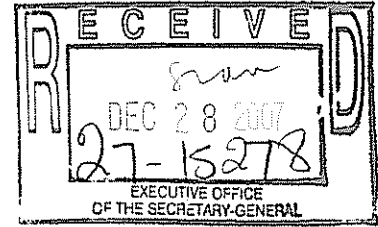




Mr. Juscoe
(w. env.)



NBD/ 394 /2007

Alex / SLSOB

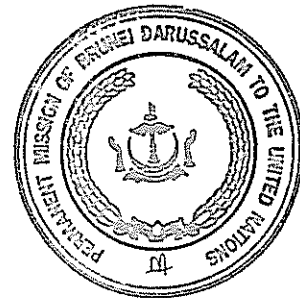
The Permanent Mission of Brunei Darussalam to the United Nations presents its compliments to the Chairman of Security Council Resolution 1540 and has the honour to refer to the latter's note, reference no. S/AC.44/2007/ODA/OC.93 dated 17 October 2007, requesting the latest update on the implementation of UNSC resolution 1540. The Permanent Mission of Brunei Darussalam to the United Nations has the further honor to attach herewith information pertaining to such request.

The Permanent Mission of Brunei Darussalam to the United Nations avails itself of this opportunity to renew to the Chairman of Security Council Resolution 1540 the assurances of its highest consideration.

26 December 2007

Office of the Secretary-General
of the United Nation
New York, NY 10017

Ref: 29: A/8A/2



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

Brunei Darussalam

Updated: 13 December 2007

State:

Date of Report:

Did you make one of the following statements or is your country a State Party to or Member State of one of the following Conventions, Treaties and Arrangements ?	YES	if YES, indicate relevant information (i.e. signing, accession, ratification, entering into force, etc)	Remarks (information refers to the page of the English version of the report or an official web site)
1 General statement on non-possession of WMD	X	Supported Security Council's Resolution 1540 and also to curb non-State actors from manufacturing, acquiring, possessing, developing, transporting, transferring, our using nuclear, chemical, biological materials and weapons	page 1 of the 1st report
2 General statement on commitment to disarmament and non-proliferation	X	Committed to the promotion of arms control and disarmament. ASEAN Regional Forum Statement on Non-Proliferation	pages 2, 4 and 5 of the 1st report
3 General statement on non-provision of WMD and related materials to non-State actors	X	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	page 5 of the 1st report
4 Biological Weapons Convention (BWC)	X	Acceded on 31 January 1991	page 2 of the 1st report
5 Chemical Weapons Convention (CWC)	X	Signed on 13 January 1993 & Ratified on 28 July 1997	page 2 of the 1st report
6 Nuclear Non-Proliferation Treaty (NPT)	X	Acceded on 26 March 1985	page 2 of the 1st report
7 Comprehensive Nuclear Test Ban Treaty (CTBT)	X	Signed on 22 January 1997	page 2 of the 1st report
8 Convention on Physical Protection of Nuclear Material (CPPNM)			
9 Hague Code of Conduct (HCOOC)	X	Supported and in-favour of the General Assembly's resolution on Hague Code of Conduct against Ballistic Missile Proliferation	
10 Geneva Protocol of 1925			
11 International Atomic Energy Agency (IAEA)		In the process of consideration by relevant agency	-
12 Nuclear Weapons Free Zone/ Protocol(s)	X	Southeast Asia Nuclear Weapon Free Zone Treaty	page 4 of the 1st report
13 Other Conventions/Treaties		In the process of consideration on the following: (i) Convention on Early Notification of a Nuclear Accident, 1986; (ii) Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, 1986; (iii) Code of Conduct on the Safety & Security of Radioactive Sources, 2004 and (iv) Supplementary Guidance.	

	14 Other Arrangements		-	-
15 Other		X	<ol style="list-style-type: none"> 1. MOU with Pakistan on combating terrorism and other transnational crimes. 2. Extradition arrangements with Malaysia and Singapore. 3. Agreement on information exchange and establishment of communication procedures with Cambodia, Indonesia, Malaysia, the Philippines and Thailand to combat terrorism and other transnational crimes. 4. Mutual legal assistance treaty with Cambodia, Indonesia, Laos, Malaysia, the Philippines, Singapore and Vietnam. 	page 4 of the 1st report

OP 2 - Biological Weapons (BW)

State:

Brunei Darussalam

Date of Report:

