

# 1540 COMMITTEE MATRIX OF MICRONESIA

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: MICRONESIA (FEDERATED STATES OF)  
 Date of Report: 27 June 2008  
 Date of Committee Report:

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 14 April 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)			
5 2005 Amendment to the CPPNM			

6	Comprehensive Nuclear-Test-Ban Treaty (CTBT) (not in force)	X	Deposit 25 July 1997	
7	Chemical Weapons Convention (CWC)	X	Deposit 21 June 1999	
8	Biological Weapons Convention (BWC)			
9	Geneva Protocol of 1925			
10	Other Conventions/Treaties	X	State Party to Waigani Convention (Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Trans-boundary Movement and Management of Hazardous Wastes within the South Pacific Region).  State Party to 7 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 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	X	Partnership Agreement between the members of the African, Caribbean and Pacific Group of States and of the European Community and its Member States (Cotonou Agreement)	
14	General statement on non-possession of WMD	X	State reported that it does not own or possess any military technology or weaponry that could be classified as a WMD	
15	General statement on commitment to disarmament and non-proliferation	X	State reported that it strives to do its part in the international effort to halt the spread of nuclear, chemical and biological weapons; will continue to promote the non-proliferation and disarmament treaties to which it is a party and to consider acceding to relevant international instruments	
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 that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery and it does not develop, manufacture or produce any materials that could be used by a third country or terrorist organization to create WMD or their means of delivery.	
17	Other <sup>1</sup>	X	Member of Pacific Islands Forum Group Member of Asia/Pacific Group of FATF Member of Oceania Customs Organisation (OCO) Member of WHO Member of OIE	

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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			<b>NW:</b> FSM Anti-Terrorism and Transnational Organised Crime Act, Title 11, Section 1303 (36)&(38), 1318, 1358 and 1365	X			<b>NW:</b> FSM Anti-Terrorism and Transnational Organised Crime Act, Title 11, Section 1303 (72), 1310 and 1311					
2	acquire	X			<b>NW:</b> FSM Anti-Terrorism and Transnational Organised Crime Act, Title 11, Section 1303 (36)&(38), 1318, 1358 and 1365	X			<b>NW:</b> FSM Anti-Terrorism and Transnational Organised Crime Act, Title 11, Section 1303 (72), 1310 and 1311					
3	possess	X			<b>NW:</b> FSM Anti-Terrorism and Transnational Organised Crime Act, Title 11, Section 1303 (36)&(38), 1318, 1358 and 1365	X			<b>NW:</b> FSM Anti-Terrorism and Transnational Organised Crime Act, Title 11, Section 1303 (72), 1310 and 1311					
4	stockpile/store	X	X	X	<b>NW/CW/BW:</b> Kosrae Constitution, Article XI, Section 2: (no Nuclear, Chemical or biological weapons permitted within the State of Kosrae)  <b>NW/CW:</b> FSM Constitution Article XIII, Section 2, (Radioactive, toxic chemical, or other harmful substances may not be tested, stored, used, or disposed of within the jurisdiction of the Federated States of Micronesia...)  <b>NW:</b> Yap Constitution, Article XIII, Section 4: (For Yap only)									
5	develop													

6	transport	?	?	?	<b>NW/CW/BW:</b> Kosrae Constitution, Article XI, Section 2: no nuclear, chemical or biological weapons permitted within the State of Kosrae	X	X	X	<b>NW/CW/BW:</b> FSM Anti-Terrorism and Transnational Organised Crime Act, Title 11, Section 1303 (72), 1310 and 1311
7	transfer					X	X	X	<b>NW/CW/BW:</b> FSM Anti-Terrorism and Transnational Organised Crime Act, Title 11, Section 1303 (72), 1310 and 1311
8	use	X	X	X	<b>NW:</b> Yap Constitution, Article XIII, Section 4: For Yap only FSM Anti-Terrorism and Transnational Organised Crime Act, Title 11, Section 1303 (36)&(38), 1318, 1358 and 1365  <b>CW/BW:</b> FSM Anti-Terrorism and Transnational Organised Crime Act, Title 11, Section 1303 (72), 1310 and 1311	X	X	X	<b>NW/CW/BW:</b> FSM Anti-Terrorism and Transnational Organised Crime Act, Title 11, Section 1303 (72), 1310 and 1311
9	participate as an accomplice in abovementioned activities	?	?	?	<b>NW/CW/BW:</b> Revised Criminal Code Act, Sections 201-203: Inchoate crimes Convention for the Suppression of Terrorist Bombings	?	?	?	<b>NW/CW/BW:</b> Revised Criminal Code Act, Section 204: Inchoate crimes
10	assist in abovementioned activities	?	?	?	<b>NW/CW/BW:</b> Revised Criminal Code Act, Sections 201-203: Inchoate crimes Convention for the Suppression of Terrorist Bombings	?	?	?	<b>NW/CW/BW:</b> Revised Criminal Code Act, Section 204: Inchoate crimes
11	finance abovementioned activities	X	X	X	<b>NW/CW/BW:</b> Money Laundering and Proceeds of Crime Act, Section 915: suspicious transactions FSM Foreign Investment Act	X	X	X	<b>NW/CW/BW:</b> Money Laundering and Proceeds of Crime Act, Section 915 reporting suspicious transactions to Department of Justice; 918-

