

1540 COMMITTEE MATRIX OF TUVALU

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:

Tuvalu

Date of Report:

13 March 2007

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 19 January 1979	
2	Nuclear Weapons Free Zone/ Protocol(s)	X	Treaty of Rarotonga, deposited 6 August 1985	
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)			
7	Chemical Weapons Convention (CWC)	X	Deposit 19 January 2004	
8	Biological Weapons Convention (BWC)			
9	Geneva Protocol of 1925			
10	Other Conventions/Treaties	X	State Party to 1 of 19 universal legal instruments against terrorism	
11	International Atomic Energy Agency (IAEA)			
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	X	State reported that it supports, to the greatest extent possible, international initiatives to reduce the threat posed by the proliferation of nuclear, chemical and biological weapons, their means of delivery and related components.	
16	General statement on non-provision of WMD and related materials to non-State actors	X	State reported that it is committed to withholding any support whatsoever to entities — whether State or non-State actors — attempting to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons, and their means of delivery or related components	
17	Other ¹	X	WHO IMO Oceania Customs Organisation PIF	

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	?	?	NW: Counter-terrorism and Transnational Organised Crimes Act of 2009, Section 58 (alters nuclear material) and 65 (with terrorist intent) CW/BW: Arms and Ammunition Ordinance, 1964 as amended, Section 3 (1)(‘Arms and Ammunition defined to include any noxious liquid, gas or other thing dangerous to persons),	X	?	?	NW: Counter-terrorism and Transnational Organised Crimes Act of 2009, Section 58 (alters nuclear material)and 65 (with terrorist intent) CW/BW: Arms and Ammunition Ordinance, 1964 as amended, Section 3 (3) & (4)"			
2	acquire	X	?	?	NW: Counter-terrorism and Transnational Organised Crimes Act of 2009, Section 58 (receives) and 65 (with terrorist intent) CW/BW: Arms and Ammunition Ordinance, 1964 as amended, Section 11	X	?	?	NW: Counter-terrorism and Transnational Organised Crimes Act of 2009, Section 58 (receives) and 65 (with terrorist intent) CW/BW: Arms and Ammunition Ordinance, 1964 as amended, Section 11			
3	possess	X	?	?	NW: Counter-terrorism and Transnational Organised Crimes Act of 2009Section 58 and 65 (with terrorist intent) CW/BW: Arms and Ammunition Ordinance, 1964 as amended, Section 4	X	?	?	NW: Counter-terrorism and Transnational Organised Crimes Act of 2009, Section 58 and 65 (with terrorist intent) CW/BW: Arms and Ammunition Ordinance, 1964 as amended, Section 4.			

4	stockpile/store									
5	develop	X			NW: Counter-terrorism and Transnational Organised Crimes Act of 2009, Section 65 (make or possess a radioactive device with terrorist intent)	X			NW: Counter-terrorism and Transnational Organised Crimes Act of 2009, Section 65 (make or possess a radioactive device with terrorist intent)	
6	transport	X	X	X	NW: Counter-terrorism and Transnational Organised Crimes Act of 2009, Section 57 (Nuclear material... with terrorist intent) and 60 (b) CW/BW: Counter-terrorism and Transnational Organised Crimes Act of 2009, Section 60 (b)	X	X	X	NW: Counter-terrorism and Transnational Organised Crimes Act of 2009, Section 57 (Nuclear material ...with terrorist intent) and 60 (c) CW/BW: Counter-terrorism and Transnational Organised Crimes Act of 2009, Section 60 (c)	
7	transfer	X			NW: Counter-terrorism and Transnational Organised Crimes Act of 2009, Section 58 (Transfer of Nuclear Material)	X			NW: Counter-terrorism and Transnational Organised Crimes Act of 2009, Section 58 (Transfer of Nuclear Material)	
8	use	X	X	X	NW: Counter-terrorism and Transnational Organised Crimes Act of 2009, Section 12, 58, 60, 64 and 65 (with terrorist intent) CW/BW: Counter-terrorism and Transnational Organised Crimes Act of 2009, Section 12 and 60 (1) (a) 64 (2)(with terrorist intent)	X	X	X	NW: Counter-terrorism and Transnational Organised Crimes Act of 2009, Articles 12, 58, 64-65 (with terrorist intent) CW/BW: Counter-terrorism and Transnational Organised Crimes Act of 2009, Section 12 and 60 (2) 64 (3)(with terrorist intent)	
9	participate as an accomplice in abovementioned activities	X	X	X	NW/CW/BW: Counter-terrorism and Transnational Organised Crimes Act 2009, Section 81	X	X	X	NW/CW/BW: Counter-terrorism and Transnational Organised Crimes Act of 2009Section 81 (with terrorist intent).	
10	assist in abovementioned	X	X	X	NW/CW/BW: Counter-terrorism and Transnational	X	X	X	NW/CW/BW: Counter-terrorism and Transnational	

