

# 1540 COMMITTEE MATRIX OF TONGA

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:

Tonga

Date of Report:

5 April 2006

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 07 July 1971	
2	Nuclear Weapons Free Zone/ Protocol(s)	X	Treaty of Rarotonga, deposit 18 December 2000	
3	Convention for the Suppression of Acts of Nuclear Terrorism			
4	Convention on Physical Protection of Nuclear Material (CPPNM)	X	Deposit, 24 January 2003	

5	2005 Amendment to the CPPNM			
6	Comprehensive Nuclear-Test-Ban Treaty (CTBT) (not in force)			
7	Chemical Weapons Convention (CWC)	X	Deposit 29 May 2003	
8	Biological Weapons Convention (BWC)	X	Deposit 28 September 1976	
9	Geneva Protocol of 1925	X	Deposit 19 July 1971	
10	Other Conventions/Treaties	X	State Party to 12 out 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 Outer Space Treaty Waigani Convention (ban imports/control movement of hazardous materials)	
11	International Atomic Energy Agency (IAEA)	X	Since 2011	
12	Hague Code of Conduct (HCOC)	X	Subscribed 3 September 2003	
13	Other Arrangements			
14	General statement on non-possession of WMD	X	State reported that it never possessed nuclear, chemical or biological weapons and their means of delivery	
15	General statement on commitment to disarmament and non-proliferation	X	The State strongly supports the statement made by Ambassador Dell Higginson of New Zealand at UNGS 68 <sup>th</sup> First Committee that, "The only way to guarantee that nuclear weapons will never be used again is through their total elimination. All states share the responsibility to prevent the use of nuclear weapons, to prevent their vertical and horizontal proliferation and to achieve disarmament, including through fulfilling the objectives of NPT and achieving its universality".	
16	General statement on non-provision of WMD and related materials to non-State actors	X	State reported that it never supported or will support in any form any activities of non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery	
17	Other <sup>1</sup>	X	WCO IMO INTERPOL WHO PIF Asia/ Pacific Group of FATF Asia/Pacific Group of FATF Member of Oceania Customs Organisation	

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> Criminal Offences Act as amended, Sections 78A & B (vi)	X	X	X	<b>NW/CW/BW:</b> Criminal Offences Act as amended, Sections 78A					
2	acquire	X	X	X	<b>NW/CW/BW:</b> Criminal Offences Act as amended, Sections 78A & B (vi)  <b>NW:</b> Transnational Crimes Act, as amended, Section 16 (Nuclear material)	X	X	X	<b>NW/CW/BW:</b> Criminal Offences Act as amended, Sections 78A  <b>NW:</b> Transnational Crimes Act, as amended, Section 16 (Nuclear material)					
3	possess	X	X	X	<b>NW/CW/BW:</b> Criminal Offences Act as amended, Sections 78A & B (vi)  <b>NW:</b> Transnational Crimes Act, as amended, Section 16 (Nuclear material)	X	X	X	<b>NW/CW/BW:</b> Criminal Offences Act as amended, Sections 78A  <b>NW:</b> Transnational Crimes Act, as amended, Section 16 (Nuclear material)					
4	stockpile/store													
5	develop		X	X	<b>CW/BW:</b> Criminal Offences Act as amended, Sections 78A & B (vi)		X	X	<b>CW/BW:</b> Criminal Offences Act, as amended, Sections 78A					
6	transport	X	X	X	<b>NW/CW/BW:</b> Criminal Offence Act, as amended, Section 78A & B (vi)	X	X	X	<b>NW/CW/BW:</b> Criminal Offences Act, as amended, Sections 78A					