									921: penalties Financial Intelligence Unit in the Department of Justice FSM Foreign Investment Act	
12	abovementioned activities related to means of delivery <sup>2</sup>									
13	involvement of non- State actors in abovementioned activities	X	X	X	<b>NW/CW/BW:</b> Revised Criminal Code Act, Sections 201-203: Inchoate crimes	X	X	X	<b>NW/CW/BW:</b> Revised Criminal Code Act, Section 204: Inchoate crimes	
14	Other	X	X	X	<b>NW/CW/BW:</b> Compact with the United States, Section 314 prohibits the United States from testing, disposing, or discharging and Nuclear weapon, toxic chemicals and biological weapons and other radio active, toxic chemical and biological material in the FSM  <b>NW/CW:</b> Constitution, Article XIII, Section 2, Radioactive, toxic chemical, or other harmful substances not to be tested, stored, used or disposed in FSM without government approval  <b>CW:</b> Drafting CWC implementing legislation					

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					
		NW	CW	BW*		NW	CW	BW						
1	Measures to account for production													
2	Measures to account for use	?	?	?	<b>NW/CW/BW:</b> 1. Public Health, Safety and Welfare, Title 41, Chapter 1, Section 101, 102 2. Constitution, Article XIII, Section 2  <b>CW:</b> Pesticides regulations	?	?	?	<b>NW/CW/BW:</b> Public Health, Safety and Welfare, Title 41, Chapter 1, Section 102: Director of Health Services shall, subject to the approval of High Commissioner, have powers to make regulations; 119: penalty  <b>CW:</b> Pesticides regulations					
3	Measures to account for storage	?	?	?	<b>NW/CW/BW:</b> Constitution, Article XIII, Section 2									
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							?	<b>BW:</b> Carriage of Dangerous Goods, FSM Title 19, Sections 416-419					
9	Measures to secure transport					?	?		<b>NW/CW:</b> Carriage of Dangerous Goods, FSM Title 19, Sections 416-419					

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	?	?	?		?	?	?	
					<b>NW/CW/BW:</b> Public Health, Safety and Welfare, Title 41, Chapter 1, Section 102 (2)				<b>NW/CW/BW:</b> Public Health, Safety and Welfare, Title 41, Chapter 1, Section 102(2): Director of Health Service may require certificates, permits, or licenses as he may deem necessary adequately to regulate the conditions or businesses, including laboratories, causes of sickness and disease, poisons, and radioactive sources; Section 119 (penalty)
					<b>CW:</b> Pesticides regulations				<b>CW:</b> Pesticides regulations
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	?	FSM seeks to adopt IAEA Safeguards Agreement pursuant to Art III of NPT, and Additional Protocol			
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	FSM Legal Code, Title 32, Section 205 prohibits foreign investment in certain economic sectors (the National Red List), including nuclear power or radioactivity	X	FSM Code, Title 32, Section 220	
8	Other	X	State Party to Waigani Convention State Party to Basel Convention			

**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	While still drafting CWC implementing legislation, FSM has appointed a NA	X	National Authority, Department of Justice	
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	?	Constitution, Article XIII, Section 2			
5	Other	X	Marine Resources Act of 2002, Section 918 (1&2): contamination of the exclusive economic zone by discharge of any substance that is likely to damage the marine resources, including a poison, chemical or noxious substance Drafting CWC implementing legislation	X	Marine Resources Act of 2002, Section 918 (3)	