Updated: 13 December 2007

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, indicate source document of national implementation law	YES	if YES, indicate source document	
1 manufacture/produce	X	1. Biological Weapons Act 1975 2. Internal Security Act 1984 (Cap.133)	X	1. Biological Weapons Act 1975 2. Internal Security Act (Cap.133)	1. pages 2 and 3 of the 1st report 2. Additional Information as annexed
2 acquire	X		X	1. Biological Weapons Act 1975 2. Internal Security Act (Cap.133)	1. pages 2 and 3 of the 1st report 2. Additional Information as annexed
3 possess	X	1. Biological Weapons Act 1975: retain 2. Internal Security Act 1984 (Cap.133) 3. Public Order (Cap. 148)	X	1. Biological Weapons Act 1975 2. Internal Security Act 1984 (Cap.133) 3. Public Order (Cap.148)	1. pages 2 and 3 of the 1st report 2. Additional Information as annexed
4 stockpile/store	X	1. Biological Weapons Act 1975: retain 2. Internal Security Act 1984 (Cap.133)	X	1. Biological Weapons Act 1975 2. Internal Security Act 1984 (Cap.133)	1. pages 2 and 3 of the 1st report 2. Additional Information as annexed
5 develop	X	1. Biological Weapons Act 1975 2. Internal Security Act 1984 (Cap.133)	X	1. Biological Weapons Act 1975 2. Internal Security Act 1984 (Cap.133)	1. pages 2 and 3 of the 1st report 2. Additional Information as annexed
6 transport	X	1. Internal Security Act 1984 (Cap.133) 2. Infectious Diseases Order 2003 (S34/03) 3. Biological Weapons Act 1975	X	1. Internal Security Act 1984 (Cap.133) 2. Infectious Diseases Order 2003 (S34/03) 3. Biological Weapons Act 1975	1. page 3 of the 1st report 2. Additional Information as annexed
7 transfer	X	1. Internal Security Act 1984 (Cap. 133) 2. Arms and Explosives Act 2002	X	1. Arms and Explosives Act 2002: sale 2. Internal Security Act 1984 (Cap.133) 3. Infectious Diseases Order 2003 (S34/03) 4. Biological Weapons Act 1975	1. page 3 of the 1st report 2. Additional Information as annexed

8	use	X	1. Internal Security Act 1984 (Cap.133) 2. Arms and Explosives Act 2002	X	1. Arms and Explosives Act 2002 2. Internal Security Act 1984 (Cap.133)	1. page 3 of the 1st report 2. Additional Information as annexed
9	participate as an accomplice in a.m. activities	X	1. Penal Code (Cap.22) 2. Biological Weapons Act (Cap.87)	X	1. Penal Code (Cap.22) 2. Biological Weapons Act (Cap.87)	Additional Information as annexed
10	assist in a.m. activities	X	1. Penal Code (Cap.22) 2. Biological Weapons Act (Cap.87)	X	1. Penal Code (Cap.22) 2. Biological Weapons Act (Cap.87)	Additional Information as annexed
11	finance a.m. activities	X	Anti-terrorism (Financial and other Measures) Order 2002	X	Anti-terrorism (Financial and other Measures) Order 2002	page 3 of the 1st report
12	a.m. activities related to means of delivery	X	Biological Weapons Act (Cap.87)	X	Biological Weapons Act (Cap.87)	Additional Information as annexed
13	involvement of non-State actors in a.m. activities	X	Anti-terrorism (Financial and other Measures) Order 2002	X	Anti-terrorism (Financial and other Measures) Order 2002	page 2 of the 1st report
14	Other		-		-	-

OP 2 - Chemical Weapons (CW)

State:

Brunei Darussalam

Date of Report:

Updated: 13 December 2007

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, indicate source document of national implementation law	YES	if YES, indicate source document	
1 manufacture/produce	X	1. Internal Security Act 1984 (Cap.133) 2. Poisons Act (Cap.114) 3. Arms and Explosives Act 2002	X	1. Arms and Explosives Act 2002 2. Internal Security Act (Cap.133) 3. Poisons Act (Cap.114)	Additional Information as annexed
2 acquire	X	1. Internal Security Act 1984 (Cap.133) 2. Poisons Act (Cap.114) 3. Arms and Explosives Act 2002	X	1. Internal Security Act (Cap.133) 2. Poisons Act (Cap.114)	Additional Information as annexed
3 possess	X	1. Internal Security Act 1984 (Cap.133) 2. Public Order (Cap.148) 3. Poisons Act (Cap.114) 4. Arms and Explosives Act 2002	X	1. Internal Security Act 1984 (Cap.133) 2. Public Order (Cap.148) 3. Poisons Act (Cap.114) 4. Arms and Explosives Act 2002	Additional Information as annexed
4 stockpile/store	X	1. Arms and Explosives Act 2002 2. Internal Security Act 1984 (Cap.133) 3. Poisons Act (Cap.114)	X	1. Arms and Explosives Act 2002 2. Internal Security Act 1984 (Cap.133) 3. Poisons Act (Cap.114)	Additional Information as annexed
5 develop	X	1. Internal Security Act 1984 (Cap.133) 2. Arms and Explosives Act 2002	X	1. Arms and Explosives Act 2002 2. Internal Security Act 1984 (Cap.133)	Additional Information as annexed
6 transport	X	1. Internal Security Act 1984 (Cap.133) 2. Poisons Act (Cap.114) 3. Arms and Explosives Act 2002	X	1. Internal Security Act 1984 (Cap.133) 2. Poisons Act (Cap.114)	Additional Information as annexed