					<b>NW:</b> Transnational Crime Act, as amended, Section 14 (nuclear material)				<b>NW:</b> Transnational Crime Act, as amended, Section 14 (nuclear material)	
7	transfer	X	X	X	<b>NW/CW/BW:</b> Criminal Offence Act, as amended, Section 78A & B (vi) (supply) Transnational Crimes Act, as amended, Section 22 (2) (delivers, places, discharges)	X	X	X	<b>NW/CW/BW:</b> Criminal Offences Act, as amended, Sections 78A Transnational Crimes Act, as amended, Section 22 (2) <b>NW:</b> Transnational Crimes Act, as amended, Section 16 (nuclear material)	
8	use	X	X	X	<b>NW/CW/BW:</b> Criminal Offence Act, as amended, Section 78A & B (vi) <b>NW:</b> Transnational Crimes Act, as amended, Section 16 (Nuclear material)	X	X	X	<b>NW/CW/BW:</b> Criminal Offences Act, as amended, Sections 78A Transnational Crimes Act, as amended, Section 22 <b>NW:</b> Transnational Crimes Act, as amended, Section 16 (Nuclear material)	
9	participate as an accomplice in abovementioned activities	X	X	X	<b>NW/CW/BW:</b> Transnational Crimes Act, as amended, Sections 7, 10, 23 (does not seem to explicitly use terms of 'assist', 'accomplice') "Criminal Offences Act, as amended, Sections 78A-B: (supply; does not use terms 'assist' or 'accomplice')	X	X	X	<b>NW/CW/BW:</b> "Criminal Offences Act, as amended, Sections 78A ( supply; does not use terms 'assist' or 'accomplice') Transnational Crimes Act, as amended, Sections 7, 10, 23; (does not use terms 'assist' or 'accomplice'"")	
10	assist in abovementioned activities	X	X	X	<b>NW/CW/BW:</b> Transnational Crimes Act, as amended, Sections 7, 10, 23 (does not seem to explicitly use terms of 'assist', 'accomplice') "Criminal Offences Act, as amended, Sections 78A-B: (supply; does not use terms 'assist' or 'accomplice')	X	X	X	<b>NW/CW/BW:</b> "Criminal Offences Act, as amended, Sections 78A ( supply; does not use terms 'assist' or 'accomplice') Transnational Crimes Act, as amended, Sections 7, 10, 23; (does not use terms 'assist' or 'accomplice'"")	
11	finance abovementioned activities	X	X	X	<b>NW/CW/BW:</b> Transnational Crimes Act, as amended, Section 6 & 7	X	X	X	<b>NW/CW/BW:</b> Transnational Crimes Act, as amended, Section 6 & 7	

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> Transnational Crimes Act, as amended, Section 2, 3 & 5	X	X	X	<b>NW/CW/BW:</b> Criminal Offences Act, as amended, Transnational Crimes Act, as amended
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			<b>NW:</b> INFCIRC/426							
2	Measures to account for use	X			<b>NW:</b> INFCIRC/426							
3	Measures to account for storage	X			<b>NW:</b> INFCIRC/426							
4	Measures to account for transport	X			<b>NW:</b> Transnational Crimes Act, as amended, Section 14 (2), (permission required to transport nuclear material)	X			<b>NW:</b> Transnational Crimes Act, as amended, Section 14 (2).			
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	X			<b>NW:</b> Transnational Crimes Act, as amended, Section 15:	X	X	X	<b>NW:</b> Transnational Crimes Bill 2005, Sections 15:  <b>CW/BW:</b> Shipping Act, as amended, Section 147 Shipping (International Ship and Port Facility Security) Regulations 2004			

10	Other measures for securing			?	<b>BW:</b> Public Health Act 2008			?	<b>BW:</b> Public Health Act 2008	
11	Regulations for physical protection of facilities/materials/transports									
12	Licensing/registration of installations/facilities/persons/entities/use/handling of materials			?	<b>BW:</b> Public Health Act 2008			?	<b>BW:</b> Public Health Act 2008, Section 4 and 237: (Minister of Health is responsible for the administration and Implementation of this Act)	
13	Reliability check of personnel									
14	Measures to account for/secure/ physically protect means of delivery	?	?	?	<b>NW/CW/BW:</b> Shipping Act, as amended, Section 147 Shipping (International Ship and Port Facility Security) Regulations 2004	?	?	?	<b>NW/CW/BW:</b> Shipping Act, as amended, Section 147 Shipping (International Ship and Port Facility Security) Regulations 2004	

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 18 November 1993 and SQP	X	Safeguards Agreement, in force 18 November 1993	
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 of Nuclear Materials and other Radioactive Sources					
6	Other Agreements related to IAEA					
7	Additional national legislation/regulations related to nuclear materials including CPPNM					
8	Other	X	Hazardous Waste and Chemicals Act 2010. Foreign Investment Regulations 2002 prohibits storage, disposal or transport of nuclear waste	X	Hazardous Waste and Chemicals Act 2010.	



