

APPROVED 1540 COMMITTEE MATRIX

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), 1977 (2011), 2055 (2012) and 2325 (2016). 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.

Matrix entries are only indicators of fact and not indicators of the degree of compliance under resolution 1540 (2004) and its successor resolutions. Thus:

An “X” in any data field signifies only that the 1540 Committee considers that a State has taken the steps required, and/or has provided specific references to the applicable legal basis or executive behaviour as evidence of such steps. An “X” against any data field does not necessarily signify that a State has met in full its 1540 obligations for that data field.

A “?” in any data field signifies that the references to legislative or other measures may not be directly relevant or are incomplete.

A “NA” (Not Applicable) in any data field signifies that the data field is not applicable to that State where through legally binding instruments States specified that they do not possess related materials or facilities.

A blank in any data field signifies that there is insufficient information available to enter an “X” or “?” against a particular data field.

State: Kingdom of Tonga

Date of Report: 5 April 2006

Dates of Additional Reports:

Date of Approval: 9 December 2020

I. OP 1 and related matters from OP 5, OP 8 (a), (b), (c) and OP10

Adherence to legally binding instruments, membership of organisations, participation in arrangements and statements made.		Relevant information (i.e. signing, deposit of instrument of 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)	Deposit 7 July 1971	
2	Nuclear Weapons Free Zone/ Protocol(s)	South Pacific Nuclear Free Zone Treaty (the Treaty of Rarotonga) deposit 18 December 2000	
3	International Convention for the Suppression of Acts of Nuclear Terrorism		
4	Convention on Physical Protection of Nuclear Material (CPPNM)	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)	Deposit 29 May 2003	
8	Biological Weapons Convention (BWC)	Deposit 28 September 1976	
9	Geneva Protocol of 1925	Deposit 19 July 1971	
10	1997 International Convention for the Suppression of Terrorist Bombings	Deposit 9 December 2002	
11	1999 International Convention for the Suppression of the Financing of Terrorism	Deposit 9 December 2002	

12	2005 Protocol to the Convention for the suppression of unlawful acts against the safety of maritime navigation		
13	2005 Protocol to the Protocol for the suppression of unlawful acts against the safety of fixed platforms located on the continental shelf		
14	2010 Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation		
15	Other relevant regional legally binding instruments	Convention to Ban the Importation Into Forum Islands Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and Management of Hazardous Wastes within the South Pacific Region (Waigani Convention)	
16	International Atomic Energy Agency (IAEA)	Since 2011 (*membership has been approved by the General Conference but not yet deposited)	
17	Directly relevant Arrangements		
18	Statement on non-provision of WMD and related materials to non-State actors	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.	
19	Membership in relevant international, regional or sub-regional organisations	World Customs Organization (WCO) International Maritime Organization (IMO) INTERPOL World Health Organization (WHO) Pacific Islands Forum (PIF) Asia/ Pacific Group of FATF Asia/Pacific Group of FATF Oceania Customs Organisation Pacific Transnational Crimes Network	

II. OP 2 - Nuclear Weapons (NW), Chemical Weapons (CW) and Biological Weapons (BW)

National legislation which prohibits persons or entities to engage in one of the following activities and its enforcement		National legal framework					Enforcement and civil/criminal penalties			Remarks
		X / ?			Source document of national implementation law	X / ?			Source document	
		N W	C W	B W		N W	C W	B W		
1	manufacture		X		CW: Arms and Ammunition Act 1968, 2016 Revised Edition, s.3		X		CW: Arms and Ammunition Act 1968, s.3	
2	acquire	X	X		NW: Counter Terrorism and Transnational Organized Crime Act 2013, s.58 (Nuclear material) CW: Arms and Ammunition Act 1968, s.14 (except under license)	X	X		NW: Counter Terrorism and Transnational Organized Crime Act 2013, s.58 (Nuclear material) CW: Arms and Ammunition Act 1968, s.14	
3	possess	X	X		NW: Counter Terrorism and Transnational Organized Crime Act 2013, s.58 (Nuclear material) Treaty of Rarotonga CW: Arms and Ammunition Act 1968, s.4 (except under license)	X	X		NW: Counter Terrorism and Transnational Organized Crime Act 2013, s.58 (Nuclear material) CW: Arms and Ammunition Act 1968, s.4	
4	develop									
5	transport	X	X	X	NW/CW/BW: Counter Terrorism and Transnational Organised Crime Act 2013, s.60(b)	X	X	X	NW/CW/BW: Counter Terrorism and Transnational Organised Crime Act 2013, s.60(b)	
6	Transfer	X			NW: Counter Terrorism and transnational Organised Crime Act 2013, s.58	X			NW: Counter Terrorism and Transnational Organized Crime Act 2013, s.58 (nuclear material)	