7	transfer	X	1. Internal Security Act 1984 (Cap.133) 2. Poisons Act (Cap.114)	X	1. Poisons Act (Cap.114) 2. Internal Security Act 1984 (Cap.133)	Additional Information as annexed
8	use	X	1. Internal Security Act 1984 (Cap.133) 2. Arms and Explosives Act 2002	X	1. Arms and Explosives Act 2002 2. Internal Security Act 1984 (Cap.133)	1. page 3 of the 1st report 2. Additional Information as annexed
9	participate as an accomplice in a.m. activities	X	1. Penal Code (Cap.22) 2. Internal Security Act 1984 (Cap.133)	X	1. Penal Code (Cap.22) 2. Poisons Act (Cap.114) 3. Arms and Explosives Act 2002	1. Additional Information as annexed 2. The offence of abetment could be used under the Arms and Explosives Act with reference to Penal Code
10	assist in a.m. activities		1. Internal Security Act 1984 (Cap.133) 2. Arms and Explosives Act 2002		1. Internal Security Act 1984 (Cap.133) 2. Arms and Explosives Act 2002	-
11	finance a.m. activities	X	Anti-terrorism (Financial and other Measures) Order 2002	X	Anti-terrorism (Financial and other Measures) Order 2002	page 3 of the 1st report
12	a.m. activities related to means of delivery					
13	involvement of non-State actors in a.m. activities	X	Anti-terrorism (Financial and other Measures) Order 2002; also entities	X	Anti-terrorism (Financial and other Measures) Order 2002	page 2 of the 1st report
14	Other	X	Chemical Weapons Prohibition Order is at the finalisation process of drafting			page 3 of the 1st report

OP 2 - Nuclear Weapons (NW)

State:

Brunei Darussalam

Date of Report:

Updated: 13 December 2007

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, indicate source document of national implementation law	YES	if YES, indicate source document	
1 manufacture/produce	X	1. Internal Security Act 1984 (Cap.133); included in the draft Radiation Law 2007	X	1. Draft Radiation Law 2007 2. Internal Security Act (Cap.133)	Additional Information as annexed
2 acquire	X	1. Internal Security Act 1984 (Cap.133); included in the draft Radiation Law 2007	X	1. Draft Radiation Law 2007 2. Internal Security Act (Cap.133)	Additional Information as annexed
3 possess	X	1. Internal Security Act 1984 (Cap.133); included in the draft Radiation Law 2007	X	1. Draft Radiation Law 2007 2. Internal Security Act (Cap.133) 3. Public Order (Cap.148)	Additional Information as annexed
4 stockpile/store	X	1. Included in the draft Radiation Law 2007 2. Internal Security Act 1984 (Cap.133)	X	1. Draft Radiation Law 2007 2. Internal Security Act (Cap.133)	Additional Information as annexed
5 develop	X	1. Internal Security Act 1984 (Cap.133); included in the draft Radiation Law 2007	X	1. Draft Radiation law 2007 2. Internal Security Act (Cap.133)	Additional Information as annexed
6 transport	X	1. Internal Security Act 1984 (Cap.133); included in the draft Radiation Law 2007	X	1. Draft Radiation Law 2007 2. Internal Security Act (Cap.133)	Additional Information as annexed

7	transfer	X	1. Internal Security Act 1984 (Chapter 133); included in the draft Radiation Law 2007	X	1. Draft Radiation Law 2007 2. Internal Security Act (Cap.133)	Additional Information as annexed
8	use	X	1. Internal Security Act 1984 (Cap.133); included in the draft Radiation Law 2007	X	1. Draft Radiation Law 2007 2. Internal Security Act (Cap.133)	Additional Information as annexed
9	participate as an accomplice in a.m. activities	X	1. Internal Security Act 1984 (Cap.133)			Additional Information as annexed
10	assist in a.m. activities		1. Internal Security Act 1984 (Cap.133)		1. Internal Security Act 1984 (Cap.133)	-
11	finance a.m. activities	X	Anti-terrorism (Financial and other Measures) Order 2002	X	Anti-terrorism (Financial and other Measures) Order 2002	page 3 of the 1st report
12	a.m. activities related to means of delivery					
13	involvement of non-State actors in a.m. activities	X	Anti-terrorism (Financial and other Measures) Order 2002; also entities	X	Anti-terrorism (Financial and other Measures) Order 2002	page 2 of the 1st report
14	Other					

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

State:

Brunei Darussalam

Date of Report:

Updated: 13 December 2007

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, indicate source document	YES	if YES, indicate source document	
1 Measures to account for production	X	Biological Weapons Act	X	Biological Weapons Act	Additional Information as annexed
2 Measures to account for use	X	Biological Weapons Act	X	Biological Weapons Act	Additional Information as annexed
3 Measures to account for storage	X	Biological Weapons Act	X	Biological Weapons Act	Additional Information as annexed
4 Measures to account for transport	X	Biological Weapons Act	X	Biological Weapons Act	Additional Information as annexed
5 Other measures for accounting	X	Biological Weapons Act	X	Biological Weapons Act	Additional Information as annexed
6 Measures to secure production	X	Biological Weapons Act	X	Biological Weapons Act	Additional Information as annexed
7 Measures to secure use	X	Biological Weapons Act	X	Biological Weapons Act	Additional Information as annexed
8 Measures to secure storage	X	Biological Weapons Act	X	Biological Weapons Act	Additional Information as annexed
9 Measures to secure transport	X	Biological Weapons Act	X	Biological Weapons Act	1. page 4 of the 1st report 2. Additional Information as annexed
10 Other measures for securing	X	Biological Weapons Act	X	Biological Weapons Act	Additional Information as annexed
11 Regulations for physical protection of facilities/materials/ transports	X	Biological Weapons Act	X	Biological Weapons Act	Additional Information as annexed
12 Licensing/registration of facilities/persons handling biological materials	X	Biological Weapons Act	X	Biological Weapons Act	Additional Information as annexed
13 Reliability check of personnel	X	Biological Weapons Act	X	Biological Weapons Act	Additional Information as annexed
14 Measures to account for/secure/physically protect means of delivery	X	Biological Weapons Act	X	Biological Weapons Act	Additional Information as annexed

