

# 1540 COMMITTEE MATRIX OF PALAU

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:

PALAU

Date of Report:

10 April 2008

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 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)	X	Accession 24 April 2007	
5	2005 Amendment to the CPPNM			

6	Comprehensive Nuclear-Test-Ban Treaty (CTBT) (not in force)	X	Deposit 1 August 2007	
7	Chemical Weapons Convention (CWC)	X	Deposit 3 February 2003	
8	Biological Weapons Convention (BWC)	X	Deposit 20 February 2003	
9	Geneva Protocol of 1925			
10	Other Conventions/Treaties	X	State Party to 14 of 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 2005 Protocol to the Convention for 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  Waigani Convention	
11	International Atomic Energy Agency (IAEA)	X	Member since March 2008	
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			
16	General statement on non-provision of WMD and related materials to non-State actors	X	State reported that it is committed to withhold any support whatsoever to entities whether State or non-state actors attempting to develop, acquire, manufacture, possess, transport, transfer, or use nuclear, chemical, biological weapons or their means of delivery.	
17	Other <sup>1</sup>	X	IMO WHO PIF OCO Asia Pacific Group	

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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	<b>NW/CW/BW:</b> Palau Constitution Article XIII, Section 6 (Harmful substances such as nuclear, chemical, gas or biological weapons intended for use in warfare, nuclear power plants, and waste materials therefrom, shall not be used, tested, stored, or disposed of within the territorial jurisdiction of Palau without the express approval of not less than three-fourths (3/4) of the votes cast in a referendum submitted on this specific question.) Counter-Terrorism (CT) Act of 2007, Section 29  <b>CW:</b> Chemical Weapons (CW) Prohibition Act 2005, Section 4005	X	X	X	<b>NW/CW/BW:</b> Counter-Terrorism (CT) Act of 2007, Sections 6 and 29  <b>CW:</b> Chemical Weapons (CW) Prohibition Act 2005, Sections 4005-4006	
2	acquire	X	X	X	<b>NW/CW/BW:</b> Palau Constitution Article XIII, Section 6 CT Act of 2007, Section 29  <b>CW:</b> CW Prohibition Act 2005, Section 4005	X	X	X	<b>NW/CW/BW:</b> CT Act of 2007, Sections 6 and 29  <b>CW:</b> CW Prohibition Act 2005, Sections 4005-4006	
3	possess	X	X	X	<b>NW/CW/BW:</b> CT Act of 2007, Section 29  <b>CW:</b> Chemical Weapons (CW) Prohibition Act 2005, Section 4005: retains	X	X	X	<b>NW/BW:</b> CT Act of 2007, Section 6 and 29  <b>CW:</b> CW Prohibition Act 2005, Sections 4005-4006	

4	stockpile/store	X	X	X	<b>NW/CW/BW:</b> Palau Constitution Article XIII, Section 6 CT Act of 2007, Section 29  <b>CW:</b> CW Prohibition Act 2005, Section 4005	X	X	X	<b>NW/CW/BW:</b> CT Act of 2007, Section 6 and 29  <b>CW:</b> CW Prohibition Act 2005, Sections 4005-4006	
5	develop	X	X	X	<b>NW/CW/BW:</b> Palau Constitution Article XIII, Section 6 CT Act of 2007, Section 29  <b>CW:</b> CW Prohibition Act 2005, Section 4005	X	X	X	<b>NW/CW/BW:</b> CT Act of 2007, Section 6 and 29  <b>CW:</b> CW Prohibition Act 2005, Sections 4005-4006	
6	transport	X	X	X	<b>NW/CW/BW:</b> Palau Constitution Article XIII, Section 6 CT Act of 2007, Section 29	X	X	X	<b>NW/CW/BW:</b> CT Act of 2007, Sections 6 and 29	
7	transfer	X	X	X	<b>NW/CW/BW:</b> Palau Constitution Article XIII, Section 6 CT Act of 2007, Section 29  <b>CW:</b> CW Prohibition Act 2005, Sections 4005 and 4009	X	X	X	<b>NW/CW/BW:</b> CT Act of 2007, Section 6 and 29  <b>CW:</b> CW Prohibition Act 2005, Sections 4005-4006	
8	use	X	X	X	<b>NW/BW:</b> CT Act of 2007, Sections 29 (b) (terrorist intent) and 35 (International Convention for the Suppression of Terrorist Bombings offences)  <b>CW:</b> CW Prohibition Act 2005, Section 4005	X	X	X	<b>NW/CW/BW:</b> CT Act of 2007, Sections 6 and 29 (b)  <b>CW:</b> CW Prohibition Act 2005, Sections 4005-4006	
9	participate as an accomplice in abovementioned activities	X	X	X	<b>NW/CW/BW:</b> Palau National Code section 102 and 103 CT Act of 2007, Sections 34 and 35 (give effect to International Convention for the Suppression of Terrorist Bombings)	X	X	X	<b>NW/CW/BW:</b> Palau National Code section 102 and 103 CT Act of 2007, Sections 6 (Criminal complicity) and 35	

