

OP 1 and related matters from OP 5, OP 6, OP 8 (a), (b), (c) and OP 10

State:
Date of Report:

Fiji
4 February 2008

| Did you make one of the following statements or is your country a State Party to or Member State of one of the following Conventions, Treaties and Arrangements ? | | YES | if YES, indicate relevant information (i.e. signing, accession, ratification, entering into force, etc) | Remarks (information refers to the page of the English version of the report or an official web site) |
|---|---|-----|---|--|
| 1 | General statement on non-possession of WMD | X | does not possess, manufacture or trade in nuclear, chemical and biological weapons | |
| 2 | General statement on commitment to disarmament and non-proliferation | X | supports prohibition, destruction and elimination of weapons of mass destruction;...opposes proliferation of such weapons and their means of delivery;...supports all international initiatives and arrangements with objective of suppression of...proliferation | |
| 3 | General statement on non-provision of WMD and related materials to non-State actors | X | does not support or provide any form of assistance to non-State actors to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery | |
| 4 | Biological Weapons Convention (BWC) | X | Deposit 4 September 1973 | |
| 5 | Chemical Weapons Convention (CWC) | X | Deposit 20 January 1993 | |
| 6 | Nuclear Non-Proliferation Treaty (NPT) | X | Deposit 29 August 1972 | |
| 7 | Comprehensive Nuclear Test Ban Treaty (CTBT) | X | Deposit 10 October 1996 | |

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 and 1673. 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

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| 8 | Convention on Physical Protection of Nuclear Material (CPPNM) | X | Deposit 23 May 2008 | |
| 9 | Hague Code of Conduct (HCOC) | X | Subscribed 22 April 2003 | |
| 10 | Geneva Protocol of 1925 | X | Deposit 21 March 1973 | |
| 11 | International Atomic Energy Agency (IAEA) | | | |
| 12 | Nuclear Weapons Free Zone/ Protocol(s) | X | Treaty of Rarotonga, deposit 4 October 1985 | |
| 13 | Other Conventions/Treaties | X | Waigani Convention State Party to all 16 international conventions and protocols on counter-terrorism | |
| 14 | Other Arrangements | X | Members of 1. Oceania Customs Organisation (OCO) 2. FATF-Asia Pacific Group 3. Egmont Group (of FIUs) 4. Interpol | |
| 15 | Other | X | Signed Declaration on Implementation of World Customs Organization (WCO) 2005 Framework of Standards 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) | |

OP 2 - Biological Weapons (BW)

State:
Date of Report:

Fiji

4 February 2008

| 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, indicate source document of national implementation law | YES | if YES, indicate source document | |
| 1 manufacture/produce | X | Arms and Ammunition Act 2003, Sections 2, 3, 10 | X | Arms and Ammunition Act 2003, Section 51-53 and Schedule | |
| 2 acquire | X | Arms and Ammunition Act 2003, Section 15 | X | Arms and Ammunition Act 2003, Section 51-53 and Schedule | |
| 3 possess | X | Arms and Ammunition Act 2003, Section 4, 10 | X | Arms and Ammunition Act 2003, Section 51-53 and Schedule | |
| 4 stockpile/store | X | Arms and Ammunition Act 2003, Section 10 | X | Arms and Ammunition Act 2003, Section 51-53 and Schedule | |
| 5 develop | | | | | |
| 6 transport | ? | Arms and Ammunition Act 2003, Section 22 | ? | Arms and Ammunition Act 2003, Section 51-53 and Schedule | |
| 7 transfer | X | Arms and Ammunition Act 2003, Section 10 (sell) | X | Arms and Ammunition Act 2003, Section 51-53 and Schedule | |

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| 8 | use | X | Arms and Ammunition Act 2003, Section 4 Crimes Decree 2009, Sections 260, 262 regarding noxious thing, 371 spreading infectious disease to animals | X | Arms and Ammunition Act 2003, Section 51-53 and Schedule Crimes Decree 2009, Sections 260, 262 regarding noxious thing, 371 spreading infectious disease to animals | |
| 9 | participate as an accomplice in a.m. activities | X | Crimes Decree 2009, Section 45 | X | Crimes Decree 2009, Section 45 | |
| 10 | assist in a.m. activities | X | Crimes Decree 2009, Section 45 | X | Crimes Decree 2009, Section 45 | |
| 11 | finance a.m. activities | X | Financial Transactions Reporting Act No. 22, 2004 Financial Transactions Reporting Regulations of 2007 | X | Financial Transactions Reporting Act No. 22, 2004 - Financial Intelligence Unit under the FTR since 2006 (FIU previously interim since 2003) Financial Transactions Reporting Regulations of 2007 | |
| 12 | a.m. activities related to means of delivery | | | | | |
| 13 | involvement of non-State actors in a.m. activities | X | Arms and Ammunition Act 2003 | X | Arms and Ammunition Act 2003 | |
| 14 | Other | ? | A Counter-Terrorism and Transnational Organized Crime Model Bill under consideration contains a number of offences relevant to res. 1540; the term "weapon" in the Bill includes firearms, chemical, biological or nuclear weapons. | X | 2006 interagency Counter-Terrorism Officials Group (CTOG) meets regularly as coordinating body for CT activities, incl issues as relevant to 1540 | |

OP 2 - Chemical Weapons (CW)

State:
Date of Report:

