

1540 COMMITTEE MATRIX OF MARSHALL ISLANDS

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:

MARSHALL ISLANDS

Date of Report:

23 November 2004

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 30 January 1995	
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)	X	In force 9 March 2003	
5	2005 Amendment to the CPPNM			

6	Comprehensive Nuclear-Test-Ban Treaty (CTBT) (not in force)	X	Deposit 28 October 2009	
7	Chemical Weapons Convention (CWC)	X	Deposit 19 May 2004	
8	Biological Weapons Convention (BWC)	X	Deposit 15 November 2012	
9	Geneva Protocol of 1925			
10	Other Conventions/Treaties	X	State Party to 14 of the 19 universal legal instruments against terrorism including the following relevant to resolution 1540 (2004): 1997 International Convention for the Suppression of Terrorist Bombings International Convention for the Suppression of the Financing of Terrorism 2005 Protocols to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation 2005 Protocol to the protocol for the suppression of unlawful acts against the safety of fixed platforms located on the continental shelf	
11	International Atomic Energy Agency (IAEA)	X	Since 1994	
12	Hague Code of Conduct (HCOC)	X	Subscribed	
13	Other Arrangements			
14	General statement on non-possession of WMD	X	State reported that there is no production, use, storage or transport of nuclear, chemical or biological weapons	
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	X	State reported that it does not provide any form of support to non-State actors	
17	Other ¹	X	Member of Oceania Customs Organisation (OCO) Asia Pacific Group FATF INTERPOL Member Pacific Island Forum (PIF) WHO IMO	

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/CW/BW: Counter Terrorism Act 2002, RMI Revised Code 2004, Sections 106 and 125	X	X	X	NW/CW/BW: Counter Terrorism Act 2002, RMI Revised Code 2004, Sections 107-112 (applies to any offense under the Act) and especially 125 (Weapons of Mass Destruction Offences) CW: Weapons Control Act [7MIRC Ch 13], RMI Revised Code 2004, Sections 1302, 1303, 1329	
2	acquire	X	X	X	NW/CW/BW: Counter Terrorism Act 2002, RMI Revised Code 2004, Sections 106 and 125	X	X	X	NW/CW/BW: Counter Terrorism Act 2002, RMI Revised Code 2004, Sections 107-112 (applies to any offense under the Act) and especially 125 (Weapons of Mass Destruction Offences) CW: Weapons Control Act [7MIRC Ch 13], RMI Revised Code 2004, Sections 1302, 1303, 1329	
3	possess	X	X	X	NW/CW/BW: Counter Terrorism Act 2002, RMI Revised Code 2004, Sections 106 and 125	X	X	X	NW/CW/BW: Counter Terrorism Act 2002, RMI Revised Code 2004, Sections 107-112 (applies to any offense under the Act) and especially 125 (Weapons of Mass Destruction Offences) CW: Weapons Control Act [7MIRC Ch 13], RMI Revised Code 2004, Sections 1302, 1303, 1329	
4	stockpile/store	X	X	X	NW/CW/BW: Counter Terrorism Act 2002, RMI Revised Code 2004, Sections 106 and 125	X	X	X	NW/CW/BW: Counter Terrorism Act 2002, RMI Revised Code 2004, Sections 107-112 (applies to any	

									offense under the Act) and especially 125 (Weapons of Mass Destruction Offences)	
5	develop	X	X	X	NW/CW/BW: Counter Terrorism Act 2002, RMI Revised Code 2004, Sections 106 and 125	X	X	X	NW/CW/BW: Counter Terrorism Act 2002, RMI Revised Code 2004, Sections 107-112 (applies to any offense under the Act) and especially 125 (Weapons of Mass Destruction Offences)	
6	transport	X	X	X	NW/CW/BW: Counter Terrorism Act 2002, RMI Revised Code 2004, Section 125(1)a	X	X	X	NW/CW/BW: Counter Terrorism Act 2002, RMI Revised Code 2004, Sections 107-112 (applies to any offense under the Act) and especially 125 (Weapons of Mass Destruction Offences) CW: Weapons Control Act, Sections 1302, 1303, 1329	
7	transfer	X	X	X	NW/CW/BW: Counter Terrorism Act 2002, RMI Revised Code 2004, Sections 106 and 125	X	X	X	NW: Counter Terrorism Act 2002, RMI Revised Code 2004, Sections 107-112 (applies to any offense under the Act) and especially 125 (Weapons of Mass Destruction Offences) and 136 (Nuclear Material Offences) CW: Counter Terrorism Act 2002, RMI Revised Code 2004, Sections 107-112 (applies to any offense under the Act) and especially 125 (Weapons of Mass Destruction Offences) Weapons Control Act, Sections 1302, 1303, 1329 BW: Counter Terrorism Act 2002, RMI Revised Code 2004, Sections 107-112 (applies to any offense under the Act) and especially 125 (Weapons of Mass Destruction Offences)	
8	use	X	X	X	NW/CW/BW: Counter Terrorism Act 2002, RMI Revised Code 2004, Sections 106 and 125	X	X	X	NW: Counter Terrorism Act 2002, RMI Revised Code 2004, Sections 107-112 (applies to any offense under the Act) and especially 125	

