

# DRAFT 1540 COMMITTEE MATRIX OF BHUTAN

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:** **BHUTAN**  
**Date of Report:** **19 August 2009**  
**Date of First Addendum:** **19 March 2013**  
**Date of Committee Approval:**

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	Deposit 23 May 1985	
2 Nuclear Weapons Free Zone/ Protocol(s)			
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)			
7	Chemical Weapons Convention (CWC)	X	Deposit 18 August 2005	
8	Biological Weapons Convention (BWC)	X	Deposit Accession document on 08 June 1978	
9	Geneva Protocol of 1925	X	Deposit 19 February 1979	
10	Other Conventions/Treaties	X	State party to 8 of 19 universal legal Instruments against terrorism including the following relevant to resolution 1540: 1999 International Convention for the Suppression of the Financing of Terrorism Partial Test Ban Treaty SAARC Convention on Suppression of Terrorism and the Additional Protocol to the Convention	
11	International Atomic Energy Agency (IAEA)			
12	Hague Code of Conduct (HCOC)			
13	Other Arrangements			
14	General statement on non-possession of WMD	X	State reports that it does not possess, manufacture or trade in nuclear, chemical or biological weapons	
15	General statement on commitment to disarmament and non-proliferation	X	State reports that it is committed to its efforts for disarmament and non-proliferation.	
16	General statement on non-provision of WMD and related materials to non-State actors	X	State reports that it is strongly opposed to providing any form of support to non-State actors.	
17	Other <sup>1</sup>	X	Member of SAARC Member of WCO since 12 Feb 2002 Member of INTERPOL since 19 Sep 2005 Member of WHO Member of OIE	

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	
		NW	CW	BW		NW	CW	BW		
1	manufacture/produce	X	X	X	<b>NW/CW/BW:</b> Constitution of 18 July 2008, Art. 10, para. 25 Read in conjunction with Section 29 of Civil and Criminal Procedure Code  <b>NW:</b> NPT ratification Law  <b>CW:</b> CWC ratification Law  <b>BW:</b> BWC ratification Law	X	X	X	<b>NW/CW/BW:</b> Penal Code, chapter 32, Arts. 478 and 479 (without a proper licence - Life imprisonment for producing weapons of mass destruction)	
2	acquire	X	X	X	<b>NW/CW/BW:</b> Constitution of 18 July 2008, Art. 10, para. 25, Read in conjunction with Section 29 of Civil and Criminal Procedure Code  <b>NW:</b> NPT ratification Law  <b>CW:</b> CWC ratification Law  <b>BW:</b> BWC ratification Law	X	X	X	<b>NW/CW/BW:</b> Penal Code, chapter 32, Art. 482	
3	possess	X				X	X	X	<b>NW/CW/BW:</b> Penal Code, chapter 32, Art. 480	

				<p><b>NW:</b> Constitution of 18 July 2008, Art. 10, para. 25, Read in conjunction with Section 29 of Civil and Criminal Procedure Code NPT ratification Law</p>				
4	stockpile/store		X X	<p><b>CW/BW:</b> Constitution of 18 July 2008, Art. 10, para. 25, Read in conjunction with Section 29 of Civil and Criminal Procedure Code</p> <p><b>CW:</b> CWC ratification Law</p> <p><b>BW:</b> BWC ratification Law</p>				
5	develop		X X	<p><b>CW/BW:</b> Constitution of 18 July 2008, Art. 10, para. 25, Read in conjunction with Section 29 of Civil and Criminal Procedure Code</p> <p><b>CW:</b> CWC ratification Law</p> <p><b>BW:</b> BWC ratification Law</p>				
6	transport							
7	transfer		X X	<p><b>CW/BW:</b> Constitution of 18 July 2008, Art. 10, para. 25, Read in conjunction with Section 29 of Civil and Criminal Procedure Code</p> <p><b>CW:</b> 1. CWC ratification Law 2. International Convention for the Suppression of Terrorist Bombing, Art. 2 (only terrorist intent)</p> <p><b>BW:</b> BWC ratification Law</p>		X	<p><b>CW:</b> Penal Code, chapter 32, Art. 506 {As amended by Penal Code (Amendment) Act of Bhutan 2011}</p>	

