

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

State:
Date of Report:

Tonga
05 April 2006

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	Never possessed nuclear, chemical or biological weapons and their means of delivery	
2 General statement on commitment to disarmament and non-proliferation			
3 General statement on non-provision of WMD and related materials to non-State actors	X	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	
4 Biological Weapons Convention (BWC)	X	Deposit 28 September 1976	
5 Chemical Weapons Convention (CWC)	X	Deposit 29 May 2003	
6 Nuclear Non-Proliferation Treaty (NPT)	X	Deposit 24 August 1971	

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

7	Comprehensive Nuclear Test Ban Treaty (CTBT)			
8	Convention on Physical Protection of Nuclear Material (CPPNM)	X	In force 24 February 2003	
9	Hague Code of Conduct (HCOC)	X	Subscribed 3 September 2003	
10	Geneva Protocol of 1925	X	Deposit 19 July 1971	
11	International Atomic Energy Agency (IAEA)			
12	Nuclear Weapons Free Zone/ Protocol(s)	X	Treaty of Rarotonga, deposit 18 December 2000	
13	Other Conventions/Treaties	X	<p>Outer Space Treaty</p> <p>Waigani Convention (ban imports/control movement of hazardous materials)</p> <p>State Party to 12 international conventions on counter-terrorism:</p> <p>Convention on Offences and Certain Other Acts Committed On Board Aircraft</p> <p>Convention for the Suppression of Unlawful Seizure of Aircraft</p> <p>Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation</p> <p>Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents</p> <p>International Convention against the Taking of Hostages</p> <p>Convention on the Physical Protection of Nuclear Material</p> <p>Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation</p> <p>Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation</p> <p>Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf</p> <p>Convention on the Marking of Plastic Explosives for the Purpose of Detection</p> <p>International Convention for the Suppression of Terrorist Bombings</p> <p>International Convention for the Suppression of the Financing of Terrorism</p>	
14	Other Arrangements	X	Member of Oceania Customs Organisation	

15	Other			
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OP 2 - Biological Weapons (BW)

State:
Date of Report:

Tonga

05 April 2006

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	?	Foreign Investment Regulations 2002 Arms and Ammunition Act 1988, Art. 3 prohibits manufacture (definition in Art 2: '...any weapon...for discharge of any noxious liquid, gas or other thing dangerous...' - if applies to BW)	X	1. Criminal Offences (Amendment) Act, 2002, Sections 78A-B	
2	acquire			X	Criminal Offences (Amendment) Act, 2002, Sections 78A-B	
3	possess			X	Criminal Offences (Amendment) Act, 2002, Sections 78A-B	
4	stockpile/store					
5	develop			X	Criminal Offences (Amendment) Act, 2002, Sections 78A-B	
6	transport			X	1. Transnational Crimes Act 2005, Section 14 2. Criminal Offences (Amendment) Act, 2002, Sections 78A-B	
7	transfer			X	Criminal Offences (Amendment) Act, 2002, Sections 78A-B: supply	
8	use			X	Criminal Offences (Amendment) Act, 2002, Sections 78A-B Transnational Crimes Act 2005, Section 22	

9	participate as an accomplice in a.m. activities	X	Transnational Crimes Act 2005, Section 7, 10, 23	X	Criminal Offences (Amendment) Act, 2002, Sections 78A-B: supply; does not use terms 'assist' or 'accomplice' TCA 2005, Sections 7, 10, 23; does not use terms 'assist' or 'accomplice'	
10	assist in a.m. activities	X		X		
11	finance a.m. activities	X	TCA 2005, Section 7	X	TCA 2005, Section 7 Money Laundering and Proceeds of Crime Act 2000, Section 14 -report suspicious transactions	
12	a.m. activities related to means of delivery					
13	involvement of non-State actors in a.m. activities	X	TCA 2005	X	Criminal Offences (Amendment) Act 2002 TCA 2005	
14	Other					

OP 2 - Chemical Weapons (CW)

State:
Date of Report:

Tonga

05 April 2006

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	?	Foreign Investment Regulations 2002 Arms and Ammunition Act 1988, Art 3 (definition in Art 2: '...any weapon...for discharge of any noxious liquid, gas or other thing dangerous...')	X	Criminal Offences (Amendment) Act, 2002, Section 78A-B	
2	acquire			X	Criminal Offences (Amendment) Act, 2002, Sections 78A-B	
3	possess			X	Criminal Offences (Amendment) Act, 2002, Sections 78A-B	
4	stockpile/store					
5	develop			X	Criminal Offences (Amendment) Act, 2002, Sections 78A-B	
6	transport			X	Criminal Offences (Amendment) Act, 2002, Sections 78A-B	
7	transfer			X	Criminal Offences (Amendment) Act, 2002, Sections 78A-B: supply	
8	use			X	Criminal Offences (Amendment) Act, 2002, Sections 78A-B Transnational Crimes Act 2005, Section 22	