Fiji

4 February 2008

| 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, indicate source document of national implementation law | YES | if YES, indicate source document | |
| 1 manufacture/produce | X | Chemical Weapons Convention Act 2005, Section 9 Arms and Ammunition Act 2003, Sections 2, 3, 10 | X | Chemical Weapons Convention Act 2005, Sections 9-10 Arms and Ammunition Act 2003, Section 51-53 and Schedule | |
| 2 acquire | X | Chemical Weapons Convention Act 2005, Section 9 Arms and Ammunition Act 2003, Section 15 | X | | |
| 3 possess | X | Chemical Weapons Convention Act 2005, Section 9 Arms and Ammunition Act 2003, Sections 4, 10 | X | | |
| 4 stockpile/store | X | Chemical Weapons Convention Act 2005, Section 9 Arms and Ammunition Act 2003, Section 10 | X | | |
| 5 develop | X | Chemical Weapons Convention Act 2005, Section 9 | X | | |
| 6 transport | | | | | |
| 7 transfer | X | Chemical Weapons Convention Act 2005, Section 9 Arms and Ammunition Act 2003, Section 10 (sell) | X | Chemical Weapons Convention Act 2005, Sections 9-10 Arms and Ammunition Act 2003, Section 51-53 and Schedule | |

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|----|--|---|--|---|--|--|
| 8 | use | X | 1. Chemical Weapons Convention Act 2005, Section 9 2. Crimes Decree 2009, sections 260, 262, 270 regarding poison 3. Arms and Ammunition Act 2003, Section 4 | X | 1. Chemical Weapons Convention Act 2005, Sections 9-10 2. Crimes Decree 2009, sections 260, 262, 270 regarding poison 3. Arms and Ammunition Act 2003, Section 51-53 and Schedule | |
| 9 | participate as an accomplice in a.m. activities | X | Chemical Weapons Convention Act 2005, Section 9 | ? | Chemical Weapons Convention Act 2005, Sections 9-10 | |
| 10 | assist in a.m. activities | X | Crimes Decree 2009, Section 45 | X | Crimes Decree 2009, Section 45 | |
| 11 | finance a.m. activities | X | Financial Transactions Reporting Act No. 22, 2004 Financial Transactions Reporting Regulations of 2007 | X | Financial Transactions Reporting Act No. 22, 2004 - Financial Intelligence Unit under the FTR since 2006 (FIU previously interim since 2003) Financial Transactions Reporting Regulations of 2007 | |
| 12 | a.m. activities related to means of delivery | | | | | |
| 13 | involvement of non-State actors in a.m. activities | X | Chemical Weapons Convention Act 2005 Arms and Ammunition Act 2003 | X | Chemical Weapons Convention Act 2005, Sections 9-10 Arms and Ammunition Act 2003 | |

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| 14 | Other | X | <p>1. CWC Act 2005, Section 3: applies to Fijians extraterritorially and to the Exclusive Economic Zone</p> <p>?2. A Counter-Terrorism and Transnational Organized Crime Model Bill under consideration contains a number of offences relevant to res. 1540; the term "weapon" in the Bill includes firearms, chemical, biological or nuclear weapons.</p> | X | <p>2006 interagency Counter-Terrorism Officials Group (CTOG) meets regularly as coordinating body for CT activities, incl issues as relevant to 1540</p> | |
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OP 2 - Nuclear Weapons (NW)

State:
Date of Report:

Fiji

4 February 2008

| 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, indicate source document of national implementation law | YES | if YES, indicate source document | |
| 1 manufacture/produce | X | Arms and Ammunition Act 2003, Sections 2, 3, 10 | X | Arms and Ammunition Act 2003, Section 51-53 and Schedule | |
| 2 acquire | X | Arms and Ammunition Act 2003, Section 15 | X | Arms and Ammunition Act 2003, Section 51-53 and Schedule | |
| 3 possess | X | Arms and Ammunition Act 2003, Section 4, 10 | X | Arms and Ammunition Act 2003, Section 51-53 and Schedule | |
| 4 stockpile/store | X | Arms and Ammunition Act 2003, Section 10 | X | Arms and Ammunition Act 2003, Section 51-53 and Schedule | |
| 5 develop | | | | | |
| 6 transport | ? | Arms and Ammunition Act 2003, Section 22 | ? | Arms and Ammunition Act 2003, Section 51-53 and Schedule | |
| 7 transfer | X | Arms and Ammunition Act 2003, Section 10 (sell) | X | Arms and Ammunition Act 2003, Section 51-53 and Schedule | |
| 8 use | X | Arms and Ammunition Act 2003, Section 4 | X | Arms and Ammunition Act 2003, Section 51-53 and Schedule | |
| 9 participate as an accomplice in a.m. activities | X | Crimes Decree 2009, Section 45 | X | Crimes Decree 2009, Section 45 | |
| 10 assist in a.m. activities | X | Crimes Decree 2009, Section 45 | X | Crimes Decree 2009, Section 45 | |

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|----|--|---|--|---|--|--|
| 11 | finance a.m. activities | X | Financial Transactions Reporting Act No. 22, 2004 Financial Transactions Reporting Regulations of 2007 | X | Financial Transactions Reporting Act No. 22, 2004 - Financial Intelligence Unit under the FTR since 2006 (FIU previously interim since 2003) Financial Transactions Reporting Regulations of 2007 | |
| 12 | a.m. activities related to means of delivery | | | | | |
| 13 | involvement of non-State actors in a.m. activities | X | Arms and Ammunition Act 2003 | X | Arms and Ammunition Act 2003 | |
| 14 | Other | ? | A Counter-Terrorism and Transnational Organized Crime Model Bill under consideration contains a number of offences relevant to res. 1540; the term "weapon" in the Bill includes firearms, chemical, biological or nuclear weapons. The Bill also contains proposed offences of unauthorized import/export or transportation of nuclear material, as well as on receiving, possessing, using, transferring, ...dispersing, stealing nuclear material to cause death or serious injury... | X | 2006 interagency Counter-Terrorism Officials Group (CTOG) meets regularly as coordinating body for CT activities, incl issues as relevant to 1540 | |