15	Regulations for genetic engineering work	X	Biological Weapons Act	X	Biological Weapons Act	Additional Information as annexed
16	Other legislation/ regulations related to safety and security of biological materials	X	Biological Weapons Act	X	Biological Weapons Act	Additional Information as annexed
17	Other		-		-	Additional Information as annexed

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

State:

Brunei Darussalam

Date of Report:

Updated: 13 December 2007

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, indicate source document	YES	if YES, indicate source document	
1 Measures to account for production	X	Poisons Act	X	Poisons Act	Additional Information as annexed
2 Measures to account for use	X	Poisons Act	X	Poisons Act	Additional Information as annexed
3 Measures to account for storage	X	Poisons Act	X	Poisons Act	Additional Information as annexed
4 Measures to account for transport	X	Poisons Act	X	Poisons Act	Additional Information as annexed
5 Other measures for accounting	X	Poisons Act	X	Poisons Act	Additional Information as annexed
6 Measures to secure production	X	Poisons Act	X	Poisons Act	page 3 of the 1st report
7 Measures to secure use	X	Poisons Act	X	Poisons Act	Additional Information as annexed
8 Measures to secure storage	X	Poisons Act	X	IMO's ISPS Code	pages 3 and 4 of the 1st report
9 Measures to secure transport	X	Poisons Act	X	IMO's ISPS Code	pages 3 and 4 of the 1st report
10 Other measures for securing	X	Poisons Act	X	Poisons Act	Additional Information as annexed
11 Regulations for physical protection of facilities/materials/ transports	X	Poisons Act	X	Poisons Act	Additional Information as annexed
12 Licensing of chemical installations/entities/use of materials	X	Poisons Act	X	Poisons Act	Additional Information as annexed
13 Reliability check of personnel	X	Poisons Act	X	Poisons Act	Additional Information as annexed
14 Measures to account for/secure/physically protect means of delivery	X	Poisons Act	X	Poisons Act	Additional Information as annexed

15	National CWC authority	X	National Committee on CWC (NCCWC) has been established. The Ministry of Defence is the focal point for this Committee			-	
16	Reporting Schedule I, II and III chemicals to OPCW			X	Poisons Act		Additional Information as annexed
17	Account for, secure or physically protect old chemical weapons			X	Poisons Act		Additional Information as annexed
18	Other legislation/ regulations controlling chemical materials			X	Poisons Act		Additional Information as annexed
19	Other	X	Chemical Weapons Prohibition Order is at the finalisation process of drafting			-	Additional Information as annexed

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

State:
Date of Report:

Brunei Darussalam
Updated: 13 December 2007

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, indicate source document	YES	if YES, indicate source document	
1 Measures to account for production	X		X	Draft Radiation Law 2007	http://www.iaea.org/OurWork/SV/Safeguards/sir_table.pdf
2 Measures to account for use	X	INFCIRC/365; Draft Radiation Law 2007	X	Draft Radiation Law 2007	
3 Measures to account for storage	X		X	Draft Radiation Law 2007	
4 Measures to account for transport	X	Draft Radiation Law 2007	X	Draft Radiation Law 2007	Include transit, export and import
5 Other measures for accounting	X	Draft Radiation Law 2007	X	Draft Radiation Law 2007	
6 Measures to secure production	X	Draft Radiation Law 2007	X	Draft Radiation Law 2007	
7 Measures to secure use	X	Draft Radiation Law 2007	X	Draft Radiation Law 2007	
8 Measures to secure storage	X	Draft Radiation Law 2007	X	IMO's ISPS Code; Draft Radiation Law 2007;	
9 Measures to secure transport	X	Draft Radiation Law 2007	X	IMO's ISPS Code; Draft Radiation Law 2007;	
10 Other measures for securing	X	Draft Radiation Law 2007; IMO; ICAO	X	Draft Radiation Law 2007	
11 Regulations for physical protection of facilities/materials/ transports	X	Draft Radiation Law 2007	X	Draft Radiation Law 2007	
12 Licensing of nuclear installations/entities/use of materials	X	Draft Radiation Law 2007	X	Draft Radiation Law 2007	
13 Reliability check of personnel	X	Draft Radiation Law 2007	X	Draft Radiation Law 2007	
14 Measures to account for/secure/physically protect means of delivery	X	Draft Radiation Law 2007	X	Draft Radiation Law 2007	
15 National regulatory authority	X	Draft Radiation Law 2007	X	Draft Radiation Law 2007	
16 IAEA Safeguards Agreements	X	Safeguards Agreement in force on 4 November 1987			page 2 of the 1st report http://www.iaea.org/OurWork/SV/Safeguards/sir_table.pdf

