

# DRAFT 1540 COMMITTEE MATRIX OF TIMOR LESTE

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:

TIMOR LESTE

Date of First Report:

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 5 May 2003	
2	Nuclear Weapons Free Zone/ Protocol(s)			
3	Convention for the Suppression of Acts of Nuclear Terrorism	?	Signed 16 September 2005	
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 26 September 2008	
7	Chemical Weapons Convention (CWC)	X	Deposit 7 May 2003	
8	Biological Weapons Convention (BWC)	X	Deposit 5 May 2003	
9	Geneva Protocol of 1925			
10	Other Conventions/Treaties	X	Party to 1 of the 19 international counter-terrorism instruments which is relevant to resolution 1540 (2004): 1999 International Convention for the Suppression of the Financing of Terrorism	
11	International Atomic Energy Agency (IAEA)			
12	Hague Code of Conduct (HCOC)	X	Subscribed 25 November 2002	
13	Other Arrangements			
14	General statement on non-possession of WMD			
15	General statement on commitment to disarmament and non-proliferation	X	<p>“The people and the Government of Timor-Leste strongly condemn the use of weapons of mass destruction, particularly chemical and biological weapons, regardless against whom they are used. Moreover, the use of these weapons constitutes a gross violation of international law and is a clear threat to international peace and security. “Statement issued following the adoption of the United Nations Security Council Resolution 2118 on the Framework for the Elimination of Chemical Weapons in Syria.</p> <p>The State subscribed to the Joint Statement on the Humanitarian Consequences of Nuclear Weapons, delivered by Ambassador Dell Higgle NEW ZEALAND, 21 October 2013, at UNGA 68 First Committee. (“The only way to guarantee that nuclear weapons will never be used again is through their total elimination. All States share the responsibility to prevent the use of nuclear weapons, to prevent their vertical and horizontal proliferation and to achieve nuclear disarmament, including through fulfilling the objectives of the NPT and achieving its universality.”)</p>	
16	General statement on non-provision of WMD and related materials to non-State actors			
17	Other <sup>1</sup>	X	Member of: World Customs Organization (WCO) World Health Organization (WHO) World Organisation for Animal Health (OIE) International Maritime Organization (IMO)	

			Asia/Pacific Group on Money Laundering (APG) The ASEAN Regional Forum (ARF)	
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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	X	X	X	NW: Constitution of 22 March 2002, Section 9, para. 2, (if competent authority ratifies, accedes international instrument, it is part of domestic law when that decision is published in the Official Gazette) in conjunction with NPT  CW: Constitution of 22 March 2002, Section 9, para. 2, in conjunction with CWC  BW: Constitution of 22 March 2002, Section 9, para. 2 in conjunction with BWC	X	X	X	NW/CW/BW: Penal Code of Timor-Leste, Art 211. Prohibited weapons, (1. Any person who, except under legal circumstances, manufactures, imports, transports, sells or assigns to another party any firearm, chemical, biological weapon or nuclear weapon, munitions of said weapons, substances to manufacture or operate the same or any other type of explosive, is punishable with 2 to 6 years Imprisonment.)	
2	acquire	X	X	X		X	X	X	NW/CW/BW: Penal Code of Timor-Leste, Art 211. Prohibited weapons,	

					<b>NW:</b> Constitution of 22 March 2002, Section 9, para. 2, in conjunction with NPT  <b>CW:</b> Constitution of 22 March 2002, Section 9, para. 2, in conjunction with CWC  <b>BW:</b> Constitution of 22 March 2002, Section 9, para. 2 - Para in conjunction with BWC						
3	possess	X	?	?	<b>NW/CW/BW:</b> Penal Code of Timor-Leste, Art 131	X	?	?	<b>NW/CW/BW:</b> Penal Code of Timor-Leste, Art 131.4		
4	stockpile/store		X	X	<b>CW:</b> Constitution of 22 March 2002, Section 9, para. 2, in conjunction with CWC  <b>BW:</b> Constitution of 22 March 2002, Section 9, para. 2 in conjunction with BWC						
5	develop		X	X	<b>CW:</b> Constitution of 22 March 2002, Section 9, para. 2, in conjunction with CWC  <b>BW:</b> Constitution of 22 March 2002, Section 9, para. 2 in conjunction with BWC		X	X	<b>CW/BW:</b> Penal Code of Timor-Leste, Art 131. Terrorist organizations, 1. f) Research and development of biological or chemical weapons.		
6	transport	X	X	X	<b>NW/CW/BW:</b> Penal Code of Timor-Leste, Art 211. Prohibited weapons	X	X	X	<b>NW/CW/BW:</b> Penal Code of Timor-Leste, Art 211. Prohibited weapons, (1. Any person who, except under legal circumstances, manufactures, imports, transports, sells or assigns to another party any firearm, chemical, biological weapon		