9	participate as an accomplice in a.m. activities	X	Transnational Crimes Act 2005, Section 7, 10, 23	X	Criminal Offences (Amendment) Act, 2002, Sections 78A-B: supply; does not use terms 'assist' or 'accomplice'	
10	assist in a.m. activities	X		X	TCA 2005, Section 7s, 10, 22; does not use terms 'assist' or 'accomplice'	
11	finance a.m. activities	X	TCA 2005, Section 7	X	TCA 2005, Section 7 Money Laundering and Proceeds of Crime Act 2000, Section 14 - report suspicious transactions	
12	a.m. activities related to means of delivery					
13	involvement of non-State actors in a.m. activities	X	TCA 2005	X	Criminal Offences (Amendment) Act 2002 TCA 2005	
14	Other					

OP 2 - Nuclear Weapons (NW)

State:
Date of Report:

Tonga

05 April 2006

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	?	Foreign Investment Regulations 2002	X	1. Transnational Crimes Act 2005, Section 16: offence to alter nuclear materials in a manner likely to cause death or serious injury 2. Criminal Offences (Amendment) Act, 2002, Section 78A-B)	
2	acquire			X	1. Transnational Crime Act 2005, Section 16 2. Criminal Offences (Amendment) Act, 2002, Sections 78A-B	
3	possess			X		
4	stockpile/store					
5	develop			X	Criminal Offences (Amendment) Act, 2002, Sections 78A-B	
6	transport			X	1. Transnational Crime Act 2005, Sections 14-15 2. Criminal Offences (Amendment) Act, 2002, Sections 78A-B	
7	transfer			X	1. Transnational Crime Act 2005, Sections 16, 22 2. Criminal Offences (Amendment) Act, 2002, Sections 78A-B	
8	use			X		

9	participate as an accomplice in a.m. activities	X	Transnational Crimes Act 2005, Sections 7, 10, 23 (does not seem to explicitly use terms of 'assist', 'accomplice')	X	Criminal Offences (Amendment) Act, 2002, Sections 78A-B: supply; does not use terms 'assist' or 'accomplice'	
10	assist in a.m. activities	X		X	TCA 2005, Sections 7, 10, 23	
11	finance a.m. activities	X	TCA 2005, Section 7	X	TCA 2005, Section 7 Money Laundering and Proceeds of Crime Act 2000, Section 14 - report suspicious transactions	
12	a.m. activities related to means of delivery					
13	involvement of non-State actors in a.m. activities	X	TCA 2005	X	Criminal Offences (Amendment) Act 2002 TCA 2005	
14	Other					

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

State:
Date of Report:

Tonga

05 April 2006

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					
2	Measures to account for use					
3	Measures to account for storage					
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			X	1. Shipping Act, as amended, Section 147 2. Shipping (International Ship and Port Facility Security) Regulations 2004	
10	Other measures for securing	?	Medical and Public Health Act	?	Medical and Public Health Act	
11	Regulations for physical protection of facilities/materials/ transports					

12	Licensing/registration of facilities/persons handling biological materials	X	Medical and Public Health Act	X	Minister of Health	
13	Reliability check of personnel					
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					
17	Other	?	1. Medical and Public Health Act 2. Animal Diseases Act, as amended 3. Quarantine Act 4. Plant Quarantine	?	1. Medical and Public Health Act 2. Animal Diseases Act, as amended 3. Quarantine Act 4. Plant Quarantine Act	

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

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Tonga

05 April 2006

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					
2	Measures to account for use					
3	Measures to account for storage					
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			X	1. Shipping Act, as amended, Section 147 2. Shipping (International Ship and Port Facility Security) Regulations 2004	
10	Other measures for securing					
11	Regulations for physical protection of facilities/materials/ transports					
12	Licensing of chemical installations/entities/use of materials					
13	Reliability check of personnel					
14	Measures to account for/secure/ physically protect means of delivery					
15	National CWC authority	X	Ministry of Foreign Affairs	X	Ministry of Foreign Affairs	
16	Reporting Schedule I, II and III chemicals to OPCW					
17	Account for, secure or physically protect old chemical weapons					
18	Other legislation/ regulations controlling chemical materials					
19	Other	X	1. Foreign Investment Regulations 2002 prohibits the storage, disposal or transport of toxic wastes 2. Pesticides Act 2002	X	Pesticides Act 2002	

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

State:
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Tonga

05 April 2006

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/426			
2	Measures to account for use	X				
3	Measures to account for storage	X				
4	Measures to account for transport	X	Transnational Crimes Bill 2005, Sections 14, 15: permission required to transport	X	Transnational Crimes Bill 2005, Sections 14, 15, 16: Prime Minister to provide permission; penalties	
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	Transnational Crimes Bill 2005, Section 15: permission to transport materials requires assurance of protection	X	1. Shipping Act, as amended, Section 147 2. Shipping (International Ship and Port Facility Security) Regulations 2004 3. Transnational Crimes Bill 2005, Sections 16: Prime Minister requires written assurances; penalties	
10	Other measures for securing					
11	Regulations for physical protection of facilities/materials/ transports					
12	Licensing of nuclear installations/entities/use of materials					
13	Reliability check of personnel					
14	Measures to account for/secure/ physically protect means of delivery					
15	National regulatory authority					
16	IAEA Safeguards Agreements	X	Safeguards Agreement, in force 18 November 1993	X	Safeguards Agreement, in force 18 November 1993	
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					
21	Other	X	Foreign Investment Regulations 2002 prohibits storage, disposal or transport of nuclear waste			

