ('entities') can be liable to commit an offence under the Biological Weapons Act.</p>
<p>Develop</p>	<p><i>BW:</i>  <b>Section 4 of the Biological Weapons Act</b>, provides that a body-corporate ('entities') can be liable to commit an offence under the Biological Weapons Act.</p>

<p>Transport</p>	<p><i>NW, CW, BW:</i></p> <ul style="list-style-type: none"> <li>• The <b>Arms and Explosives Rules</b> provides for the licensing requirements in order to land or transship guns or arms, and to transport explosives.</li> <li>• <b>Section 18 of the Anti-Terrorism Order (ATO), 2011</b> – states that it is an offence for any person who intentionally and without lawful excuse <b>deliver</b>, place, discharge or detonate an explosive or other lethal device in, into or against a place of public use, a State or government facility, a public transportation system, or an infrastructure facility, with intent to cause death or serious bodily injury, or extensive destruction of such place, facility or system that results in or likely to result in major economic loss.</li> <li>• <b>Section 60 of the Anti-Terrorism Order (ATO), 2011</b> - states that a body-corporate ('entities') can be liable to commit an offence under the ATO.</li> </ul> <p><i>BW:</i></p> <ul style="list-style-type: none"> <li>• <b>Section 42 of the Infectious Diseases Act</b> prohibits importation into Brunei Darussalam of any disease-causing organism or any agent of disease capable of transmitting a disease, without prior written permission of the Director-General.</li> <li>• <b>Section 41 of the Infectious Diseases Act</b> prohibits importation of vectors capable of transmitting a disease into Brunei without the written permission of the Director-General.</li> </ul>
<p>Transfer</p>	<p><i>NW, CW, BW:</i></p> <p>The <b>Arms and Explosives Rules</b> provides for the licensing requirements in order to manufacture, <u>deal in</u>, or repair guns or arms or manufacture, use, <u>sell</u>, purchase, store, transport, <u>import or export</u> any explosives.</p> <p><i>BW:</i></p> <p><b>Section 22(1) of the Infectious Diseases Act</b> – A person who is a carrier of an infectious disease or has contact with an infectious disease under Fifth Schedule shall not expose other people to the risk of infection due to his presence or conduct in public place or any other place used in common by persons. Offence under Section 22(4).</p>
<p>Use</p>	<p><i>NW, CW, BW:</i></p> <ul style="list-style-type: none"> <li>• The <b>Arms and Explosives Rules</b> provides for the licensing requirements in order to manufacture, <u>deal in</u>, or repair guns or arms or manufacture, <u>use</u>, sell, purchase, store, transport, import or export any explosives.</li> </ul>

	<ul style="list-style-type: none"> <li>• <b>Section 18 of the Anti-Terrorism Order</b> makes it an offence for any person who intentionally and without lawful excuse to deliver, place, discharge or detonate an explosive or other lethal device in, into or against a place of public use, a State or government facility, a public transportation system, or an infrastructure facility, with intent to cause death or serious bodily injury, or extensive destruction of such place, facility or system that results in or is likely to result in major economic loss. Such an offence attracts the death penalty (if there is intention to cause death or serious bodily injury and death is caused) and life imprisonment in any other case.</li> </ul> <p>CW:</p> <p>“Enforcement”:</p> <ul style="list-style-type: none"> <li>• <b>Section 284 of the Penal Code</b> - Whoever does, with any poisonous substance, any act in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any person, or knowingly or negligently omits to take such order with any poisonous substance in his possession as is sufficient to guard against probable danger to human life from such poisonous substance, shall be punished with imprisonment for a term which may extend to 5 years and with fine.</li> </ul>
<p>Participate as an accomplice in abovementioned activities</p>	<p>NW, CW, BW:</p> <ul style="list-style-type: none"> <li>• <b>Section 44 of the Internal Security Act</b> is the relevant section relating to the offence under section 40 of the Act.</li> <li>• In addition to <b>Sections 34 and 37 of the Penal Code</b>, to also include sections 35, 120A and 120B of the Penal Code as it pertains to criminal conspiracy.</li> <li>• <b>Section 3 of the Anti-Terrorism Order</b> provides that the participation in the commission of a terrorist act is an offence.</li> </ul>
<p>Assist in abovementioned activities</p>	<p>NW, CW, BW:</p> <ul style="list-style-type: none"> <li>• <b>Sections 41, 44 and 45 of the Internal Security Act</b> are the correct references for the offence of ‘assisting in abovementioned activities’.</li> <li>• The amendment to the <b>Anti-Terrorism Order in 2012</b> has expanded the definition of ‘recruit’ under <b>section 11</b> to include ‘abet, induce, incite, instigate, encourage and solicit’. <b>Section 13 of the Anti-Terrorism Order</b> makes the abetment and promotion of the commission of a terrorist act or membership in a terrorist group, an offence.</li> </ul>