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

State:

Fiji

Date of Report:

4 February 2008

| 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, indicate source document | YES | if YES, indicate source document | |
| 1 Measures to account for production | X | Environment Management Act of 2005, Section 35 | X | Environment Management Act of 2005, Sections 36-38, 45-47 | |
| 2 Measures to account for use | X | Environment Management Act of 2005, Section 35 Biosecurity Promulgation 2008, Section 66 (internal control survey); 76 authorised release of biocontrol agents | X | Environment Management Act of 2005, Sections 36-38, 45-47 Biosecurity Promulgation 2008, Sections 67-70, 71 offence and penalty | |
| 3 Measures to account for storage | X | Environment Management Act of 2005, Section 35 | X | Environment Management Act of 2005, Sections 36-38, 45-47 | |
| 4 Measures to account for transport | | | | | |
| 5 Other measures for accounting | X | Biosecurity Promulgation 2008, Section 81: biosecurity records and register | X | Biosecurity Promulgation 2008, Section 89: Minister in consultation with Ministers of foreign affairs and trade may with approval of Cabinet enter into bilateral or multilateral international cooperation agreements with countries or IOs for effective international control in biosecurity matters. Authority in that context may exchange information and contribute to development of international (phyto)sanitary standards. | |
| 6 Measures to secure production | | | | | |

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| 7 | Measures to secure use | | | | |
| 8 | Measures to secure storage | X | Arms and Ammunition Act 2003, Section 13, 37 | X | Arms and Ammunition Act 2003, Section 51-53 and Schedule |
| 9 | Measures to secure transport | | | ? | IMO ISPS Code implementation |
| 10 | Other measures for securing | | | | |
| 11 | Regulations for physical protection of facilities/materials/ transports | ? | Sea Ports Management Regulations of 2008, Sections 64-66 | ? | 1. IMO ISPS Code implementation 2. National Civil Aviation Security Program 3. Sea Ports Management Regulations of 2008, penalties: Section 118 and Schedule |
| 12 | Licensing/registration of facilities/persons handling biological materials | X | Environment Management Act of 2005, Section 35 Biosecurity Promulgation 2008, Section 81 - register | X | Environment Management Act of 2005, Sections 14: Waste and Pollution Control Administrator, 36-38, 45-47 |
| 13 | Reliability check of personnel | X | Biosecurity Promulgation 2008, Section 81(5)(b) in register | X | Biosecurity Promulgation 2008, Section 81(5)(b) register maintained by Biosecurity Authority |
| 14 | Measures to account for/secure/ physically protect means of delivery | | | | |
| 15 | Regulations for genetic engineering work | | | | |
| 16 | Other legislation/ regulations related to safety and security of biological materials | | | | |

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| 17 | Other | X | <p>Biosecurity Promulgation 2008, Section 107: repeals Animals Importation Act, Animals (Contagious Diseases) Act and Plant Quarantine Act 1982; Explanatory Memorandum indicates general effect to significantly update animal and plant quarantine legislation and related management of biosecurity risks at the border and other measures</p> <p>?Cabinet has approved the review of the current Pharmacy and Poisons Act (Cap 115) to regulate Internet Dispensing, regarding risk of unapproved drugs, etc, (22/2/10)</p> | X | <ol style="list-style-type: none"> 1. Ministry of Agriculture, Sugar & Land Resettlement serves as the WTO contact point for Sanitary and Phytosanitary measures 2. IMO ISPS Code implementation 3. National Civil Aviation Security Program | |
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OP 3 (a) and (b) - Account for/Secure/Physically protect CW including Related Materials

State:

Fiji

Date of Report:

4 February 2008

| 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, indicate source document | YES | if YES, indicate source document | |
| 1 Measures to account for production | X | 1. Chemical Weapons Convention Act 2005, Sections 5-7 and 10 | X | 1. Chemical Weapons Convention Act 2005, Sections 5-7 and 9-10 | |
| 2 Measures to account for use | X | Environment Management Act of 2005, Section 35 | X | Environment Management Act of 2005, Sections 36-38, 45-47 | |
| 3 Measures to account for storage | X | | | | |
| 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 | X | Arms and Ammunition Act 2003, Section 13, 37 | X | Arms and Ammunition Act 2003, Section 51-53 and Schedule | |
| 9 Measures to secure transport | | | ? | IMO ISPS Code implementation | |
| 10 Other measures for securing | | | | | |
| 11 Regulations for physical protection of facilities/materials/ transports | ? | Sea Ports Management Regulations of 2008, Sections 64-66 | ? | 1. IMO ISPS Code implementation 2. National Civil Aviation Security Program 3. Sea Ports Management Regulations of 2008, penalties: Section 118 and Schedule | |