								or nuclear weapon, munitions of said weapons, substances to manufacture or operate the same or any other type of explosive, is punishable with 2 to 6 years Imprisonment.)		
7	transfer	X	X	X	<b>NW:</b> Penal Code of Timor-Leste, Art 211. Prohibited weapons,  <b>CW:</b> Constitution of 22 March 2002, Section 9, para. 2 in conjunction with CWC  <b>BW:</b> Constitution of 22 March 2002, Section 9, para. 2 in conjunction with BWC	X	X	X	<b>NW/CW/BW:</b> Penal Code of Timor-Leste, Art 211. Prohibited weapons,	
8	use	X	X	X	<b>NW/CW/BW:</b> Penal Code of Timor-Leste, Art 127 (war crime, in armed conflicts), 131 and 211  <b>CW:</b> Constitution of 22 March 2002, Section 9, para. 2 in conjunction with CWC	X	X	X	<b>NW/CW/BW:</b> Penal Code of Timor-Leste, Art 127, 131 and 211	
9	participate as an accomplice in abovementioned activities	X	X	X	<b>NW/CW/BW:</b> Penal Code of Timor-Leste, Art 32, and 131.2	X	X	X	<b>NW/CW/BW:</b> Penal Code of Timor-Leste, Art 32 and 131.2	
10	assist in abovementioned activities	X	X	X	<b>NW/CW/BW:</b> Penal Code of Timor-Leste, Art 290  <b>CW:</b> Constitution of 22 March 2002, Section 9, para. 2 in conjunction with CWC: assist in any way	X	X	X	<b>NW/CW/BW:</b> Penal Code of Timor-Leste, Art 290	

11	finance abovementioned activities	X	X	X	<b>NW/CW/BW:</b> Penal Code of Timor-Leste, Art 133, Funding of terrorism  <b>CW:</b> Constitution of 22 March 2002, Section 9, para. 2 in conjunction with CWC: assist in any way	X	X	X	<b>NW/CW/BW:</b> Penal Code of Timor-Leste, Art 133 Funding of terrorism,	
12	abovementioned activities related to means of delivery <sup>2</sup>		X	X	<b>CW:</b> Constitution of 22 March 2002, Section 9, para. 2 in conjunction with CWC  <b>BW:</b> Constitution of 22 March 2002, Section 9, para. 2 in conjunction with BWC					
13	involvement of non-State actors in abovementioned activities	X	X	X	<b>NW/CW/BW:</b> Penal Code of Timor-Leste, Art 127 and 132  <b>CW:</b> Constitution of 22 March 2002, Section 9, para. 2 in conjunction with CWC	X	X	X	<b>NW/CW/BW:</b> Penal Code of Timor-Leste, Art 127 and 132	
14	Other									

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									
2	Measures to account for use									
3	Measures to account for storage									
4	Measures to account for transport									
5	Other measures for accounting									
6	Measures to secure production									
7	Measures to secure use									
8	Measures to secure storage									
9	Measures to secure transport									
10	Other measures for securing									
11	Regulations for physical protection of facilities/ materials/ transports									
12	Licensing/registration of installations/facilities/ persons/entities/use/ handling of materials									
13	Reliability check of personnel									



**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	?	Safeguards Agreement and Additional Protocols both signed 6 October 2009 Small Quantities Protocols signed 6 October 2009			
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					

**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?		<u>N</u> ational legal framework		<u>E</u> nforcement: 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?		<u>N</u> ational legal framework		<u>E</u> nforcement: 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	X	Law No. 16/1992 on Animal, Fish and Plant Quarantine (Indonesian but retained by Timor Leste)	X	Quarantine Service of Ministry of Agriculture, Forestry and Fisheries	
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, and 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:</b> Customs Code, Decree-Law No. 11 / 2004 Decree-Law No 9/2003 on Duties and Competencies of Customs Service Section 115.3 Constitution  <b>CW:</b> Customs Code, Decree-Law No. 11 / 2004 Decree-Law No 9/2003 on Duties and Competencies of Customs Service Section 115.3 Constitution  <b>BW:</b> Customs Code, Decree-Law No. 11 / 2004 Decree-Law No 9/2003 on Duties and Competencies of Customs Service Section 115.3 Constitution 2003 Decree-Law No. 21 / 2003, Legal Regime of quarantine on the Import and Export of goods and the health control of the international shipping	X	X	X	<b>NW:</b> Border Patrol Unit Decree-Law No 9/2003 on Duties and Competencies of Customs Service Section 115.3 Constitution  <b>CW:</b> Border Patrol Unit Decree-Law No 9/2003 on Duties and Competencies of Customs Service Section 115.3 Constitution  <b>BW:</b> Decree-Law No 9/2003 on Duties and Competencies of Customs Service Directorate of Quarantine Services 3. 2003 Decree-Law No. 21 / 2003, Articles 59-60 Border Patrol Unit	
2	Technical support of border control measures	X	X	X	<b>NW/CW/BW:</b> The Automated System for Customs Data (ASYCUDA) system in place  <b>BW:</b> Quarantine Service	X	X	X	<b>NW/CW/BW:</b> The Automated System for Customs Data (ASYCUDA) system in place  <b>BW:</b> Quarantine Service	