7	Use	X	X	X	NW/CW/BW: Counter Terrorism and Transnational Organised Crime Act 2013, s.2-3(2), 60 NW: Counter Terrorism and Transnational organised Crime Act 2013, s.65 (nuclear terrorism)	X	X	X	NW/CW/BW: Counter Terrorism and Transnational Organised Crime Act 2013, s.11 NW: Counter Terrorism and Transnational organised Crime Act 2013, s.65	
8	attempt to engage in abovementioned activities	X	X	X	NW/CW/BW: Counter Terrorism and Transnational organised Crime Act 2013, ss.2 and 85	X	X	X	NW/CW/BW: Counter Terrorism and Transnational organised Crime Act 2013, ss.2 and 85	
9	participate as an accomplice in abovementioned activities	X	X	X	NW/CW/BW: Counter Terrorism and Transnational organised Crime Act 2013, s.2	X	X	X	NW/CW/BW: Counter Terrorism and Transnational organised Crime Act 2013, s.2	
10	assist in abovementioned activities	X	X	X	NW/CW/BW: Counter Terrorism and Transnational organised Crime Act 2013, s.2 (contributes)	X	X	X	NW/CW/BW: Counter Terrorism and Transnational Organised Crime Act 2013	
11	finance abovementioned activities	X	X	X	NW/CW/BW: Counter Terrorism and Transnational Organised Crime Act 2013, ss.10, 12	X	X	X	NW/CW/BW: Counter Terrorism and Transnational Organised Crime Act 2013, s.10, 12	
12	abovementioned activities related to means of delivery ¹	X	X	X	NW/CW/BW: Counter Terrorism and Transnational Organised Crime Act 2013, s.60	X	X	X	NW/CW/BW: Counter Terrorism and Transnational Organised Crime Act 2013, s.60	

1. Means of delivery: missiles, rockets and other unmanned systems capable of delivering nuclear, chemical, or biological weapons that are specially designed for such use.

III. OP 3 (a) and (b) - Account for/Secure/Physically protect NW, CW and BW, including Related Materials ²

Measures to establish domestic controls to prevent the proliferation of NW, CW, BW, and their means of delivery; controls over related materials		National legal and/or regulatory framework			Enforcement and civil/criminal penalties			Remarks		
		X / ?			Source document	X / ?			Source document	
		N W	C W	B W *		N W	C W			B W
1	Measures to account for production	X			NW: INFCIRC/426, SQP					
2	Measures to account for use	X			NW: INFCIRC/426, SQP					
3	Measures to account for storage	X			NW: INFCIRC/426, SQP					
4	Measures to account for transport	X			NW: Counter Terrorism and Transnational Organized Crime Act 2013, s.57 (permission required to transport nuclear material)	X			NW: Counter Terrorism and Transnational Organized Crime Act 2013, s.57	
5	Measures to secure production	N A			NW: SQP	N A			NW: SQP	
6	Measures to secure use	N A			NW: SQP	N A			NW: SQP	
7	Measures to secure storage	N A			NW: SQP	N A			NW: SQP	
8	Measures to secure transport									
9	Physical protection measures	N A			NW: SQP	N A			NW: SQP	
10	Personnel Reliability									

2. 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))

IV. OP 3 (a) and (b) - Account for/Secure/Physically protect NW including Related Materials (NW specific)

Measures to establish domestic controls to prevent the proliferation of NW, and their means of delivery; controls over related materials		Source document	Remarks
1	National regulatory authority		
2	Licensing of nuclear installations/entities/ use of materials		
3	IAEA Safeguards Agreements	Safeguards Agreement, in force 18 November 1993 and SQP, amended 3 April 2018	
4	IAEA Code of Conduct on Safety and Security of Radioactive Sources		
5	Supplementary Guidance on the Import and Export of Radioactive Sources of the Code of Conduct on the Safety and Security of Radioactive Sources		
6	IAEA Incident and Trafficking Database		
7	Integrated Nuclear Security Support Plan (INSSP) / International Physical Protection Advisory Service (IPPAS)		
8	Applying the physical protection recommendations in INFCIRC/225/Rev.5		
9	Other Agreements related to IAEA		

10	National legislation and regulations related to nuclear material including CPPNM		
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V. OP 3 (a) and (b) - Account for/Secure/Physically protect CW including Related Materials (CW specific)