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| 12 | Licensing of chemical installations/entities/use of materials | X | Environment Management Act of 2005, Section 35 | X | Environment Management Act of 2005, Sections 14: Waste and Pollution Control Administrator, 36-38, 45-47 | |
| 13 | Reliability check of personnel | | | | | |
| 14 | Measures to account for/secure/physically protect means of delivery | | | | | |
| 15 | National CWC authority | X | Chemical Weapons Convention Act 2005, Section 5 | X | Ministry of Home Affairs and Immigration | |
| 16 | Reporting Schedule I, II and III chemicals to OPCW | X | Chemical Weapons Convention Act 2005, Section 5 | ? | Chemical Weapons Convention Act 2005, Section 5: National Authority to make notifications and declarations | |
| 17 | Account for, secure or physically protect old chemical weapons | | | | | |
| 18 | Other legislation/ regulations controlling chemical materials | | | | | |
| 19 | Other | ? | Cabinet has approved the review of the current Pharmacy and Poisons Act (Cap 115) to regulate Internet Dispensing, regarding risk of unapproved drugs, etc, (release 22/2/10) | X | 1. IMO ISPS Code implementation 2. National Civil Aviation Security Program | |

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

State:

Fiji

Date of Report:

4 February 2008

| 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, indicate source document | YES | if YES, indicate source document | |
| 1 Measures to account for production | X | INFCIRC/192 | ? | Radiation Health Bill 2006 still under consideration: penalties in each appropriate section; Sections 103-104 establish Radiation Health Board | |
| 2 Measures to account for use | X | 1. INFCIRC/192 ?2. Radiation Health Bill 2006: Sections 8-9 require licenses for possession and use | ? | | |
| 3 Measures to account for storage | X | 1. INFCIRC/192 ?2. Radiation Health Bill 2006: Sections 14, 51 and 130 require licenses for storage 3. Sea Ports Management Regulations of 2008, Section 87 | ? | ?Radiation Health Bill still under consideration: penalties in each appropriate section; Sections 103-104 establish Radiation Health Board Sea Ports Management Regulations of 2008, penalties: Section 118 and Schedule | |
| 4 Measures to account for transport | ? | Radiation Health Bill 2006: Sections 10-11 licenses for transport | ? | Radiation Health Bill still under consideration: penalties in each appropriate section | |
| 5 Other measures for accounting | | | | | |
| 6 Measures to secure production | ? | Radiation Health Bill 2006, Sections 24-30: Radiation Safety and Protection Plans | ? | Radiation Health Bill 2006: penalties in each appropriate section; Sections 103-104, which establish the Radiation Health Board | |
| 7 Measures to secure use | ? | | ? | | |

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| 8 | Measures to secure storage | X | ?Radiation Health Bill 2006, Sections 24-30: Radiation Safety and Protection Plans Arms and Ammunition Act 2003, Section 13, 37 | ? | Radiation Health Bill 2006: penalties in each appropriate section; Sections 103-104, which establish the Radiation Health Board Arms and Ammunition Act 2003, Section 51-53 and Schedule | |
| 9 | Measures to secure transport | X | ?Radiation Health Bill 2006, Sections 24-30: Radiation Safety and Protection Plans | ? | IMO ISPS Code implementation | |
| 10 | Other measures for securing | | | | | |
| 11 | Regulations for physical protection of facilities/materials/ transports | ? | Sea Ports Management Regulations of 2008, Sections 64-66 | ? | 1. IMO ISPS Code implementation 2. National Civil Aviation Security Program 3. Sea Ports Management Regulations of 2008, penalties: Section 118 and Schedule | |

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| 12 | Licensing of nuclear installations/entities/use of materials | X | 1. Ionizing Radiations Act 2. Environment Management Act of 2005, Section 35 | X | 1. Ionizing Radiations Act: Permanent Secretary for Health 2. Environment Management Act of 2005, Sections 14: Waste and Pollution Control Administrator, 36-38, 45-47 | |
| 13 | Reliability check of personnel | ? | Radiation Health Bill 2006: access | ? | Radiation Health Bill 2006: Radiation Health Board | |
| 14 | Measures to account for/secure/physically protect means of delivery | | | | | |
| 15 | National regulatory authority | ? | Radiation Health Bill 2006 | ? | Radiation Health Bill 2006, Sections 103-104, to establish Radiation Health Board | |
| 16 | IAEA Safeguards Agreements | X | 1. Safeguards Agreement, in force 22 March 1973 2. Additional Protocol, in force 14 July 2006 | | | |
| 17 | IAEA Code of Conduct on Safety and Security of Radioactive Sources | | | | | |
| 18 | IAEA Database on Illicit Trafficking of Nuclear Materials and other Radioactive Sources | | | | | |
| 19 | Other Agreements related to IAEA | | | | | |
| 20 | Additional national legislation/regulations related to nuclear materials including CPPNM | | | | | |

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| 21 | Other | ? | <ul style="list-style-type: none"> 1. Radiation Health Bill 2006 still under consideration 2. Environment Management Act 2005, Part 5, 35 | X | <ul style="list-style-type: none"> 1. IMO ISPS Code implementation 2. National Civil Aviation Security Program | |
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**OP 3 (c) and (d) and related matters from OP 6 and OP 10 -
Controls of BW including Related Materials**

State:

Fiji

Date of Report:

4 February 2008

| Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of BW and Related Materials ? Can violators be penalized ? | National legal framework | | Enforcement: civil/criminal penalties, and measures of implementation, etc | | Remarks |
|--|--------------------------|--|--|---|---------|
| | YES | if YES, indicate source document | YES | if YES, indicate source document | |
| 1 Border control | X | 1. Customs Act of 1986, as amended to 2010 2. Customs (Prohibited Imports and Exports) Regulations 1986, as amended to 2010 3. Fiji Islands Revenue and Customs Authority (FIRCA) Act 1998 amended to 2010 4. Marine Spaces Act 1978, Section 32 <i>inter alia</i> 5. Sea Ports Management Act of 2005 6. Sea Ports Management Regulations of 2008 7. Biosecurity Promulgation 2008, Section 18: Minister may by order designate biosecurity points of entry | X | 1. Customs Act of 1986, as amended to 2010, borders points under Customs control 2. Sea Carriage of Goods Act 1928: Schedule Article IV, 6 (dangerous goods) 3. Marine Spaces Act 1978, Section 38 4. Fiji Islands Revenue and Customs Authority (FIRCA), Customs Division, Border Control Division 5. Sea Ports Management Act 2005, Sections 34-40; creates Fiji Ports Corporation owned by government; conducts security risk assessment of ports of entry 6. Sea Ports Management Regulations of 2008 7. Biosecurity Promulgation 2008, Section 18: offence | |

