

# DRAFT 1540 COMMITTEE MATRIX OF MYANMAR

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: MYANMAR  
 Date of Report: 6 April 2005  
 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 2 December 1992	
2	Nuclear Weapons Free Zone/ Protocol(s)	X	Treaty on the Southeast Asia Nuclear Weapon-Free Zone (Deposit 17 July 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)	?	Signed 25 November 1996	
7	Chemical Weapons Convention (CWC)	?	Signed 14 January 1993	
8	Biological Weapons Convention (BWC)	?	Signed 10 April 1972	
9	Geneva Protocol of 1925			
10	Other Conventions/Treaties	X	<p>Party to 13 of 19 international counter-terrorism instruments, including 2 relevant to resolution 1540 (2004):</p> <p>1997 International Convention for the Suppression of Terrorist Bombings (Accepted 12 November 2001)</p> <p>1999 International Convention for the Suppression of the Financing of Terrorism (Ratified 16 August 2006)</p> <p>Also party to: Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Underwater (Ratified 15 November 1963)</p> <p>Signatory to: Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof (Sea-Bed Treaty)</p>	
11	International Atomic Energy Agency (IAEA)	X	Since 18 October 1957	
12	Hague Code of Conduct (HCOG)			
13	Other Arrangements			
14	General statement on non-possession of WMD	X	State reports that it does not possess WMD or systems capable of delivering WMD	
15	General statement on commitment to disarmament and non-proliferation			
16	General statement on non-provision of WMD and related materials to non-State actors			
17	Other <sup>1</sup>	X	Member of the: World Customs Organization (WCO) and its Framework of Standards to Secure and Facilitate Global Trade (SAFE) Programme INTERPOL	

			World Health Organization (WHO) Organisation for Animal Health (OIE) International Maritime Organization (IMO) The ASEAN Regional Forum (ARF) Asia/Pacific Group on Money Laundering (APG)	
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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		?		<b>CW:</b> The Explosive Substance Act (1908) The Arms Act (1878)		?		<b>CW:</b> The Explosive Substance Act (1908), section 5 The Arms Act (1878), section 19 (a) Penal Code, "explosive substances", "poisonous substances"					
2	acquire													
3	possess		?		<b>CW:</b> The Explosive Substance Act (1908) The Arms Act (1878)		?		<b>CW:</b> The Explosive Substance Act (1908), section 5 The Arms Act (1878), section 19 Penal Code, "explosive substances", "poisonous substances"					
4	stockpile/store													
5	develop													
6	transport		?		<b>CW:</b> The Explosive Substance Act (1908), section 4 The Arms Act (1878), section 19		?		<b>CW:</b> Penal Code, "explosive substances", "poisonous substances"					
7	transfer													
8	use	X	X	X	<b>NW/CW/BW:</b> Penal Code, Art. 326 (...by means of any poison or any corrosive substance, or by means of any explosive substance, or by means of any	X	X	X	<b>NW/CW/BW:</b> Penal Code, Art. 326 (...by means of any poison or any corrosive substance, or by means of any explosive substance, or by means of any					

				substance which it is deleterious to the human body to inhale, to swallow, or receive into the blood)				substance which it is deleterious to the human body to inhale, to swallow, or receive into the blood)	
9	participate as an accomplice in abovementioned activities	X	X	X	<b>NW/CW/BW:</b> Penal Code, Chap. V (A), Art. 120 A- B (criminal conspiracy)	X	X	X	<b>NW/CW/BW:</b> Penal Code, Art. 326
10	assist in abovementioned activities	X	X	X	<b>NW/CW/BW:</b> Penal Code, Chap. V (A), Art. 120 A- B (criminal conspiracy)	X	X	X	<b>NW/CW/BW:</b> Penal Code, Art. 326
11	finance abovementioned activities	X	X	X	<b>NW/CW/BW:</b> Control of money laundering law of 2002, as amended in 2004 (terrorism financing)	X	X	X	<b>NW/CW/BW:</b> Control of money laundering law of 2002, as amended in 2004 Financial Intelligence Unit (FIU)
12	abovementioned activities related to means of delivery <sup>2</sup>								
13	involvement of non-State actors in abovementioned activities								
14	Other	?	?	?	<b>NW/CW/BW:</b> Explosives Act, 1884 Notification October 1999 of the Ministry of Commerce (Prohibiting trade, border trade and transit of weapons)	?	?	?	<b>NW/CW/BW:</b> Arms Emergency Punishment Act, 1949