17	IAEA Code of Conduct on Safety and Security of Radioactive Sources		In the process of consideration		Ministry of Health is working towards the areas covered in the COC and implementing it
18	IAEA Database on Illicit Trafficking of Nuclear Materials and other Radioactive Sources	X	ITDB from IAEA		RSQU is the point of contact for this ITDB database. Brunei Darussalam is the 87th State participating in this ITDB programme dated 24th April 2006
19	Other Agreements related to IAEA	X	NPT - Safeguards Agreement in force on 4 November 1987 & SEANWFZ on 15 December 1995		APEC 2005, Republic of Korea. Radioactive initiatives. IAEA Code of Conduct
20	Additional national legislation/regulations related to nuclear materials including CPPNM	X	Draft Radiation Law 2007		-
21	Other	X	Additional protocols, SSAC, SQPs are the process of consideration. RSQU is linked to IAEA ENAC (Early Notification and Assistance Conventions website)		1. page 2 of the 1st report. 2. 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 (c) and (d) and related matters from OP 6 and OP 10 -
Controls of BW including Related Materials

State:
Date of Report:

Brunei Darussalam

Updated: 13 December 2007

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of BW and Related Materials ? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc		Remarks
	YES	if YES, indicate source document	YES	if YES, indicate source document	
1 Border control	X	Public Order Act (Cap.148)	X	1. Control of import and export of dangerous goods in accordance with IMO's IMDG Code, permit required from Ministry of Health, etc. 2. 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	1. page 3 of the 1st report 2. Additional Information on Border Control - as annexed
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	Department of Royal Customs and Excise, Royal Brunei Armed Forces, Royal Brunei Police Force	page 3 of the 1st report
5 Export control legislation in place	X	Arms and Explosives Act 2002: exportation of arms and explosives	X	Arms and Explosives Act 2002	page 3 of the 1st report
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							
21	Trans-shipment control							
22	Re-export control							
23	Control of providing funds							
24	Control of providing transport services							
25	Control of importation			X	Arms and Explosives Act 2002: arms and explosives	X	Arms and Explosives Act 2002	page 3 of the 1st report
26	Extraterritorial applicability							
27	Other			X	Participates in APEC Counter Terrorism Task Force (CTTF)	X		page 5 of the 1st report

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

State:

Brunei Darussalam

Date of Report:

Updated: 13 December 2007

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials ? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc		Remarks
	YES	if YES, indicate source document	YES	if YES, indicate source document	
1 Border control	X	Public Order Act (Cap.148)	X	1. Control of import and export of dangerous goods in accordance with IMO's IMDG Code, permit required from Ministry of Health, etc. 2. 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	1. page 3 of the 1st report 2. Additional Information on Border Control - as annexed
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	Department of Royal Customs and Excise, Royal Brunei Armed Forces, Royal Brunei Police Force	page 3 of the 1st report
5 Export control legislation in place	X	Arms and Explosives Act 2002: exportation of arms and explosives	X	Arms and Explosives Act 2002	page 3 of the 1st report
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							
21	Trans-shipment control							
22	Re-export control							
23	Control of providing funds							
24	Control of providing transport services							
25	Control of importation	X			1. Poisons Act 1984 2. Arms and Explosives Act 2002: arms and explosives	X	1. Poison List 2. Arms and Explosives Act 2002	page 3 of the 1st report
26	Extraterritorial applicability							
27	Other					X	Participates in APEC Counter Terrorism Task Force (CTTF)	page 5 of the 1st report

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

State:

Brunei Darussalam

Date of Report:

Updated: 13 December 2007

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW and Related Materials ? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc		Remarks
	YES	if YES, indicate source document	YES	if YES, indicate source document	
1 Border control	X	1. Customs Order 2006 2. Public Order Act (Cap.148)	X	1. Control of import and export of dangerous goods in accordance with IMO's IMDG Code, radiation permit required from Ministry of Health, etc. 2. 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	Additional Information on Border Control - as annexed
2 Technical support of border control measures					No such technical capabilities installed yet, equipment & assistance required
3 Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	Draft Radiation Law 2007	X	Draft Radiation Law 2007	
4 Enforcement agencies/authorities	X	Draft Radiation Law 2007	X	Department of Royal Customs and Excise, Royal Brunei Armed Forces, Royal Brunei Police Force, Ministry of Health	page 3 of the 1st report
5 Export control legislation in place	X	Draft Radiation Law 2007	X	Draft Radiation Law 2007	page 3 of the 1st report
6 Licensing provisions	X	Draft Radiation Law 2007	X	Draft Radiation Law 2007	Activities implemented
7 Individual licensing	X	Draft Radiation Law 2007	X	Draft Radiation Law 2007	Activities Implemented
8 General licensing	X	Draft Radiation Law 2007	X	Draft Radiation Law 2007	Activities Implemented
9 Exceptions from licensing	X	Draft Radiation Law 2007	X	Draft Radiation Law 2007	Activities Implemented