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| 2 | Technical support of border control measures | | | X | <p>1. Biosecurity Authority / Quarantine & Inspection Division: x-ray machines screen all international mail sent to Fiji, and luggage</p> <p>2. CCTV at Port of Suva</p> <p>3. ASYCUDA++</p> | |
| 3 | Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology | ? | Arms and Ammunition Act of 2003, Sections 10 and 23 | ? | <p>1. Arms and Ammunition Act 2003, Sections 51-53 and Schedule</p> <p>2. Commissioner of Police</p> | |
| 4 | Enforcement agencies/authorities | X | <p>Fiji Islands Revenue and Customs Authority (FIRCA) Act 1998 amended to 2010</p> <p>Combined Law Agency Group (CLAG) and National Border Security Committee (BSE) both inter-departmental and (to) meet regularly to discuss policy and operational issues related to border security.</p> <p>Biosecurity Promulgation 2008, Part 2, Sections 8-13</p> | X | <p>Fiji Islands Revenue and Customs Authority (FIRCA), Customs Division, Border Control Division, including a Customs Marine Unit</p> <p>Combined Law Agency Group (CLAG) and National Border Security Committee (BSE) both inter-departmental and (to) meet regularly to discuss policy and operational issues related to border security.</p> <p>Biosecurity Promulgation 2008, BioSecurity Authority to carry out activities of Quarantine & Inspection Division (Ministry of Agriculture and Primary Industries (MAPI)), responsible for administering Fiji's biosecurity system</p> | |

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| 5 | Export control legislation in place | X | <p>1. Customs Act of 1986, as amended to 2010</p> <p>2. Customs (Prohibited Imports and Exports) Regulations 1986, as amended to 2010</p> <p>3. Arms and Ammunition Act of 2003, Section 19</p> <p>4. Biosecurity Promulgation 2008. Part 6, Section 44: Authority may specify biosecurity measures in addition to biosecurity certification requirements of receiving country prior to export; 46: biosecurity export clearance required if an intended export requires (phyto)sanitary certificate for importing country or biosecurity measures applied under Section 44(2) regarding international agreements specifications.</p> | X | <p>1. Arms and Ammunition Act 2003, Sections 24: Minister may prohibit through Gazette; 51-53</p> <p>2. Minister and Commissioner of Police</p> <p>3. Biosecurity Promulgation 2008, Part 6, Sections 42: offence to export without a biosecurity export clearance; 44: Authority may specify biosecurity measures in addition to biosecurity certification requirements of receiving country prior to export</p> | |
| 6 | Licensing provisions | X | <p>Biosecurity Promulgation 2008, Sections 32, 34, 35 regarding import clearance; 44, 43, 45, 46: biosecurity export clearance required if an intended export requires (phyto)sanitary certificate for importing country or biosecurity measures applied under Section 44(2) regarding international agreements specifications.</p> | X | <p>Biosecurity Promulgation 2008, Section 42: offence if no clearance for item requiring biosecurity export clearance; Schedule 5: penalties.</p> | |
| 7 | Individual licensing | | | | | |
| 8 | General licensing | | | | | |

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| 9 | Exceptions from licensing | X | Biosecurity Promulgation 2008, Section 38: exemption from biosecurity import specifications or requirement for an import permit under this section are not exempt from requirement for biosecurity import clearance | X | Biosecurity Promulgation 2008, Section 38: exemption from biosecurity import specifications or requirement for an import permit under this section are not exempt from requirement for biosecurity import clearance | |
| 10 | Licensing of deemed export/visa | | | | | |
| 11 | National licensing authority | X | Biosecurity Promulgation 2008, Section 8 | X | Biosecurity Promulgation 2008, Sections 8 establishes Biosecurity Authority | |
| 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 | ? | Biosecurity Promulgation 2008, Section 44: Authority may specify biosecurity measures in addition to biosecurity certification requirements of receiving country prior to export; 46: biosecurity export clearance required if an intended export requires (phyto)sanitary certificate for importing country or biosecurity measures applied under Section 44(2) regarding bilateral agreements specifications. | ? | Biosecurity Promulgation 2008, Section 44: Authority may specify biosecurity measures in addition to biosecurity certification requirements of receiving country prior to export; 46: biosecurity export clearance required if an intended export requires (phyto)sanitary certificate for importing country or biosecurity measures applied under Section 44(2) regarding bilateral agreements specifications. | |
| 18 | Catch all clause | | | | | |