	<p>N.B. <b>Section 2 of the Anti-Terrorism Order</b> provides that “terrorist act” means the use or threat of action where the action –</p> <p>(A) involves serious violence against any person;          (B) involves serious damage to property;          (C) endangers any person’s life;          (D) creates a serious risk to the health or safety of the public or a section of the public;          (E) <b>involves the use of firearms or explosives;</b>          (F) <b>involves releasing into the environment or any part thereof, or distributing or otherwise exposing the public or any part thereof to –</b>          (I) <b>any dangerous, hazardous, radioactive or harmful substance;</b>          (II) <b>any toxic chemical;</b>          (III) <b>any microbial or other biological agent or toxin; or</b>          (IV) <b>any nuclear material;</b></p> <p>....)</p> <ul style="list-style-type: none"> <li>• <b>Section 118 – 120 of the Penal Code</b> also relate to the offence of abetment.</li> </ul>
<p>Finance abovemention ed activities</p>	<p><b>Section 4 of the Anti-Terrorism Order</b> which provides as an offence the <u>providing, collecting, receiving, possessing or making available</u> by any means, directly or indirectly, <u>any property</u>, intending, knowing, or having reasonable grounds to suspect that the property will be used in whole or in part –</p> <p>(i) to commit a terrorist act or facilitate the commission of a terrorist act;          (ii) by a terrorist group; or          (iii) by a terrorist.</p> <p><b>Section 5, 6, 7, 8 and 9 of the Anti-Terrorism Order</b> also provides for terrorism financing offences, as follows:</p> <ul style="list-style-type: none"> <li>- The provision of financial or other related services for commission of terrorist acts (section 5)</li> <li>- The use of property for commission of terrorist acts (section 6)</li> <li>- The entering into an arrangement for acquisition, retention or control of terrorist property (section 7)</li> <li>- Dealing with terrorist property (section 8)</li> <li>- Soliciting and giving support to terrorist groups or for commission of terrorist acts (section 9)</li> </ul> <p>N.B. <b>Section 2 of the Anti-Terrorism Order</b> provides for a very wide definition of “property”, which amongst others, include assets of every kind, whether tangible or intangible, movable or immovable as well as funds or other financial assets in any form.</p>

	<p>The <b>Criminal Assets Recovery Order 2012</b> is also relevant as it provides for:</p> <ul style="list-style-type: none"> <li>• Measures to prevent money laundering and terrorist financing</li> <li>• Reporting obligations for suspicious transactions and compliance</li> <li>• Application of restraining orders, confiscation orders and benefit recovery orders to recover criminal assets from those convicted of serious offences or a money laundering offence</li> <li>• The rendering of assistance to foreign countries who wish to request the enforcement of orders and location of proceeds of crime</li> </ul>
Involvement of non-State actors in abovementioned activities	<p><i>BW:</i></p> <p><b>Section 4 of the Biological Weapons Act</b> provides that a body-corporate ('entities') can be liable to commit an offence under the Biological Weapons Act.</p>
Other	<p><i>CW:</i></p> <p>The draft Chemical Weapons Prohibition Order is currently under consideration within the relevant agency.</p>

**ANTI-TERRORISM ORDER 2011**

In addition to the sections under the **Anti-Terrorism Order (ATO)** that have been referred to above in the matrix, there are other sections under the ATO which can generally cover the activities provided under OP2 for nuclear, chemical and biological weapons.