10	Licensing of deemed export/visa	X	Draft Radiation Law 2007	X	Draft Radiation Law 2007	X	Activities Implemented
11	National licensing authority	X	Draft Radiation Law 2007	X	Draft Radiation Law 2007	X	Activities Implemented
12	Interagency review for licenses						
13	Control lists	X	Draft Radiation Law 2007	X	Draft Radiation Law 2007	X	Activities Implemented
14	Updating of lists	X	Draft Radiation Law 2007	X	Draft Radiation Law 2007	X	Activities Implemented
15	Inclusion of technologies	X	Draft Radiation Law 2007	X	Draft Radiation Law 2007	X	Activities Implemented
16	Inclusion of means of delivery	X	Draft Radiation Law 2007	X	Draft Radiation Law 2007	X	Activities Implemented
17	End-user controls	X	Draft Radiation Law 2007	X	Draft Radiation Law 2007	X	Activities Implemented
18	Catch all clause						
19	Intangible transfers						
20	Transit control	X	Draft Radiation Law 2007	X	Draft Radiation Law 2007	X	Activities Implemented
21	Trans-shipment control	X	1. Draft Radiation Law 2007 2. IAEA Guidance on Import and export control	X	Draft Radiation Law 2007	X	Activities Implemented
22	Re-export control	X	Draft Radiation Law 2007	X	Draft Radiation Law 2007	X	Activities Implemented
23	Control of providing funds						
24	Control of providing transport services	X	Draft Radiation Law 2007	X	Draft Radiation Law 2007	X	Activities Implemented
25	Control of importation	X	1. Arms and Explosives Act 2002 Customs Order 2006 Radiation Law 2007 2. 3. Draft	X	1. Arms and Explosives Act 2002 2. Draft Radiation Law 2007 3. License required from Controller of Customs	X	Activities Implemented
26	Extraterritorial applicability						
27	Other			X	Participates in APEC Counter Terrorism Task Force (CTTF)	X	page 5 of the 1st report

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

State:

Brunei Darussalam

Date of Report:

Updated: 13 December 2007

Can information be provided on the following issues ?		YES	Remarks
1	Control lists - items (goods/equipment/materials/technologies)		
2	Control lists - other	X	1. Poison List 2. Customs Order 2006 3. IMDG Code: Dangerous Goods List 4. Draft Radiation Law 2007 Radiation listing is to be finalised
3	Assistance offered	X	By IAEA; Australia and USA Limited assistance since Brunei Darussalam is not a member of IAEA. Did participate in few regional projects conducted by Australia, and IAEA (as observers).
4	Assistance requested	X	**Assistance Required - As listed below Request for assistance
5	Assistance in place (bilateral/plurilateral/multilateral)		None in place, hence limitation on assistance obtained. Request for assistance
6	Information for industry		
7	Information for the public		

Note: **Assistance required by Radiation Safety & Quality Unit (RSQU) at Department of Scientific Services, Ministry of Health on NW matters.

- (a) Setting up of radiological monitoring stations;
- (b) Setting up of radiological emergency response – technical support required;
- (c) Setting up of secondary standard dosimetry system;
- (d) Work attachment programs at radiation regulatory bodies;
- (e) Work attachment programs at radioanalytical labs to develop testing and detection capabilities.

SECURITY COUNCIL RESOLUTION 1540

OP/Item No.	National Legal Framework	Enforcement	Remarks / Additional Information
OP2 – BIOLOGICAL WEAPONS			
Item 1 (Manufacture/Produce)	As in Matrix		<p>s.3(1)(a) of Internal Security Act (ISA) – detention order for a period of not more than 2 years and could be extended for a further period or periods not exceeding 2 years at a time under s.3(2).</p> <p>s.3(1)(b) of ISA – restriction order for a period of not more than 2 years and could be extended for a further period or periods not exceeding 2 years at a time under s.3(2).</p>
Item 2 (Acquire)	As in Matrix		s.42(1) of ISA - Imprisonment for life.
Item 3 (Possess)	As in Matrix		<p>s.40(a) and (b) of ISA – death penalty.</p> <p>s.28 of Public Order – death penalty.</p>
Item 4 (Stockpile/Store)	As in Matrix		s.42(2) of ISA – Imprisonment for life.
Item 5 (Develop)	As in Matrix		<p>s.3(1)(a) of ISA – detention order for a period of not more than 2 years and could be extended for a further period or periods not exceeding 2 years at a time under s.3(2).</p> <p>s.3(1)(b) of ISA – restriction order for a period of not more than 2 years and could be extended for a further period or periods not exceeding 2 years at a time under s.3(2) of ISA.</p>
Item 6 (Transport)	As in Matrix		<p><u>Section 42</u> of ISA specifically provides the penalty of imprisonment for life against any person who demands, collects or receives any supplies from any other person in circumstances which raise a reasonable presumption that he intends, or is about, to act, or has recently acted, in a manner prejudicial to public security of the maintenance of public order, or that the supplies so demanded, collected or received are intended for the use of any person who intends or is about, so to act, or has recently so acted, or for the use of any terrorist.</p> <p><u>Section 42</u> prohibits the importation into Brunei Darussalam any disease causing organism or any agent of disease without prior written permission of the Director General. The penalty for contravening section 42 is a fine not exceeding \$10,000, imprisonment for term not exceeding 12 months or both.</p> <p>s.42(3) of ISA – Imprisonment for life.</p>