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| 19 | Intangible transfers | ? | Biosecurity Promulgation 2008, Section 9(2): among biosecurity functions of the Authority is to facilitate safe importation of animals, plants, their products, and related equipment <i>and technology</i> | | |
| 20 | Transit control | X | 1. Customs Act of 1986, as amended 2010 2. Customs (Prohibited Imports and Exports) Regulations, as amended 2010 3. Biosecurity Promulgation 2008, Section 40 4. Arms and Ammunition Act 2003, Section 22 | X | 1. Customs Act of 1986, as amended 2010 2. Customs (Prohibited Imports and Exports) Regulations, as amended 2010 3. Biosecurity Promulgation 2008, Section 40 offence and Schedule 5 penalties 4. Arms and Ammunition Act 2003, Sections 51-53 |
| 21 | Trans-shipment control | X | 1. Customs Act of 1986, as amended 2010 2. Customs (Prohibited Imports and Exports) Regulations 1986, as amended 2010 | X | Customs Act of 1986, as amended 2010 |
| 22 | Re-export control | | | | |
| 23 | Control of providing funds | | | ? | 1. Financial Transactions Reporting Act (FTR Act) 2004, revises Proceeds of Crime Act 1998 2. Financial Intelligence Unit |
| 24 | Control of providing transport services | | | | |

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|----|--------------------------------|---|---|---|--|--|
| 25 | Control of importation | X | <p>1. Customs Act of 1986, as amended 2010</p> <p>2. Customs (Prohibited Imports and Exports) Regulations, as amended 2010</p> <p>3. Biosecurity Promulgation 2008 Sections 16, 17, 33, 34, 35, 81</p> <p>4. Arms and Ammunition Act 2003, Section 19</p> | X | <p>1. Customs Act of 1986, as amended 2010</p> <p>2. Customs (Prohibited Imports and Exports) Regulations, as amended 2010</p> <p>3. Biosecurity Promulgation 2008. Biosecurity Authority, Sections 16, 17, 33, 34, 81 (register to include prohibited imports); 91-97 and Schedule 5: offences and penalties</p> <p>4. Arms and Ammunition Act 2003, Sections 51-53</p> | |
| 26 | Extraterritorial applicability | | | | | |
| 27 | Other | X | <p>Biosecurity Promulgation 2008, Section 107: repeals Animals Importation Act, Animals (Contagious Diseases) Act and Plant Quarantine Act 1982; Explanatory Memorandum indicates general effect to significantly update animal and plant quarantine legislation and related management of biosecurity risks at the border and other measures.</p> <p>Cabinet approved Marine (Amendment) Decree 2010, Sea Port Management (Amendment) Decree 2010, Declaration of Pilotage Areas (Amendment) Order 2010, and Marine (STCW Convention) (Amendment) regulations 2010</p> | X | <p>1. Massive changes in port security pursuant to IMO requirements ? - 2. FIRCA intends to get more machines to scan imports and exports related to UNSC resolutions</p> <p>3. National Border Security Committee and four regional committees meet regularly</p> <p>4. Customs Service is a member of CAPERS and SPLEXNET information sharing networks.</p> <p>5. Combined Law Agency Group (CLAG) to be reformed to provide regular inter-agency forum for coordination of policy and operational activities for law enforcement and border-security agencies, including on issues relevant to res. 1540.</p> | |

**OP 3 (c) and (d) and related matters from OP 6 and OP 10 -
Controls of CW including Related Materials**

State:
Date of Report:

Fiji

4 February 2008

| | Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials ? Can violators be penalized ? | National legal framework | | Enforcement: civil/criminal penalties, and measures of implementation, etc | | Remarks |
|---|--|--------------------------|---|--|--|---------|
| | | YES | if YES, indicate source document | YES | if YES, indicate source document | |
| 1 | Border control | X | 1. Customs Act of 1986, as amended to 2010 2. Customs (Prohibited Imports and Exports) Regulations 1986, as amended to 2010 3. Fiji Islands Revenue and Customs Authority (FIRCA) Act 1998 amended to 2010 4. Marine Spaces Act 1978, Section 32 <i>inter alia</i> 5. Sea Ports Management Act of 2005 6. Sea Ports Management Regulations of 2008 | X | 1. Customs Act of 1986, as amended to 2010, borders points under Customs control 2. Sea Carriage of Goods Act 1928: Schedule Article IV, 6 (dangerous goods) 3. Marine Spaces Act 1978, Section 38 4. Fiji Islands Revenue and Customs Authority (FIRCA), Customs Division, Border Control Division 5. Sea Ports Management Act 2005, Sections 34-40; creates Fiji Ports Corporation owned by government; conducts security risk assessment of ports of entry 6. Sea Ports Management Regulations of 2008 | |
| 2 | Technical support of border control measures | | | X | 1. Biosecurity Authority / Quarantine & Inspection Division: x-ray machines screen all international mail sent to Fiji, and luggage 2. CCTV at Port of Suva 3. ASYCUDA++ | |

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|----|--|---|---|---|--|--|
| 3 | Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology | ? | Arms and Ammunition Act of 2003, Sections 10 and 23 | ? | 1. Arms and Ammunition Act 2003, Sections 51-53 and Schedule 2. Commissioner of Police | |
| 4 | Enforcement agencies/authorities | X | Fiji Islands Revenue and Customs Authority (FIRCA) Act 1998 amended to 2010 Combined Law Agency Group (CLAG) and National Border Security Committee (BSE) both inter-departmental and (to) meet regularly to discuss policy and operational issues related to border security. | X | Fiji Islands Revenue and Customs Authority (FIRCA), Customs Division, Border Control Division, including a Customs Marine Unit Combined Law Agency Group (CLAG) and National Border Security Committee (BSE) both inter-departmental and (to) meet regularly to discuss policy and operational issues related to border security. | |
| 5 | Export control legislation in place | X | 1. Chemical Weapons Convention Act 2005, Section 14 2. Customs Act of 1986, as amended to 2010 3. Customs (Prohibited Imports and Exports) Regulations 1986, as amended to 2010 4. Arms and Ammunition Act of 2003, Section 19 5. Health and Safety at Work Act 1996 | X | 1. Chemical Weapons Convention Act 2005, Section 14 2. Arms and Ammunition Act 2003, Sections 24: Minister may prohibit through Gazette; 51-53 3. Minister and Commissioner of Police 4. Health and Safety at Work Act 1996 | |
| 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 | Chemical Weapons Convention Act 2005, Schedule | | | |