Measures to establish domestic controls to prevent the proliferation of CW, and their means of delivery; controls over related materials		Source document	Remarks
1	National CWC authority	Ministry of Foreign Affairs	
2	Licensing/registration of installations/facilities/ persons/entities/use/ handling of related materials	Hazardous Waste and Chemicals Act 2010 Foreign Investment Regulations 2002 prohibits the storage, disposal or transport of toxic wastes Pesticides Act 2002	
3	Old or abandoned chemical weapons		

VI. OP 3 (a) and (b) - Account for/Secure/Physically protect BW including Related Materials (BW specific)

Measures to establish domestic controls to prevent the proliferation of BW, their means of delivery; controls over related materials	Source document	Remarks
<p>1</p> <p>Licensing/registration of installations/facilities/ persons/entities/use/ handling of materials</p>	<p>Public Health Act 2008, Sections 4 and 237: (Minister of Health is responsible for the administration and Implementation of this Act) Medical and Public Health Act Animal Diseases Act Plant Quarantine Act</p>	

VII. OP 3 (c) and (d) and related matters from OP 6 - Controls of NW, CW and BW, including Related Materials

Border controls and export and trans-shipment controls to prevent the proliferation of nuclear, chemical and biological weapons and their means of delivery including related materials		National legal framework						Enforcement and civil/criminal penalties						Remarks
		X /?			Source document	X /?			Source document					
		N W	C W	B W		N W	C W	B W						
1	Border control to detect, deter, prevent and combat illicit trafficking	X	X	X	NW/CW/BW: Customs and Excise Management Act 2007, as amended through 2016, Sections 5-6, Part 11 (powers of officers), Part 12 (offences) esp. s.92, Part 13 (seizure and forfeiture)	X	X	X	NW/CW/BW: Customs and Excise Management Act 2007, Part 11-13					
2	Law enforcement to detect, deter, prevent and combat illicit trafficking	X	X	X	NW/CW/BW: Customs and Excise Management Act 2007, ss. 5-6 and Part 11-13, esp. s.92	X	X	X	NW/CW/BW: Customs and Excise Management Act 2007, ss. 5-6 and Part 11-13					
3	Border control detection measures					?	?	?	NW/CW/BW: 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					
4	Control of brokering													
5	Export control legislation in place	X	X	X	NW/CW/BW: Customs and Excise Management Act 2007, ss.35 and 45 Counter Terrorism and Transnational Organised Crime Act 2013, s.60(1)(b)(iv) NW: Counter Terrorism and Transnational Organised Crime Act 2013, s.57(1)	X	X	X	NW/CW/BW: Customs and Excise Management Act 2007, s.95 NW: Counter Terrorism and Transnational Organised Crime Act 2013, s.57(6)					

6	Licensing provisions and Authority	X	X	X	<p>NW/CW/BW: Customs and Excise Management Regulations 2007, ss.56 (export licence) & 57</p> <p>NW: Counter Terrorism and Transnational Organised Crime Act 2013, s.57(4)</p>	X	?	?	<p>NW: Counter Terrorism and Transnational Organised Crime Act 2013, s.57(4) & (6), Attorney General/ Prime Minister with consent of Cabinet</p> <p>CW: Public Health Act, Director of Health Minister of Police</p> <p>BW: Director of Health for medical biological products Director of Agriculture for veterinary or plants</p>		
7	Control lists of materials, equipment and technology										
8	Intangible technology transfers										
9	Inclusion of means of delivery										
10	End-user controls										
11	Catch all clause	X	X	X	<p>NW/CW/BW: Counter Terrorism and Transnational Organised Crime Act 2013, ss.33 and 37, 39</p>	X	X	X	<p>NW/CW/BW: Counter Terrorism and Transnational Organised Crime Act 2013, ss.33 and 37, 39</p>		
12	Transit control										
13	Trans-shipment control										
14	Re-export control										

15	Control over financing of exports/transshipments that would contribute to proliferation									
16	Control over services related to exports/transshipments that would contribute to proliferation including transportation									

VIII. OP 7 and 8 (d) - Assistance, Work with and inform Industry and Public, and other Information

1	Assistance offered	
2	Assistance Point of Contact (for assistance providers only)	
3	Assistance requested	
4	Action taken to work with and inform industry	
5	Action taken to work with and inform the public	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.
6	Point of Contact	
7	Voluntary National Implementation Action Plan (NAP)	
8	1540 Committee visits to States	