8	use	X	X	X	<p><b>NW/CW/BW:</b> International Convention for the Suppression of Terrorist Bombing, Art. 2 (only terrorist intent)</p> <p><b>CW/BW:</b> Constitution of 18 July 2008, Art. 10, para. 25, Read in conjunction with Section 29 of Civil and Criminal Procedure Code</p> <p><b>CW:</b> CWC ratification Law</p> <p><b>BW:</b> BWC ratification Law</p>	X	X	X	<p><b>NW:</b> Penal Code, chapter 32, Art. 486</p> <p><b>CW:</b> Penal Code, chapter 32, Arts. 486 and 506 {As amended by Penal Code (Amendment) Act of Bhutan 2011}</p> <p><b>BW:</b> Penal Code, chapter 32, Arts. 480 and 486</p>
9	participate as an accomplice in abovementioned activities	X	X	X	<p><b>NW/CW/BW:</b> International Convention for the Suppression of Terrorist Bombing, Art. 2 (only terrorist intent)</p> <p><b>BW:</b> Constitution of 18 July 2008, Art. 10, para. 25, Read in conjunction with Section 29 of Civil and Criminal Procedure Code BWC ratification Law Penal Code, Arts. 64, 65 and 125.</p>	X	X	X	<p><b>NW/CW/BW:</b> Penal Code, Arts. 64, 65 and 125</p>
10	assist in abovementioned activities	X	X	X	<p><b>NW/CW/BW:</b> International Convention for the Suppression of Terrorist Bombing, Art. 2 (only terrorist intent)</p> <p><b>CW/BW:</b> Constitution of 18 July 2008, Art. 10, para. 25, Read in conjunction with Section 29 of Civil and Criminal Procedure Code</p>	X	X	X	<p><b>NW/CW/BW:</b> Penal Code, Arts. 64, 65 and 125</p>

					<p><b>CW:</b> CWC ratification Law</p> <p><b>BW:</b> BWC ratification Law Penal Code, Arts. 64, 65 and 125.</p>				
11	finance abovementioned activities	X	X	X	<p><b>NW/CW/BW:</b> Constitution of 18 July 2008, Art. 10, para. 25, Read in conjunction with Section 29 of Civil and Criminal Procedure Code International Convention for the Suppression of Terrorist Bombing, Art. 2 (only terrorist intent) International Convention for the Suppression of the Financing of Terrorism (only related to the art. 2 of the International Convention for the Suppression of Terrorist Bombing)</p>	X	X	X	<p><b>NW/CW/BW:</b> Penal code Section 329(b)</p>
12	abovementioned activities related to means of delivery <sup>2</sup>		X	X	<p><b>CW/BW:</b> Constitution of 18 July 2008, Art. 10, para. 25, Read in conjunction with Section 29 of Civil and Criminal Procedure Code</p> <p><b>CW:</b> CWC ratification Law</p> <p><b>BW:</b> BWC ratification Law</p>				
13	involvement of non-State actors in abovementioned activities		X	X	<p><b>CW/BW:</b> Constitution of 18 July 2008, Art. 10, para. 25, Read in conjunction with Section 29 of Civil and Criminal Procedure Code</p> <p><b>CW:</b> CWC ratification Law</p> <p><b>BW:</b> BWC ratification Law</p>				



**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			if YES, source document			
		N W	C W	B W*		N W	C W	B W				
1	Measures to account for production	X	?	?	<b>NW/CW/BW:</b> National Environment Protection Act, 2007, Art. 55 (No person shall handle or cause to be handled any hazardous substance except in accordance with such procedure and after complying with such safeguards as may be prescribed under national and international instruments).  <b>NW:</b> INFCIRC/371	?	?	?	<b>NW/CW/BW:</b> National Environment Protection Act, 2007, Arts: 100-104			
2	Measures to account for use	X	?	?	<b>NW/CW/BW:</b> National Environment Protection Act, 2007, Art. 55 (No person shall handle or cause to be handled any hazardous substance except in accordance with such procedure and after complying with such safeguards as may be prescribed under national and international instruments).  <b>NW:</b> INFCIRC/371	?	?	?	<b>NW/CW/BW:</b> National Environment Protection Act, 2007, Arts: 100-104			
3	Measures to account for storage	?	?	?	<b>NW/CW/BW:</b> National Environment Protection Act, 2007, Art. 55 (No person shall handle or cause to be handled any hazardous substance except in accordance with such procedure and after complying with such safeguards as may be prescribed under national and international	?	?	?	<b>NW/CW/BW:</b> National Environment Protection Act, 2007, Arts: 100-104			



				instruments).  <b>NW:</b> INFCIRC/371					
4	Measures to account for transport								
5	Other measures for accounting	?	?	?	<b>NW/CW/BW:</b> National Environment Protection Act, 2007.	?	?	?	<b>NW/CW/BW:</b> National environmental information system for the purpose of gathering, processing, analysing, and disseminating data on the state of the environment
6	Measures to secure production	?	?	?	<b>NW/CW/BW:</b> National Environment Protection Act, 2007, Art. 56 (No person shall discharge or emit or be permitted to discharge or emit any pollutants in excess of such standards).	?	?	?	<b>NW/CW/BW:</b> National Environment Protection Act, 2007, Arts: 100-104
7	Measures to secure use	?	?	?	<b>NW/CW/BW:</b> National Environment Protection Act, 2007, Art. 56 (No person shall discharge or emit or be permitted to discharge or emit any pollutants in excess of such standards).	?	?	?	<b>NW/CW/BW:</b> National Environment Protection Act, 2007, Arts: 100-104
8	Measures to secure storage	?	?	?	<b>NW/CW/BW:</b> National Environment Protection Act, 2007, Art. 56 (No person shall discharge or emit or be permitted to discharge or emit any pollutants in excess of such standards).	?	?	?	<b>NW/CW/BW:</b> National Environment Protection Act, 2007, Arts: 100-104
9	Measures to secure transport								
10	Other measures for securing								
11	Regulations for physical protection of facilities/materials/ transports								
12	Licensing/registration of facilities/persons handling biological materials	?	?	?	<b>NW/CW/BW:</b> National Environment Protection Act, 2007, Arts. 97 and 98	?	?	?	<b>NW/CW/BW:</b> National Environment Protection Act, 2007, Arts: 100-104