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|----|--------------------------------|---|--|---|--|
| 14 | Updating of lists | | | | |
| 15 | Inclusion of technologies | | | | |
| 16 | Inclusion of means of delivery | | | | |
| 17 | End-user controls | X | Chemical Weapons Convention Act 2005, Section 9 | X | 1. Arms and Ammunition Act 2003, Sections 51-53 2. Chemical Weapons Convention Act 2005, Section 9 |
| 18 | Catch all clause | | | | |
| 19 | Intangible transfers | | | | |
| 20 | Transit control | X | 1. Customs Act of 1986, as amended 2010 2. Customs (Prohibited Imports and Exports) Regulations, as amended 2010 3. Arms and Ammunition Act 2003, Section 22 ?4. Chemical Weapons Convention Act 2005, Section 14 | X | 1. Customs Act of 1986, as amended 2010 2. Customs (Prohibited Imports and Exports) Regulations, as amended 2010 3. Arms and Ammunition Act 2003, Sections 51-53 ?4. Chemical Weapons Convention Act 2005, Section 14 |
| 21 | Trans-shipment control | X | 1. Customs Act of 1986, as amended 2010 2. Customs (Prohibited Imports and Exports) Regulations 1986, as amended 2010 ?3. Chemical Weapons Convention Act 2005, Section 14 | X | 1. Customs Act of 1986, as amended 2010 2. Customs (Prohibited Imports and Exports) Regulations 1986, as amended 2010 ?3. Chemical Weapons Convention Act 2005, Section 14 |
| 22 | Re-export control | | | | |
| 23 | Control of providing funds | | | ? | 1. Financial Transactions Reporting Act (FTR Act) 2004, revises Proceeds of Crime Act 1998 2. Financial Intelligence Unit |

| | | | | | |
|----|---|---|--|---|--|
| 24 | Control of providing transport services | | | | |
| 25 | Control of importation | X | <ul style="list-style-type: none"> 1. Chemical Weapons Convention Act 2005, Section 14 2. Health and Safety at Work Act 1996 3. Customs Act of 1986, as amended 2010 4. Customs (Prohibited Imports and Exports) Regulations, as amended 2010 5. Arms and Ammunition Act 2003, Section 19 | X | <ul style="list-style-type: none"> 1. Chemical Weapons Convention Act 2005, Section 14 2. Health and Safety at Work Act 1996 3. Customs Act of 1986, as amended 2010 4. Customs (Prohibited Imports and Exports) Regulations, as amended 2010 5. Arms and Ammunition Act 2003, Sections 51-53 |
| 26 | Extraterritorial applicability | | | | |
| 27 | Other | X | <p>Combined Law Agency Group (CLAG) and National Border Security Committee (BSE) both inter-departmental and (to) meet regularly to discuss policy and operational issues related to border security.</p> <p>Marine Spaces Act</p> | X | <ul style="list-style-type: none"> 1. Implementation of ISPS Code 2. Combined Law Agency Group (CLAG) and National Border Security Committee (BSE) both inter-departmental and (to) meet regularly to discuss policy and operational issues related to border security. 3. Customs Service is a member of CAPERS and SPLEXNET information sharing networks. |

**OP 3 (c) and (d) and related matters from OP 6, and OP 10 -
Controls of NW including Related Materials**

State:

Fiji

Date of Report:

4 February 2008

| | Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW and Related Materials ? Can violators be penalized ? | National legal framework | | Enforcement: civil/criminal penalties, and measures of implementation, etc | | Remarks |
|---|--|--------------------------|---|--|--|---------|
| | | YES | if YES, indicate source document | YES | if YES, indicate source document | |
| 1 | Border control | X | 1. Customs Act of 1986, as amended to 2010 2. Customs (Prohibited Imports and Exports) Regulations 1986, as amended to 2010 3. Fiji Islands Revenue and Customs Authority (FIRCA) Act 1998 amended to 2010 4. Marine Spaces Act 1978, Section 32 <i>inter alia</i> 5. Sea Ports Management Act of 2005 6. Sea Ports Management Regulations of 2008 | X | 1. Customs Act of 1986, as amended to 2010, borders points under Customs control 2. Sea Carriage of Goods Act 1928: Schedule Article IV, 6 (dangerous goods) 3. Marine Spaces Act 1978, Section 38 4. Fiji Islands Revenue and Customs Authority (FIRCA), Customs Division, Border Control Division 5. Sea Ports Management Act 2005, Sections 34-40; creates Fiji Ports Corporation owned by government; conducts security risk assessment of ports of entry 6. Sea Ports Management Regulations of 2008 | |
| 2 | Technical support of border control measures | | | X | ?1. Biosecurity Authority / Quarantine & Inspection Division: x-ray machines screen all international mail sent to Fiji, and luggage 2. CCTV at Port of Suva 3. ASYCUDA++ | |
| 3 | Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology | ? | Arms and Ammunition Act of 2003, Sections 10 and 23 | ? | 1. Arms and Ammunition Act 2003, Sections 51-53 and Schedule 2. Commissioner of Police | |