	activities				Organised Crimes Act 2009, Section 81(with terrorist intent).				Organised Crimes Act of 2009, Section 81 (with terrorist intent).	
11	finance abovementioned activities	X	X	X	NW/CW/BW: Counter-terrorism and Transnational Crimes Act of 2009, Section 11 (with terrorist intent)	X	X	X	NW/CW/BW: Counter-terrorism and Transnational Crimes Act of 2009, Section 11 (with terrorist intent)	
12	abovementioned activities related to means of delivery ²									
13	involvement of non- State actors in abovementioned activities	X	X	X	NW/CW/BW: Counter-terrorism and Transnational Crimes Act of 2009, Section 12 (with terrorist intent)	X	X	X	NW/CW/BW: Counter-terrorism and Transnational Crimes Act of 2009, Section 12 (with terrorist intent)	
14	Other			X	BW: Penal Code, Articles 176 and 321			X	BW: Penal Code, Articles 176 and 321	

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

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/391					
2	Measures to account for use	X			NW: INFCIRC/391					
3	Measures to account for storage	X			NW: INFCIRC/391					
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	?	?	?	NW/CW/BW: 1. Carriage of Goods by Sea, Section 2: Schedule, Article IV 6 2. Merchant Shipping Act 1987, as amended Sections 59-62 (dangerous goods)	?	?	?	NW/CW/BW: 1. Carriage of Goods by Sea, Section 2: Schedule, Article IV 6 2. Merchant Shipping Act 1987, as amended Sections 59-62 (dangerous goods)	
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									
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 15 March 1991 SQP	X	Safeguards Agreement, in force 15 March 1991	
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 Database on Illicit Trafficking 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					

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	Office of Attorney General	X	Office of Attorney General	
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			?	Customs Ordinance, 1964	
5	Other	X	Pesticides Act, No. 4 of 1990	X	Pesticides Act, No. 4 of 1990	

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	Plants Ordinance (Chap 39) of 1976, as amended Plants (Spraying of Aircraft) Regulations Plants (Prevention of Disease and Pests) Regulations. Quarantine Act. Livestock Diseases Act 1964	X	Plants Ordinance (Chap 39), of 1976, as amended, Art. 16 Livestock Diseases Act 1964 3.Penal Code, Articles 176 and 321	

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: Customs Act 1964 as amended , Articles 33-37 BW Quarantine Ordinance 1929 as amended Section 8	X	X	X	NW/CW/BW: Customs Act 1964 as amended , Articles 207-211 BW: Quarantine Ordinance 1929 as amended , Articles 16	
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: Customs Act 1964 as amended BW: Quarantine Ordinance 1929 as amended , Articles 4-6	X	X	X	NW/CW/BW: Customs Act 1964 as amended , Section 207-211” and Customs Service BW: Quarantine Ordinance 1929 as amended 1976, Articles 4-6	
5	Export control legislation in place	X	?	?	NW/CW/BW: Customs Act 1964 as amended, Section 35, 37 (applying the Act to items prohibited elsewhere) NW:	X	?	?	NW/CW/BW: Customs Act 1964 as amended, Section 207-211 NW:	

				Counter-terrorism Act of 2009, Section 57 (with terrorist intent)			Counter-terrorism Act of 2009, Section 57 (with terrorist intent)	
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	?	?	?	NW/CW/BW: Customs Ordinance, 1964 - List of prohibited goods prescribed by the Prime Minister	?	?	NW/CW/BW: Customs Ordinance, 1964 - List of prohibited goods prescribed by the Prime Minister
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	?	?	?	NW/CW/BW: Customs Regulations 1964 as amended , Section 31 &47	?	?	NW/CW/BW: Customs Act 1964 as amended , Section 207-211
21	Trans-shipment control	X	?	?	NW/CW/BW: Customs Act 1964 as amended 1990, Section 12, 36 and 147	X	?	NW/CW/BW: Customs Act 1964 as amended , Section 207-211

22	Re-export control								
23	Control of providing funds								
24	Control of providing transport services								
25	Control of importation	X	?	X	NW/CW/BW: Customs Act 1964 as amended, Article 34 and 37 (applying the Act to items prohibited elsewhere) NW: Counter-terrorism Act of 2009, Section 57 (with terrorist intent) BW: Quarantine Ordinance 1929 as amended, Articles 58	X	?	X	NW/CW/BW: Customs Act 1964 as amended 1990, Articles 207-211 NW: Counter-terrorism Act of 2009, Section 57 (with terrorist intent) BW: Quarantine Ordinance 1929 as amended , Articles 58 and 81
26	Extraterritorial applicability								
27	Other			X	BW: Plant Ordinance, as amended Sections 4-10	X	X	X	NW:CW:BW: Inter-agency Boarding Party Committee for border security issues BW: Plant Ordinance, Sections 4 and 16(?)

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	The Government seeks technical assistance in the development of an effective legislative framework for implementing aspects of UNSCR 1540	
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			
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.