3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	?			<b>NW:</b> Penal Code of Timor-Leste, Art 211 penalises "selling".to other people ... nuclear weapons, substances to produce it... Art 313, Money Laundering: penalty for facilitating trafficking of nuclear weapons or products...	?			<b>NW:</b> Penal Code of Timor-Leste, Art 211 penalises"selling".to other people ... nuclear weapons, substances to produce it... Art 313, Money Laundering: penalty for facilitating trafficking of nuclear weapons or products...	
4	Enforcement agencies/authorities	X	X	X	<b>NW/CW/BW:</b> Customs Code, Decree-Law No. 11 / 2004 Decree-Law No 9/2003 on Duties and Competencies of Customs Service Section 115.3 Constitution	X	X	X	<b>NW/CW/BW:</b> Customs Service Border Patrol	
5	Export control legislation in place			X	<b>BW:</b> Law No. 16/1992 on Animal, Fish and Plant Quarantine			X	<b>BW:</b> Law No. 16/1992 on Animal, Fish and Plant Quarantine	
6	Licensing provisions									
7	Individual licensing									
8	General licensing									
9	Exceptions from licensing			X	<b>BW:</b> 2003 Decree-Law No. 21 / 2003, Article 17			X	<b>BW:</b> 2003 Decree-Law No. 21 / 2003, Article 17	
10	Licensing of deemed export/visa									
11	National licensing authority			X	<b>BW:</b> 2003 Decree-Law No. 21 / 2003, Article 13			X	<b>BW:</b> Directorate of Quarantine Services	
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/CW/BW:</b> Decree-Law No 9/2003 on Duties and Competencies of Customs Service Customs Code, Decree-Law No. 11 / 2004  <b>BW:</b> Law No. 16/1992 on Animal, Fish and Plant Quarantine	X	X	X	<b>NW:</b> Decree-Law No 9/2003 on Duties and Competencies of Customs Service  <b>CW:</b> Decree-Law No 9/2003 on Duties and Competencies of Customs Service  <b>BW:</b> Customs Service Quarantine Service
21	Trans-shipment control	X	X	X	<b>NW/CW/BW:</b> Customs Code, Decree-Law No. 11 / 2004, Article 53 may apply if enforcing another law Decree-Law No 9/2003 on Duties and Competencies of Customs Service  <b>BW:</b> Law No. 16/1992 on Animal, Fish and Plant Quarantine	X	X	X	<b>NW/CW/BW:</b> Decree-Law No 9/2003 on Duties and Competencies of Customs Service
22	Re-export control	X	X	X	<b>NW/CW/BW:</b> Customs Code, Decree-Law No. 11 / 2004, Article 130 may apply if enforcing another law 2003 Decree-Law No. 21 / 2003, Article 29 Decree-Law No 9/2003 on Duties and Competencies of Customs Service  <b>BW:</b>	X	X	X	<b>NW/CW/BW:</b> Decree-Law No 9/2003 on Duties and Competencies of Customs Service  <b>BW:</b>

					Law No. 16/1992 on Animal, Fish and Plant Quarantine				2003 Decree-Law No. 21 / 2003, Articles 59-60	
23	Control of providing funds	X	X	X	<b>NW/CW/BW:</b> Penal Code of Timor-Leste, Art 133 (Funding of terrorism) Legal Regime Covering the Prevention of and Combat Against Money Laundering and Financing of Terrorism (Law No. 17/2011 of December 28 2011)  <b>NW:</b> Penal Code of Timor-Leste, Art 313 (Money Laundering: trafficking in arms or nuclear products)	X	X	X	<b>NW/CW/BW:</b> Penal Code of Timor-Leste, Art 133(Funding of terrorism) Legal Regime Covering the Prevention of and Combat Against Money Laundering and Financing of Terrorism (Law No. 17/2011 of December 28 2011)  <b>NW:</b> Penal Code of Timor-Leste, Art 313(Money Laundering: trafficking in arms or nuclear products)	
24	Control of providing transport services	?	?	?	<b>NW/CW/BW:</b> Penal Code of Timor-Leste, Art 211	?	?	?	<b>NW/CW/BW:</b> Penal Code of Timor-Leste, Art 211	
25	Control of importation	X	X	X	<b>NW/CW/BW:</b> Penal Code of Timor-Leste, Art 211 Decree-Law No 9/2003 on Duties and Competencies of Customs Service Customs Code, Decree-Law No. 11 / 2004 may apply if enforcing another law  <b>BW:</b> 2003 Decree-Law No. 21 / 2003 on Quarantine and Sanitary Control on Goods Imported and Exported, Article 13 Law No. 16/1992 on Animal, Fish and Plant Quarantine	X	X	X	<b>NW/CW/BW:</b> Penal Code of Timor-Leste, Art 211 Decree-Law No 9/2003 on Duties and Competencies of Customs Service	
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	Participated in: ARF Seminar On Non-Proliferation of Weapons of Mass Destruction, 27-29 March 2006 in Singapore The Basic Course for personnel of National Authorities, responsible for the national implementation of the Chemical Weapons Convention (CWC), 2 to 6 June 2003 in The Hague, The Netherlands. Sub-regional National Capacity Evaluation and Training Workshop for National Authorities of States Parties in Pacific Island States from 20 to 24 May 2014 in Brisbane, Australia.	

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