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			if YES, source document	
		N W	C W	B W *		N W	C W	B W		
1	Measures to account for production	X			NW: "INFCIRC/477 The Atomic Energy Law of 8 June 1998 (The State Peace and Development Council Law No. 8/98)"	X			NW: The Atomic Energy Law of 8 June 1998 (The State Peace and Development Council Law No. 8/98)	
2	Measures to account for use	X			NW: "INFCIRC/477 The Atomic Energy Law of 8 June 1998 (The State Peace and Development Council Law No. 8/98)"	X			NW: The Atomic Energy Law of 8 June 1998 (The State Peace and Development Council Law No. 8/98)	
3	Measures to account for storage	X			NW: "INFCIRC/477 The Atomic Energy Law of 8 June 1998 (The State Peace and Development Council Law No. 8/98)"	X			NW: The Atomic Energy Law of 8 June 1998 (The State Peace and Development Council Law No. 8/98)	
4	Measures to account for transport									
5	Other measures for accounting		?	?	CW: The Pesticide Law of 11 May 1990 (The State Law and Order Restoration Council Law No. 10/90)  BW: The National Food Law of 3 March 1997 (The State Law and Order Restoration Council Law		?	?	CW: The Pesticide Law of 11 May 1990 (The State Law and Order Restoration Council Law No. 10/90)  BW: The National Food Law of 3 March 1997 (The State Law and Order Restoration Council Law	

				No. 5/97) Fertilizer Law (No. 7/2002)			No. 5/97) Fertilizer Law (No. 7/2002)	
6	Measures to secure production	X		<b>NW:</b> The Atomic Energy Law of 8 June 1998 (The State Peace and Development Council Law No. 8/98)	X		<b>NW:</b> The Atomic Energy Law of 8 June 1998 (The State Peace and Development Council Law No. 8/98)	
7	Measures to secure use	X		<b>NW:</b> The Atomic Energy Law of 8 June 1998 (The State Peace and Development Council Law No. 8/98)	X		<b>NW:</b> The Atomic Energy Law of 8 June 1998 (The State Peace and Development Council Law No. 8/98)	
8	Measures to secure storage	X		<b>NW:</b> The Atomic Energy Law of 8 June 1998 (The State Peace and Development Council Law No. 8/98)	X		<b>NW:</b> The Atomic Energy Law of 8 June 1998 (The State Peace and Development Council Law No. 8/98)	
9	Measures to secure transport							
10	Other measures for securing		X X	<b>CW:</b> The Pesticide Law of 11 May 1990 (The State Law and Order Restoration Council Law No. 10/90) <b>BW:</b> The National Food Law of 3 March 1997 (The State Law and Order Restoration Council Law No. 5/97) Fertilizer Law (No. 7/2002)		X X	<b>CW:</b> The Pesticide Law of 11 May 1990 (The State Law and Order Restoration Council Law No. 10/90) <b>BW:</b> The National Food Law of 3 March 1997 (The State Law and Order Restoration Council Law No. 5/97) Fertilizer Law (No. 7/2002)	
11	Regulations for physical protection of facilities/materials/ transports							
12	Licensing/registration of installations/facilities/ persons/entities/use/ handling of materials	X		<b>NW:</b> The Atomic Energy Law of 8 June 1998 (The State Peace and Development Council Law No. 8/98)Chapter VIII	X		<b>NW:</b> The Atomic Energy Law of 8 June 1998 (The State Peace and Development Council Law No. 8/98), Art. 31/34	
13	Reliability check of personnel							

14	Measures to account for/secure/ physically protect means of delivery									
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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	X	The Atomic Energy Law, Chapter III, Article 4	X	The Atomic Energy Council, Department of Atomic Energy - Ministry of Science and Technology	
2	IAEA Safeguards Agreements	X	Safeguards Agreement (INFCIRC/477), in force 20 April 1995 SQP	X	Safeguards Agreement (INFCIRC/477), in force 20 April 1995 SQP	
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	X	State Party to: Convention on Early Notification of a Nuclear Accident (CENNA) (Deposit 18 Dec 1997 with declaration)  Model Project (INT/9/143) on "Upgrading Radiation Protection Infrastructure" launched	X	The objective of strengthening the radiation safety infrastructures and bringing into compliance with the Basic Safety Standards	

			in 1993			
7	Additional national legislation/regulations related to nuclear materials including CPPNM					
8	Other					

**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					
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					

**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					
2	Other legislation/ regulations related to safety and security of biological materials					
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	<b>NW/CW/BW:</b> Sea Customs Act, 1848 as amended Land Customs Act, 1924	X	X	X	<b>NW/CW/BW:</b> Sea Customs Act, 1848 as amended Land Customs Act, 1924 Chapter XVI					
2	Technical support of border control measures					X	X	X	<b>NW/CW/BW:</b> "Hand-held Garrett Metal Detectors are used to examine whether there are concealed weapons....The container yards are also installed with cargo scanners through which container must be passed. There is constant scrutinization of inside cargoes of the containers."					
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology													
4	Enforcement agencies/authorities	X	?	?	<b>NW/CW/BW:</b> Notification 10/1999 of the Ministry of Commerce: border trade  <b>NW:</b>	X	X	X	<b>NW/CW/BW:</b> Security units under the Ministry of Defence, Military Affairs Security Units, police force, Customs Department, Immigration Department, People's militia  <b>NW:</b>					