13	Reliability check of personnel								
14	Measures to account for/secure/ physically protect means of delivery								

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/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	Safeguards Agreement (INFCIRC/371), in force 24 October 1989	X	Safeguards Agreement, in force 24 October 1989	
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					
6	Other Agreements related to IAEA					
7	Additional national legislation/regulations related to nuclear materials including CPPNM					
8	Other	?	National Environment Protection Act, 2007	?	The National Environment Commission	

**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	Legal and Treaties Division, Department of Multilateral Affairs Ministry of Foreign Affairs	X	National Authority, Legal and Treaties Division, Department of Multilateral Affairs Ministry of Foreign Affairs Royal Government of Bhutan	
2	Reporting Schedule I, II and III chemicals to OPCW					
3	Account for, secure or physically protect "old chemical weapons"					
4	Other legislation/ regulations controlling chemical materials					
5	Other	X	National Environment Protection Act, 2007	X	The National Environment Commission	

**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	Penal Code, chapter 33, Art. 494	
2	Other legislation/ regulations related to safety and security of biological materials					
3	Other	X	National Environment Protection Act, 2007	X	The National Environment Commission	

**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		N W	C W	B W			
1	Border control	X	X	X	<b>NW/BW/CW:</b> Customs and Excise Act of the Kingdom of Bhutan, 2000 as amended by Sales Tax, Customs and Excise (Amendment) Act 2012, Chapter 7, Section 16 – 19.									
2	Technical support of border control measures													
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology													
4	Enforcement agencies/authorities	X	X	X	<b>NW/BW/CW:</b> Customs and Excise Act of the Kingdom of Bhutan, 2000 as amended by Sales Tax, Customs and Excise (Amendment) Act 2012, General Preliminary Section 1 and 2			X	X	X	<b>NW/BW/CW:</b> Customs Police Other Immigration Authorities			
5	Export control legislation in place	?	?	?	<b>NW/BW/CW:</b> Customs and Excise Act of the Kingdom of Bhutan, 2000 as amended by Sales Tax, Customs and Excise (Amendment) Act 2012 Section 47			?	?	?	<b>NW/BW/CW:</b> Penal Code, chapter 19, Article 279 Customs and Excise Act of the Kingdom of Bhutan, 2000, as amended by Sales Tax, Customs and Excise (Amendment) Act 2012, General Provisions, Chapter 4 Fines and Penalties Section 16			
6	Licensing provisions													

7	Individual licensing							
8	General licensing							
9	Exceptions from licensing							
10	Licensing of deemed export/visa							
11	National licensing authority							
12	Interagency review for licenses							
13	Control lists							
14	Updating of lists							
15	Inclusion of technologies							
16	Inclusion of means of delivery							
17	End-user controls							
18	Catch all clause							
19	Intangible transfers							
20	Transit control	X	X	X	<b>NW/BW/CW:</b> Customs and Excise Act of the Kingdom of Bhutan, 2000 as amended by Sales Tax, Customs and Excise (Amendment) Act 2012, General Provisions Chapter 2			
21	Trans-shipment control							
22	Re-export control	?	?	?	<b>NW/BW/CW:</b> Customs and Excise Act of the Kingdom of Bhutan, 2000 as amended by Sales Tax, Customs and Excise (Amendment) Act 2012, Chapter 4 Section 9			
23	Control of providing funds							

24	Control of providing transport services								
25	Control of importation	X	X	X			X	X	X
					<b>NW/BW/CW:</b> Customs and Excise Act of the Kingdom of Bhutan, 2000 as amended by Sales Tax, Customs and Excise (Amendment) Act 2012, Chapter 7, Section 16, 17 and Chapter 13, Section 45 and 46				
									<b>NW:</b> Penal Code, chapter 19, Article 279  <b>CW:</b> Penal Code, Arts. 279 and 506 ( Illegal sale and use of harmful chemical substance)  <b>BW:</b> Penal Code, chapter 19, Article 279
26	Extraterritorial applicability								
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)			
2	Control lists - other			
3	Assistance offered			
4	Assistance requested			
5	Point of Contact for assistance			
6	Assistance in place (bilateral/multilateral)			
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.