| | | | | | | |
|----|-------------------------------------|---|--|---|---|--|
| 4 | Enforcement agencies/authorities | X | <p>Fiji Islands Revenue and Customs Authority (FIRCA) Act 1998 amended to 2010</p> <p>Combined Law Agency Group (CLAG) and National Border Security Committee (BSE) both inter-departmental and (to) meet regularly to discuss policy and operational issues related to border security.</p> | X | <p>Fiji Islands Revenue and Customs Authority (FIRCA), Customs Division, Border Control Division, including a Customs Marine Unit</p> <p>Combined Law Agency Group (CLAG) and National Border Security Committee (BSE) both inter-departmental and (to) meet regularly to discuss policy and operational issues related to border security.</p> | |
| 5 | Export control legislation in place | X | <p>1. Customs Act of 1986, as amended to 2010</p> <p>2. Customs (Prohibited Imports and Exports) Regulations 1986, as amended to 2010</p> <p>3. Arms and Ammunition Act of 2003, Section 19</p> | X | <p>1. Arms and Ammunition Act 2003, Sections 24: Minister may prohibit through Gazette; 51-53</p> <p>2. Minister and Commissioner of Police</p> | |
| 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 | | | | | |
| 14 | Updating of lists | | | | | |
| 15 | Inclusion of technologies | | | | | |
| 16 | Inclusion of means of delivery | | | | | |

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|----|----------------------------|---|---|---|--|
| 17 | End-user controls | | | | |
| 18 | Catch all clause | | | | |
| 19 | Intangible transfers | | | | |
| 20 | Transit control | X | 1. Customs Act of 1986, as amended 2010 2. Customs (Prohibited Imports and Exports) Regulations 1986, as amended 2010 3. Arms and Ammunition Act 2003, Section 22 | X | Customs Act of 1986, as amended 2010 |
| 21 | Trans-shipment control | X | 1. Customs Act of 1986, as amended 2010 2. Customs (Prohibited Imports and Exports) Regulations 1986, as amended 2010 | X | 1. Customs Act of 1986, as amended 2010 2. Customs (Prohibited Imports and Exports) Regulations 1986, as amended 2010 |
| 22 | Re-export control | | | | |
| 23 | Control of providing funds | | | ? | 1. Financial Transactions Reporting Act (FTR Act) 2004, revises Proceeds of Crime Act 1998 2. Financial Intelligence Unit |

| | | | | | |
|----|---|---|---|---|---|
| 24 | Control of providing transport services | | | | |
| 25 | Control of importation | X | <p>1. Customs Act of 1986, as amended 2010</p> <p>2. Customs (Prohibited Imports and Exports) Regulations, as amended 2010</p> <p>3. Arms and Ammunition Act 2003, Section 19</p> | X | <p>1. Customs Act of 1986, as amended 2010</p> <p>2. Customs (Prohibited Imports and Exports) Regulations, as amended 2010</p> <p>3. Arms and Ammunition Act 2003, Sections 51-53</p> |
| 26 | Extraterritorial applicability | | | | |
| 27 | Other | X | <p>Marine Spaces Act 1978</p> <p>A Counter-Terrorism and Transnational Organized Crime Model Bill under consideration contains a number of offences relevant to res. 1540, including proposed offence of unauthorised import/export or transportation of nuclear material</p> | X | <p>1. Implementation of ISPS Code</p> <p>2. Combined Law Agency Group (CLAG) and National Border Security Committee (BSE) both inter-departmental and (to) meet regularly to discuss policy and operational issues related to border security.</p> <p>3. Customs Service is a member of CAPERS and SPLEXNET information sharing networks.</p> |

OP 6, 7 and 8 (d) - Control lists, Assistance, Information

State:

Fiji

Date of Report:

4 February 2008

| 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 | X | With technical and financial assistance, Fiji would be a leading advocate of Res. 1540 in the region and assist neighbours in implementing the resolution |
| 4 | Assistance requested | X | Seeks assistance in following areas: drafting legislation (eg, CT Organized Crime Model Bill, Biosecurity Bill [to note this has been enacted Biosecurity Promulgation 2008]) and developing regulatory infrastructure; developing controlled goods regime; capacity building including training for border security and related agencies in the identification, handling and notification procedures applicable to items subject to 1540 controls; strengthening institutions; any other appropriate resources to fulfill 1540 obligations. |
| 5 | Assistance in place (bilateral/plurilateral/multilateral) | X | <ol style="list-style-type: none"> 1. Fiji participated in dedicated sub-regional OCO-OPCW training course for customs authorities and representatives of National Authorities from Pacific Islands States on Technical Aspects of the Transfers' regime of the Chemical Weapons Convention; Nadi, Fiji, 30 June -2 July 2010 2. WCO Columbus assistance programme, phase 2 - Implementation, started (diagnostic mission completed) 3. Workshop on Radiological Material Security and Safety in the Pacific, organized by Government of New Zealand, 28 April 2009, Port-Vila, Vanuatu 4. Australian Government in 2007 sponsored non-proliferation workshop to which relevant agencies including private and public sectors participated; workshop was follow-up to IAEA Workshop held in Sydney, 2006. |
| 6 | Information for industry | X | Committed to maintaining transparent work relationship with all sectors of the economy, including the private sector, civil society and the public; the CTOG, Combined Law Agency Group (CLAG) and National Border Security Committee |

| | | | | |
|---|----------------------------|---|---|--|
| 7 | Information for the public | X | are represented by government bodies that also have similar relationship; consultations with all relevant government agencies, civil society and the public held prior to treaty ratification or drafting of legislation or policy. Quarantine Awareness | |
|---|----------------------------|---|---|--|