					The Atomic Energy Law, Chapter III				Atomic Energy Council	
5	Export control legislation in place	X	?	?	<p><b>NW/CW/BW:</b> The Export and Import Law of September 2012 Chapter V</p> <p><b>NW:</b> The Atomic Energy Law of 8 June 1998 (The State Peace and Development Council Law No. 8/98) Chap. IX Arts: 21-23 (prior permission)</p> <p><b>CW:</b> The Pesticide Law of 11 May 1990 (The State Law and Order Restoration Council Law No. 10/90)</p> <p><b>BW:</b> The Plant Pest Quarantine Law of 16 June 1993 (The State Law and Order Restoration Council Law No. 8/93)</p>	X	?	?	<p><b>NW/CW/BW:</b> The Export and Import Law of September 2012 Chapter V</p> <p><b>NW:</b> The Atomic Energy Law of 8 June 1998 (The State Peace and Development Council Law No. 8/98), Art. 31/34</p> <p><b>CW:</b> The Pesticide Law of 11 May 1990 (The State Law and Order Restoration Council Law No. 10/90)</p> <p><b>BW:</b> The Plant Pest Quarantine Law of 16 June 1993 (The State Law and Order Restoration Council Law No. 8/93 )</p>	
6	Licensing provisions	X	?	?	<p><b>NW/CW/BW:</b> The Export and Import Law of September 2012 Chapter V</p> <p><b>NW:</b> The Atomic Energy Law of 8 June 1998 (The State Peace and Development Council Law No. 8/98) Chap. VIII Arts: 17-20 (Licence) and Chap. IX Arts: 21-23 (prior permission)</p>	X	?	?	<p><b>NW/CW/BW:</b> The Export and Import Law of September 2012 Chapter V</p> <p><b>NW:</b> The Atomic Energy Law of 8 June 1998 (The State Peace and Development Council Law No. 8/98), Chap. XII Art. 31-34</p>	
7	Individual licensing	X	?	?	<p><b>NW/CW/BW:</b> The Export and Import Law of September 2012 Chapter V</p> <p><b>NW:</b> The Atomic Energy Law of 8 June 1998 (The State Peace and Development Council Law No. 8/98) Chap. VIII Arts: 17-20 (Licence) and Chap. IX Arts: 21-23 (prior permission)</p>	X	?	?	<p><b>NW/CW/BW:</b> The Export and Import Law of September 2012 Chapter V</p> <p><b>NW:</b> The Atomic Energy Law of 8 June 1998 (The State Peace and Development Council Law No. 8/98) Chap. XII Arts: 31-34</p>	
8	General licensing									

9	Exceptions from licensing								
10	Licensing of deemed export/visa								
11	National licensing authority	X	?	?	<p><b>NW/CW/BW:</b> The Export and Import Law of September 2012</p> <p><b>NW:</b> The Atomic Energy Law of 8 June 1998 (The State Peace and Development Council Law No. 8/98) Chap. VIII Arts: 17-20 (Licence) and Chap. VI (Duties and Functions of the Department)</p>	X	?	?	<p><b>NW/CW/BW:</b> The Export and Import Law of September 2012 Chapter V</p> <p><b>CW/BW:</b> Ministry of Commerce, including its Directorate of Trade (DOT) and Department of Border Trade (DOBT)</p>
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								
21	Trans-shipment control								
22	Re-export control								
23	Control of providing funds	X	X	X	<p><b>NW/CW/BW:</b> Control of money laundering law of 2002 as</p>	X	X	X	<p><b>NW/CW/BW:</b> Control of money laundering law of 2002, as</p>

					amended in 2004 (Terrorism Financing), section 5 (a) (5)				amended in 2004 Financial Intelligence Unit (FIU)	
24	Control of providing transport services									
25	Control of importation	X	?	?	<p><b>NW/CW/BW:</b> The Arms Act (1878), section 19 The Export and Import Law of September 2012</p> <p><b>NW:</b> 1. The Atomic Energy Law of 8 June 1998 (The State Peace and Development Council Law No. 8/98) Chap. IX Arts: 21-23 (prior permission)</p> <p><b>CW:</b> The Pesticide Law of 11 May 1990 (The State Law and Order Restoration Council Law No. 10/90)</p> <p><b>BW:</b> The Plant Pest Quarantine Law of 16 June 1993 (The State Law and Order Restoration Council Law No. 8/93)</p>	X	?	?	<p><b>NW/CW/BW:</b> The Arms Act (1878), section 19 The Export and Import Law of September 2012</p> <p><b>NW:</b> The Atomic Energy Law of 8 June 1998 (The State Peace and Development Council Law No. 8/98), Art. 31</p> <p><b>CW:</b> The Pesticide Law of 11 May 1990 (The State Law and Order Restoration Council Law No. 10/90)</p> <p><b>BW:</b> The Plant Pest Quarantine Law of 16 June 1993 (The State Law and Order Restoration Council Law No. 8/93 )</p>	
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>	X	A 1540 expert joined the UNSC Counter-Terrorism Committee (CTC) visit to Myanmar, organized by the Terrorism Committee Executive Directorate (CTED), under the authority of the CTC, and the Government of Myanmar, 21-25 November 2011.	

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