**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	?	Constitution, Article XIII, Section 2			
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> Customs Act 1996, Title 54, Sections 231-234 Territory, Economic Zones, Ports of Entry - Ports of Entry, Title 18, Chapters 1 and 2	X	X	X	<b>NW/CW/BW:</b> Customs Act 1996, Title 54, especially Sections 231-270 Territory, Economic Zones, Ports of Entry, Title 18, Chapter 3, Subchapter 1, Sections 314-317, and Subchapter 2	
2	Technical support of border control measures	X	X	X	<b>NW/CW/BW:</b> Customs Act 1996, Title 54, Section 236: Use of aids by Customs officers	X	X	X	<b>NW/CW/BW:</b> Customs Act 1996, Title 54, Section 236: Use of aids by Customs officers	
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology									
4	Enforcement agencies/authorities	X	X	X	<b>NW/CW/BW:</b> Customs Act 1996, Title 54, Sections 231-233, 242-252	X	X	X	<b>NW/CW/BW:</b> Department of Finance and Administration, Division of Customs	
5	Export control legislation in place	X	X	X	<b>NW/CW/BW:</b> FSM Code, International Trade, Title 38, Chapter 2 Export Controls, Sections 201-202 Customs Act 1996, Section 240	X	X	X	<b>NW/CW/BW:</b> Customs Act 1996, Title 54, especially Sections 231-270	
6	Licensing provisions	X	X	X	<b>NW/CW/BW:</b> FSM Code, International Trade, Title 38, Chapter 2 Export Controls, Section 202					
7	Individual licensing									

8	General licensing								
9	Exceptions from licensing								
10	Licensing of deemed export/visa								
11	National licensing authority	X	X	X	<b>NW/CW/BW:</b> FSM Code, International Trade, Title 38, Chapter 2 Export Controls, Section 202	X	X	X	<b>NW/CW/BW:</b> Commissioner
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	X	X	X	<b>NW/CW/BW:</b> FSM Code, International Trade, Title 38, Chapter 2 Export Controls, Sections 201-202 Kosrae Law Code, Section 19.404: No transshipment without permit	X	X	X	<b>NW/CW/BW:</b> Customs Act 1996, Title 54, especially Sections 231-270
22	Re-export control	X	X	X	<b>NW/CW/BW:</b> FSM Code, International Trade, Title 38, Chapter 2 Export Controls, Sections 201-202	X	X	X	<b>NW/CW/BW:</b> Customs Act 1996, Title 54, especially Sections 231-270
23	Control of providing funds								
24	Control of providing transport services								

25	Control of importation	X	X	X	<p><b>NW/CW/BW:</b> Customs Act 1996, Title 54, Sections 238, 239, 240</p> <p><b>CW:</b> Pesticides regulations</p> <p><b>BW:</b> Plant and animal quarantine regulations</p>	X	X	X	<p><b>NW/CW/BW:</b> Customs Act 1996, Title 54, Sections 231-270</p> <p><b>CW:</b> Pesticides regulations</p> <p><b>BW:</b> Kosrae Legal Code, Section 13.622 Quarantine Service</p>
26	Extraterritorial applicability								
27	Other	X	X	X	<p><b>NW/CW/BW:</b> Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal FSM Legal Code, Title 32, Section 205 prohibits foreign investment in certain economic sectors (the National Red List), including arms manufacturing Waigani Convention (ban import/export of hazardous and radioactive wastes)</p>				

## 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	<p>Request assistance in determining which international instruments, domestic laws and export control regimes pertaining to WMD non-proliferation should be given priority to implementing in accordance with FSM's particular circumstances as a small and remote island nation.</p> <p>Calls on States in a position to offer assistance to do so, in particular through training and financial aid, in the enactment and implementation of the relevant and necessary treaties, export and trans-shipment controls and other measures.</p>	
5	Point of Contact for assistance			
6	Assistance in place (bilateral/multilateral)	X	The OPCW- Implementation support Branch, International Cooperation and Assistance Division, organized dedicated sub-regional training course for Legal authorities and representatives of CWC National Authorities from Pacific Island States, including Solomon Islands and Timor Leste, on Technical Aspects of the CWC, at Brisbane, Australia, 20 – 24 May 2014	
7	Work with and inform industry			
8	Work with and inform the public			
9	Point of Contact			
10	Other <sup>4</sup>			

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