								(Weapons of Mass Destruction Offences) and 136 (Nuclear Material Offences). Also Section 128 (if terrorist intent) and Section 135 (e) (Offence related to Maritime Navigation and Fixed Platforms).		
9	participate as an accomplice in abovementioned activities	X	X	X	NW/CW/BW: Counter Terrorism Act 2002, Sections 106-107 and 125	X	X	X	NW/CW/BW: Counter Terrorism Act 2002, Section 107-112	
10	assist in abovementioned activities	X	X	X	NW/CW/BW: Counter Terrorism Act 2002, Sections 106-107 and 125	X	X	X	NW/CW/BW: Counter Terrorism Act 2002, Section 107-112	
11	finance abovementioned activities	X	X	X	NW/CW/BW: Counter Terrorism Act 2002, Section 120	X	X	X	NW/CW/BW: Counter Terrorism Act 2002, Sections 120-122 Has a Financial Intelligence Unit (FIU)	
12	abovementioned activities related to means of delivery ²	?	X	X	NW/CW/BW: Counter Terrorism Act 2002, Section 105(4)&(5), 106 and 125	?	X	X	NW/CW/BW: Counter Terrorism Act 2002, Section 112 &125	
13	involvement of non-State actors in abovementioned activities	X	X	X	NW/CW/BW: Counter Terrorism Act 2002, especially Section 125	X	X	X	NW: Counter Terrorism Act 2002, RMI Revised Code 2004, Sections 106-112 (applies to any offense under the Act) and especially 125 (Weapons of Mass Destruction Offences) and 136 (Nuclear Material Offences) CW/BW: Counter Terrorism Act 2002, RMI Revised Code 2004, Sections 106-112 (applies to any offense under the Act) and especially 125 (Weapons of Mass Destruction Offences)	

14	Other	X	X	X	NW/CW/BW: RMI Revised Code 2004, Compact with the US, Amended, Implementation, Section 314: Unless otherwise agreed, the US shall not test, dispose of, discharge biological weapons in the RMI					
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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 Materials³

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/653					
2	Measures to account for use	X			NW: INFCIRC/653					
3	Measures to account for storage	X			NW: INFCIRC/653					
4	Measures to account for transport									
5	Other measures for accounting									
6	Measures to secure production									
7	Measures to secure use						X		CW: RMI Ports Authority Act 2003, Section 155 (Only discharge of noxious material)	
8	Measures to secure storage									
9	Measures to secure transport					?	?	?	NW/CW/BW: Carriage By Sea Act, Section 405	
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	?	?	?	NW: Public Health, Safety and Welfare Act [7 MIRC 1], Section 103 (s) [last sentence on licenses] CW/BW: Public Health, Safety and Welfare Act [7 MIRC 1], Section 103(u) [last sentence on licenses]	?	?	?	NW/CW/BW: Public Health, Safety and Welfare Act [7 MIRC 1], Section 108, Secretary of Health	
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 in force 03 May 2005 Additional Protocol in force 03 May 2005	X	Safeguards Agreement in force 03 May 2005 Additional Protocol in force 03 May 2005	
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	X	Counter Terrorism Act 2002, RMI Revised Code 2004, Section 136	X	Counter Terrorism Act 2002, RMI Revised Code 2004, Section 136	
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	X	Environmental Protection Authority	X	Environmental Protection Authority	
2	Reporting Schedule I, II and III chemicals to OPCW	X	Submitted their initial declaration	X	Submitted their initial declaration	
3	Account for, secure or physically protect "old chemical weapons"					
4	Other legislation/ regulations controlling chemical materials					
5	Other	?	Drafting CWC implementing legislation			

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					
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	NW/CW/BW: Import Duties Act 1989, Section 210-212 RMI Ports Authority Act 2003, Section 153, 151 &152 BW: Animal and Plant Inspection Act [8 MIRC 1], Sections 106 & 107 (on inspection and cargo manifests)	X	X	X	NW/CW/BW: Customs Service RMI Ports Authority Act 2003, Sections 154, 156, 157, & -159 Import Duties Act 1989, Sections, 221-223 BW: Animal and Plant Inspection Act, Section 104 and 111	
2	Technical support of border control measures	X	X	X	NW/CW/BW: Counter Terrorism Act, 2002, Section 118(2)(d) (on r & d and information exchange on detection methods of sensitive materials and cross-border movement of nuclear, chemical and biological materials ...)	X	X	X	NW/CW/BW: Counter Terrorism Act, 2002, Section 118(2)(d) (on r & d and information exchange on detection methods of sensitive materials and cross-border movement of nuclear, chemical and biological materials)	
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology									
4	Enforcement agencies/authorities	X	X	X	NW/CW/BW: Import Duties Act 1989 RMI Port Authority Act 2003	X	X	X	NW/CW/BW: Customs Service	
5	Export control legislation in place	X	X	X	NW/CW/BW: Counter terrorism Act 2002, Section 125(1)	X	X	X	NW/CW/BW: Counter Terrorism Act, 2002, Section 125 (1) (a),	

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	BW: Animal and Plant Inspection Act [8 MIRC 1], Section 108				X	BW: Animal and Plant Inspection Act [8 MIRC 1], Section 108	
21	Trans-shipment control										
22	Re-export control										
23	Control of providing funds										
24	Control of providing transport services	?			NW: SUA Convention 2005 Protocol makes						

				unauthorized transfer of special nuclear materials an offense					
25	Control of importation	X	X	X	NW/CW/BW: Counter Terrorism Act, 2002, Section 125 (1) BW: Animal and Plant Inspection Act, Section 106	X	X	X	NW/CW/BW: Counter Terrorism Act, 2002, Section 25 (1) BW: Animal and Plant Inspection Act, Section 111
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	X	Requires assistance with completing a review of its current national legislation in order to determine what further steps must be taken; Needs particular assistance with implementation of trans-shipment controls	
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	X	In the process of developing a system to issue public announcements to raise awareness of the provisions of the key multilateral non-proliferation treaties and the Counter Terrorism Act, 2002	
9	Point of Contact			
10	Other ⁴			

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