**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	Ministry of Foreign Affairs	X	Ministry of Foreign Affairs	
2	Reporting Schedule I, II and III chemicals to OPCW					
3	Account for, secure or physically protect "old chemical weapons"					
4	Other legislation/ regulations controlling chemical materials					
5	Other	X	Hazardous Waste and Chemicals Act 2010. Foreign Investment Regulations 2002 prohibits the storage, disposal or transport of toxic wastes Pesticides Act 2002	X	Hazardous Waste and Chemicals Act 2010. Pesticides Act 2002	

**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					
3	Other	X	Medical and Public Health Act Animal Diseases Act, as amended Quarantine Act Plant Quarantine	X	Medical and Public Health Act Animal Diseases Act, as amended Quarantine Act Plant Quarantine Act	

**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 and Excise Management Act, as amended, Sections 5-10, 124 and 127	X	X	X	<b>NW/CW/BW:</b> Customs and Excise Management Act, as amended, , Part XII	
2	Technical support of border control measures					?	?	?	<b>NW/CW/BW:</b> The relevant Ministries work closely with their counterparts in the region and with international organizations to coordinate and support activities relating to detection and prevention of illicit trafficking in nuclear, chemical or biological weapons, their means of delivery and related materials	
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 and Excise Management Act, as amended, Section 2-4 (Minister responsible for revenue services	X	X	X	<b>NW/CW/BW:</b> Customs and Excise Management Act, as amended, Part XII	
5	Export control legislation in place	X	?	?	<b>NW/CW/BW:</b> Customs and Excise Management Act 2007, as amended,, Part 5-7  <b>NW:</b>	X	?	?	<b>NW/CW/BW:</b> Customs and Excise Management Act, as amended, Parts 5 –7  <b>NW:</b>	

				Transnational Crimes Act 2005, as amended, Section 14 (1)			Transnational Crimes Act 2005, as amended Section 14	
6	Licensing provisions					?	<b>CW:</b> Minister of Police Director of Health	
7	Individual licensing							
8	General licensing							
9	Exceptions from licensing							
10	Licensing of deemed export/visa							
11	National licensing authority	X		<b>NW:</b> Transnational Crimes Act, as amended, Section 4 &14 <b>BW:</b> Director of Health Director of Agriculture	X	?	<b>NW:</b> Transnational Crimes Act, as amended, Section 4 and 14, Attorney General/ Prime Minister with consent of Cabinet <b>CW:</b> Public Health Act, Director of Health <b>BW:</b> Director of Health for medical biological products Director of Agriculture for veterinary or plants	
12	Interagency review for licenses							
13	Control lists			<b>BW:</b> Quarantine Act 1988, Sections 2, 60		?	<b>BW:</b> Quarantine Act 1988, Section 2 (by Prime Minister proclamation in the Gazette), Section 60	
14	Updating of lists					?	<b>BW:</b> As above by proclamation	
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	X	X	<p><b>NW/CW/BW:</b> Customs and Excise management Act, as amended Part VII, Part XII Customs Act 2007, as amended, Part 3</p> <p><b>NW:</b> Transnational Crimes Act, as amended, Section 14</p> <p><b>BW:</b> Quarantine Act 1988, Section 60</p>	X	X	X	<p><b>NW/CW/BW:</b> Customs and Excise Management Act, as amended Parts VII and XII Customs Act 2007, as amended, Part 3</p> <p><b>NW:</b> Transnational Crimes Act, as amended, Section 14</p> <p><b>BW:</b> Quarantine Act 1988, Sections 60 and 85</p>
26	Extraterritorial applicability								
27	Other		X	X	<p><b>CW:</b> Pesticides Act 2002</p> <p><b>BW:</b> Tonga follows its SPS agreements, the OIE guidelines, the IPPC International Standards for Phytosanitary Measures (ISPM), especially the ISPM No.1, No. 2 and No. 11, and other international guidelines. Plant Quarantine Act 1988, as amended Plant Quarantine Regulations, 1995 Animal Diseases Act, 1978</p>			X	<p><b>CW:</b> Pesticides Act 2002</p>

				Public Health Act 1992					
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**OP 6, 7 and 8 (d) - Control lists, Assistance, Information**

Can information be provided on the following issues ?		YES		Remarks
1	Control lists - items (goods/ equipment/ materials/ technologies)			
2	Control lists - other			
3	Assistance offered			
4	Assistance requested			
5	Point of Contact for assistance			
6	Assistance in place (bilateral/multilateral)			
7	Work with and inform industry			
8	Work with and inform the public	X	State reported that it has advised the public on all conventions, agreements, laws it has become a signatory to, as well as on the obligations under such laws	
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.