ANNEX – Additional Information

<p>Item 7 (Transfer)</p>	<p>As in Matrix</p>	<p>s.3(1)(a) of ISA – detention order for a period of not more than 2 years and could be extended for a further period or periods not exceeding 2 years at a time under s.3(2).</p> <p>s.3(1)(b) of ISA – restriction order for a period of not more than 2 years and could be extended for a further period or periods not exceeding 2 years at a time under s.3(2).</p> <p><u>Section 42</u> of ISA specifically provides the penalty of imprisonment for life against any person who demands, collects or receives any supplies from any other person in circumstances which raise a reasonable presumption that he intends, or is about, to act, or has recently acted, in a manner prejudicial to public security of the maintenance of public order, or that the supplies so demanded, collected or received are intended for the use of any person who intends or is about, so to act, or has recently so acted, or for the use of any terrorist.</p> <p><u>Section 42</u> prohibits the importation into Brunei Darussalam any disease causing organism or any agent of disease without prior written permission of the Director General. The penalty for contravening section 42 is a fine not exceeding \$10,000, imprisonment for term not exceeding 12 months or both.</p>
<p>Item 8 (Use)</p>	<p>As in Matrix</p>	<p>s.3(1)(a) of ISA – detention order for a period of not more than 2 years and could be extended for a further period or periods not exceeding 2 years at a time under s.3(2).</p> <p>s.3(1)(b) of ISA – restriction order for a period of not more than 2 years and could be extended for a further period or periods not exceeding 2 years at a time under s.3(2).</p>
<p>Item 9 (Participate as an accomplice in above-mentioned activities)</p>	<p>As in Matrix</p>	<p>The relevant section are:</p> <p><u>Section 34</u> of the Penal Code which provides that when a criminal act is done by several persons, in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone.</p> <p><u>Section 37</u> of the Penal Code which provides that when an offence is committed by means of several acts, whoever intentionally co-operates in the commission of that offence by doing any one of those acts, either singly, or jointly with any other person, commits that offence.</p>

ANNEX – Additional Information

<p>Item 10 (Assist in above-mentioned activities)</p>	<p>As in Matrix</p>	<p>Part V – Abetment of the Penal Code, comprising ss.107 – 120, is relevant to both the National Legal Framework and Enforcement.</p> <p>Section 109 of the Penal Code provides that whoever abets any offence shall,....no express provision is made....for the punishment of such abetment, be punished with the punishment provided for the offence.</p>
<p>Item 12 (Above mentioned activities related to means of delivery)</p>	<p>As in Matrix</p>	<p>Under Section 2(1)(b) of the Biological Weapons Act (BWA) provides that –</p> <p>"2. (1) No person shall develop, produce, stockpile, acquire or retain –</p> <p>....(b) any weapon, equipment or means of delivery designed to use biological agents or toxins for hostile purposes or in armed conflict."</p>

ANNEX – Additional Information

OP/Item No.	National Legal Framework	Enforcement	Remarks / Additional Information
OP 3 – CHEMICAL WEAPONS			
Item 1 (Manufacture/produce)	As in Matrix		<p>s.3(1)(a) of Internal Security Act (ISA) – detention order for a period of not more than 2 years and could be extended for a further period or periods not exceeding 2 years at a time under s.3(2).</p> <p>s.3(1)(b) of ISA – restriction order for a period of not more than 2 years and could be extended for a further period or periods not exceeding 2 years at a time under s.3(2).</p> <p>Poison Act (Cap.114) is an Act to regulate the importation, possession, manufacture, compounding, storage, transport and sale of poisons.</p> <p>Section 17 provides for a fine of \$8,000, or, in default of payment, imprisonment for 6 months.</p>
Item 2 (Acquire)	As in Matrix		<p>s.42(1) of ISA - Imprisonment for life.</p> <p>Poison Act (Cap.114) is an Act to regulate the importation, possession, manufacture, compounding, storage, transport and sale of poisons.</p> <p>Section 17 of the Act provides for a fine of \$8,000, or, in default of payment, imprisonment for 6 months.</p>
Item 3 (Possess)	As in Matrix		<p>s.40(a) and (b) of ISA – death penalty.</p> <p>s.28 of Public Order – death penalty.</p> <p>Section 5 of the Poison Act provides for no person shall without a license from a Licensing Officer import, possess for sale, sell or offer for sale any poison.</p>
Item 4 (Stockpile/Store)	As in Matrix		<p>s.42(2) of ISA – Imprisonment for life.</p> <p>Section 11 of the Poison Act requires a license for storage.</p>
Item 5 (Develop)	As in Matrix		<p>s.3(1)(a) of ISA – detention order for a period of not more than 2 years and could be extended for a further period or periods not exceeding 2 years at a time under s.3(2).</p> <p>s.3(1)(b) of ISA – restriction order for a period of not more than 2 years and could be extended for a further period or periods not exceeding 2 years at a time under s.3(2) of ISA.</p>

ANNEX – Additional Information

<p>Item 6 (Transport)</p>	<p align="center">As in Matrix</p>	<p><u>Section 42</u> of ISA specifically provides the penalty of imprisonment for life against any person who demands, collects or receives any supplies from any other person in circumstances which raise a reasonable presumption that he intends, or is about, to act, or has recently acted, in a manner prejudicial to public security of the maintenance of public order, or that the supplies so demanded, collected or received are intended for the use of any person who intends or is about, so to act, or has recently so acted, or for the use of any terrorist.</p> <p><u>Section 42</u> of ISA prohibits the importation into Brunei Darussalam any disease causing organism or any agent of disease without prior written permission of the Director General. The penalty for contravening section 42 is a fine not exceeding \$10,000, imprisonment for term not exceeding 12 months or both.</p> <p>s.42(3) of ISA – Imprisonment for life.</p> <p>Poison Act (Cap .114) is an Act to regulate the importation, possession, manufacture, compounding, storage, transport and sale of poisons.</p> <p><u>Section 17</u> of the Act provides for a fine of \$8,000 or in default of payment, imprisonment for 6 months.</p>
<p>Item 7 (Transfer)</p>	<p align="center">As in Matrix</p>	<p>s.3(1)(a) of ISA – detention order for a period of not more than 2 years and could be extended for a further period or periods not exceeding 2 years at a time under s.3(2).</p> <p>s.3(1)(b) of ISA – restriction order for a period of not more than 2 years and could be extended for a further period or periods not exceeding 2 years at a time under s.3(2).</p> <p><u>Section 42</u> of ISA specifically provides the penalty of imprisonment for life against any person who demands, collects or receives any supplies from any other person in circumstances which raise a reasonable presumption that he intends, or is about, to act, or has recently acted, in a manner prejudicial to public security of the maintenance of public order, or that the supplies so demanded, collected or received are intended for the use of any person who intends or is about, so to act, or has recently so acted, or for the use of any terrorist.</p> <p><u>Section 42</u> of ISA prohibits the importation into Brunei Darussalam any disease causing organism or any agent of disease without prior written permission of the Director General. The penalty for contravening section 42 is a fine not exceeding \$10,000, imprisonment for term not exceeding 12 months or both.</p>