					<b>CW:</b> CW Prohibition Act 2005, Section 4005				<b>CW:</b> CW Prohibition Act 2005, Sections 4005 and 4006	
10	assist in abovementioned activities	X	X	X	<b>NW/BW:</b> Palau National Code Sections 102 and 103 CT Act of 2007, Sections 34 and 35  <b>CW:</b> CW Prohibition Act 2005, Section 4005	X	X	X	<b>NW/CW/BW:</b> Palau National Code section 102 and 103 CT Act of 2007, section 6 (Criminal complicity) and 35  <b>CW:</b> CW Prohibition Act 2005, Section 4005 and 4006	
11	finance abovementioned activities	X	X	X	<b>NW/CW/BW:</b> CT Act of 2007, Section 23, 24 and (gives effect to International Convention for the Suppression of Financing of Terrorism) Money Laundering and Proceeds Act of 2001, Section 16 (Financial Intelligence Unit)	X	X	X	<b>NW/CW/BW:</b> CT Act of 2007, Sections 24 Palau National Code 102	
12	abovementioned activities related to means of delivery <sup>2</sup>		X	X	<b>CW/BW:</b> CT Act of 2007, Section 29		X	X	<b>CW/BW:</b> CT Act of 2007, Section 29	
13	involvement of non-State actors in abovementioned activities	X	X	X	<b>NW/CW/BW:</b> CT Act of 2007, Sections 29, 34 and 35  <b>CW:</b> CW Prohibition Act 2005, Section 4005	X	X	X	<b>NW/CW/BW:</b> CT Act of 2007, Sections 29 and 35  <b>CW:</b> Chemical Weapons (CW) Prohibition Act 2005, Sections 4005-4006 and 4012	
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	X	X		NW: INFCIRC/650 (with Small Quantity Protocol)  CW: CW Prohibition Act 2005, Sections 4011-4012 and 4014-4015		X		CW: CW Prohibition Act 2005, Sections 4011-4022	
2	Measures to account for use	X	X		NW: INFCIRC/650 (with Small Quantity Protocol)  CW: CW Prohibition Act 2005, Sections 4011-4012 and 4014-4015		X		CW: CW Prohibition Act 2005, Sections 4011-4022	
3	Measures to account for storage	X	X		NW: INFCIRC/650 (with Small Quantity Protocol)  CW: CW Prohibition Act 2005, Sections 4011-4015		X		CW: CW Prohibition Act 2005, Sections 4011-4022	
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		?		<b>CW:</b> Amendment to the Pesticides Regulations (Chapter 2401-33): General prohibitions and Miscellaneous, 1999				
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 13 May 2005 Additional Protocol, in force 13 May 2005	X	Safeguards Agreement, in force 13 May 2005 Additional Protocol, in force 13 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					
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	CW Prohibition Act, 2005	X	Ministry of State authorized the Ministry of Justice	
2	Reporting Schedule I, II and III chemicals to OPCW	X	CW Prohibition Act, 2005 Sections 4010-4011	?	CW Prohibition Act:	
3	Account for, secure or physically protect "old chemical weapons"					
4	Other legislation/ regulations controlling chemical materials					
5	Other	X	Pesticides Regulations (Chapter 2401-33) (amendment for storage, etc. in protected area)			

**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, 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	?	?	?	NW/CW/BW: Customs regulation 2006	X	X	X	NW/CW/BW: Bureau of Revenue and Taxation, Division of Customs The Ministry of Justice,  BW: Chief of the Division of Agriculture	
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	X	X	NW/CW/BW: Minister of Justice Bureau of Revenue and Taxation, Division of Customs	
5	Export control legislation in place		X		NW/CW/BW: CT Act of 2077, Section 29  CW: CW Prohibition Act, Section 4009	X	X	X	NW/CW/BW: CT Act of 2007, Section 29 offences  CW: CW Prohibition Act, Section 4009	
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		X		<b>CW:</b> CW Prohibition Act, 2005, Sections 4027-4029				
14	Updating of lists								
15	Inclusion of technologies								
16	Inclusion of means of delivery								
17	End-user controls		X		<b>CW:</b> CW Prohibition Act, 2005 Section 4024		X		<b>CW:</b> CW Prohibition Act, 2005 Section 4024
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	X	X	<b>NW/CW/BW:</b> CT Act of 2007, Section 29  <b>CW:</b> CW Prohibition Act, 2005 Section 4009	X	X	X	<b>NW:CW: BW:</b> CT Act of 2007, Section 29  <b>CW:</b> CW Prohibition Act of 200

								Environmental Quality Board  <b>BW:</b> Chief, Division of Agriculture	
26	Extraterritorial applicability								
27	Other		X	X	<b>CW:</b> Pesticides Regulations (Chapter 2401-33)  <b>BW:</b> Plant and Animal Control, Sections 2002-2010		X	X	<b>CW:</b> Pesticides Regulations (Chapter 2401-33)  <b>BW:</b> Plant and Animal Control, Sections 2002-2010

## 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	As the Republic has only one Patrol Boat, the Ministry of Justice has been seeking financial support to deploy unmanned aerial surveillance aircrafts to help address surveillance of the EEZ. Additionally, the State reports that it will be necessary to improve regional and international strategies to address terrorism, as such regional and international cooperation is limited. State reports that its FIU remains underfunded and undermanned to complete its mandate. While the Government of Palau is committed to making the FIU operational and effective it remains in need of technical assistance to make this possible.	
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.