**Definition of "Terrorist acts"**

**Section 3** provides as an offence the commission or participation in the commission of a "terrorist act", while section 5 provides as an offence the provision of services for the commission of "terrorist acts".

**Section 2(b)** of the Anti-Terrorism Order defines "**terrorist act**" to include the use or threat of action, where the action, amongst others, involves the use of firearms or explosives and also involves releasing into the environment or any part thereof, or distributing or otherwise exposing the public or any part thereof to –

- (I) any dangerous, hazardous, radioactive or harmful substance;
- (II) any toxic chemical;
- (III) any microbial or other biological agent or toxin; or
- (IV) any nuclear material.

Section 2(b) also defines "**terrorist act**" as an act or omission in or outside Brunei Darussalam which constitutes an offence within the scope of the 11 counter-terrorism conventions specified under the Schedule of the Anti-Terrorism Order.

Furthermore, “**explosive or other lethal device**” is defined as:

- (a) an explosive or other incendiary weapon or device that is designed, or has the capability, to cause death, serious bodily injury or substantial material damage; or
- (b) a weapon or device that is designed, or has the capability, to cause death, serious bodily injury or substantial material damage through the release, dissemination or impact of –
  - (i) toxic chemicals, biological agents or toxins or similar substances;
  - (ii) radiation or radioactive material; or
  - (iii) nuclear material.

Thus the Anti-Terrorism Order has a wide definition of what a ‘terrorist act’ where, by virtue of sections 3 and 5 of the Anti-Terrorism Order, the use of firearms or explosives, as well as releasing substances related to radioactive, chemical, biological and nuclear material are considered offences as well under the Anti-Terrorism Order.

**Definition of “property”**

The definition of terrorist “property” has been amended in 2012 to expand it to include, amongst others, arms related material. Thus the sections in the ATO which deal with “property” would also apply to arms related material. The following are offences under the ATO:

- **Section 4** – provision, collection, receiving, possessing and making available any property to commit terrorist acts
- **Section 6** – use of property for the commission of terrorist acts
- **Section 7** – entering into an arrangement for acquisition, retention or control of terrorist property
- **Section 8** - Dealing with, acquiring, possessing, entering into transactions, converting, concealing, disguising terrorist property

OP3(c) and (d) and related matters from OP6 and OP10 - Controls of NW, CW and BW, including related Materials

1	Border control	<p><i>NW, CW, BW:</i></p> <p><b>Section 19 of the Public Order Act</b>, confers powers to stop and search any person or vehicle whether in a public place or not, enter and search any premises, and board and search any vehicle, vessel or aircraft. The powers are exercisable for the purpose of ascertaining whether such person, vehicle, vessel or aircraft is carrying, or such premises contain, any offensive weapon, subversive article or injurious thing. The Act also confers powers to seize any such weapon, article, injurious thing or evidence and also any vehicle, vessel or aircraft in which it is found.</p> <p>If it is suspected that any article or material being evidence of the commission of offences under <b>sections 40-45 of the Internal Security Act</b> (offences relating to firearms, ammunition and explosives) as likely to be found in such vehicle, vessel or aircraft or on such individual, <b>section 47 of the Internal Security Act</b> similarly confers powers to stop and search such vehicle, vessel, aircraft or individual, and may seize any article or material so found.</p>
9	Exceptions from licensing	<p><b>Rule 2 of the Arms and Explosives Rules</b> state that any person who possess, import or export any firearms requires a licence. However, the proviso under rule 2 also state that the provisions of these rules shall not apply to rifles of a type approved by the Licensing Officer, and ammunition belonging to any rifle club approved by the Minister and registered as a society under the Societies Act when stored in any magazine and used on any rifle range approved by the Licensing Officer.</p>
23	Control of providing funds	<p><b>Section 2 – 9 and 13</b> of the <b>Anti-Terrorism Order</b> pertains to terrorism financing offences.</p>