ANNEX – Additional Information

		<p>Poison Act (Cap .114) is an Act to regulate the importation, possession, manufacture, compounding, storage, transport and sale of poisons.</p> <p><u>Section 17</u> of the Act provides for a fine of \$8,000 or in default of payment, imprisonment for 6 months.</p>
<p>Item 8 (Use)</p>	<p align="center">As in Matrix</p>	<p>s.3(1)(a) of ISA – detention order for a period of not more than 2 years and could be extended for a further period or periods not exceeding 2 years at a time under s.3(2).</p> <p>s.3(1)(b) of ISA – restriction order for a period of not more than 2 years and could be extended for a further period or periods not exceeding 2 years at a time under s.3(2).</p>
<p>Item 9 (Participate as an accomplice in above-mentioned activities)</p>	<p align="center">As in Matrix</p>	<p>The relevant sections are:</p> <p><u>Section 34</u> of the Penal Code which provides that when a criminal act is done by several persons, in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone.</p> <p><u>Section 37</u> of the Penal Code which provides that when an offence is committed by means of several acts, whoever intentionally co-operates in the commission of that offence by doing any one of those acts, either singly, or jointly with any other person, commits that offence.</p>

ANNEX – Additional Information

OP/Item No.	National Legal Framework	Enforcement	Remarks / Additional Information
OP 3 – NUCLEAR WEAPONS			
Item 1 (Manufacture/produce)	As in Matrix		<p>s.3(1)(a) of Internal Security Act (ISA) – detention order for a period of not more than 2 years and could be extended for a further period or periods not exceeding 2 years at a time under s.3(2).</p> <p>s.3(1)(b) of ISA – restriction order for a period of not more than 2 years and could be extended for a further period or periods not exceeding 2 years at a time under s.3(2).</p>
Item 2 (Acquire)	As in Matrix		s.42(1) of ISA - Imprisonment for life.
Item 3 (Possess)	As in Matrix		s.40(a) and (b) of ISA – death penalty. s.28 of Public Order – death penalty.
Item 4 (Stockpile/Store)	As in Matrix		s.42(2) of ISA – Imprisonment for life.
Item 5 (Develop)	As in Matrix		<p>s.3(1)(a) of ISA – detention order for a period of not more than 2 years and could be extended for a further period or periods not exceeding 2 years at a time under s.3(2).</p> <p>s.3(1)(b) of ISA – restriction order for a period of not more than 2 years and could be extended for a further period or periods not exceeding 2 years at a time under s.3(2).</p>
Item 6 (Transport)	As in Matrix		s.42(3) of ISA – Imprisonment for life.
Item 7 (Transfer)	As in Matrix		<p>s.3(1)(a) of ISA – detention order for a period of not more than 2 years and could be extended for a further period or periods not exceeding 2 years at a time under s.3(2).</p> <p>s.3(1)(b) of ISA – restriction order for a period of not more than 2 years and could be extended for a further period or periods not exceeding 2 years at a time under s.3(2).</p>
Item 8 (Use)	As in Matrix		<p>s.3(1)(a) of ISA – detention order for a period of not more than 2 years and could be extended for a further period or periods not exceeding 2 years at a time under s.3(2).</p> <p>s.3(1)(b) of ISA – restriction order for a period of not more than 2 years and could be extended for a further period or periods not exceeding 2 years at a time under s.3(2).</p>

**OP 3 (c) AND (d) AND RELATED MATTERS FROM OP6 AND OP10 –
CONTROLS OF BW/CW/NW INCLUDING RELATED MATERIALS**

Border Control

There is no specific legislation under Internal Security Act to deal with controls of Biological, Chemical and Nuclear Weapons. However, the Director of Internal Security Department (ISD) and any persons authorised by the Director of ISD have 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 under s.19(1) Public Order Act (Cap 148). The powers conferred by s.19(1) Public Order Act (Cap 148) shall be exercisable for the purpose of ascertaining whether such person, vehicle, vessel or aircraft as aforesaid is carrying, or such premises as aforesaid contain, any offensive weapon, subversive article or any injurious thing which is intended or likely to be used for causing or contributing to the causing of injury to the person or to property or if the police officer concerned has reasonable grounds for believing that any evidence of the commission of an offence is likely to be found on such person or premises or in any such 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 under s.19(4) Public Order Act (Cap 148).