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

State:
Date of Report:

Tonga

05 April 2006

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 ?		<u>N</u> ational legal framework		<u>E</u> nforcement: 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 and Excise Act, as amended, Chapter 67, Sections 35 and 37	X	1. Customs and Excise Act, as amended, Chapter 67, Part XI 2. TCA 2005, Sections 14-15	
2	Technical support of border control measures			?	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	1. Customs and Excise Act, Chapter 67	X	1. Customs and Excise Act, Chapter 67, Part XI	
5	Export control legislation in place	X	Customs and Excise Act, Chapter 67, Part II, Section 36 and Part V	X	Customs and Excise Act, Chapter 67, Parts V and XI	
6	Licensing provisions					
7	Individual licensing					
8	General licensing					
9	Exceptions from licensing					
10	Licensing of deemed export/visa					
11	National licensing authority	X	1. Director of Health 2. Director of Agriculture	X	1. Director of Health for medical biological products 2. Director of Agriculture for veterinary or plants 3. TCA 2005, Section 14, Prime Minister with consent of Cabinet	
12	Interagency review for licenses					
13	Control lists	?	Quarantine Act 1988, Sections 2, 60	?	Quarantine Act 1988, Section 2 (by Prime Minister proclamation in the Gazette), Section 60	
14	Updating of lists			?	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	X	Customs and Excise Act, Chapter 67, Parts IV, V	X	Customs and Excise Act, Chapter 67, Parts IV, XI	
21	Trans-shipment control	X		X	Customs and Excise Act, Chapter 67, Parts V and XI	
22	Re-export control					
23	Control of providing funds					
24	Control of providing transport services					
25	Control of importation	X	1. Customs and Excise Act, Chapter 67, Part II, Section 35 and Part V 2. Quarantine Act 1988, Section 60	X	1. Customs and Excise Act, Chapter 67, Parts V and XI 2. Quarantine Act 1988, Sections 60 and 85	
26	Extraterritorial applicability					

27	Other	X	<p>1. 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.</p> <p>2. Plant Quarantine Act 1988, as amended</p> <p>3. Plant Quarantine Regulations, 1995</p> <p>4. Animal Diseases Act, 1978</p> <p>5. Public Health Act 1992</p>			
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**OP 3 (c) and (d) and related matters from OP 6 and OP 10 -
Controls of CW including Related Materials**

State:
Date of Report:

Tonga

05 April 2006

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 ?	<u>N</u> ational legal framework		<u>E</u> nforcement: 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	Customs and Excise Act, Chapter 67, Sections 35 and 37	X	Customs and Excise Act, Chapter 67, Part XI	
2 Technical support of border control measures			?	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	?	Customs and Excise Act, Chapter 67	?	Customs and Excise Act, Chapter 67, Part XI	

5	Export control legislation in place	X	Customs and Excise Act, Chapter 67, Part II, Section 36 and Part V	X	1. Customs and Excise Act, Chapter 67, Parts V and XI	
6	Licensing provisions			X	1. Minister of Police 2. Director of Health	
7	Individual licensing					
8	General licensing					
9	Exceptions from licensing					
10	Licensing of deemed export/visa					
11	National licensing authority			?	Public Health Act, Director of Health	
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					
18	Catch all clause					
19	Intangible transfers					
20	Transit control					
21	Trans-shipment control	X	Customs and Excise Act, Chapter 67, Section 37	X	Customs and Excise Act, Chapter 67, Parts V and XI	
22	Re-export control					
23	Control of providing funds					
24	Control of providing transport services					

25	Control of importation	X	1. Customs and Excise Act, Chapter 67, Part II, Section 35 and Part V 2. Foreign Investment Regulations 2002	X	Customs and Excise Act, Chapter 67, Parts V and XI	
26	Extraterritorial applicability					
27	Other	X	Pesticides Act 2002	X	Pesticides Act 2002	

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

State:
Date of Report:

Tonga

05 April 2006

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 and Excise Act, as amended, Chapter 67, Sections 35 and 37 2. TCA 2005, Sections 14-15	X	1. Customs and Excise Act, as amended, Chapter 67, Part XI 2. TCA 2005, Sections 14-15	
2	Technical support of border control measures			?	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	Customs and Excise Act, Chapter 67	X	Customs and Excise Act, Chapter 67, Part XI	
5	Export control legislation in place	X	Customs and Excise Act, Chapter 67, Part II, Section 36 and Part V TCA 2005, Section 14	X	Customs and Excise Act, Chapter 67, Parts V and XI TCA 2005, Section 14, Prime Minister with consent of Cabinet	
6	Licensing provisions					
7	Individual licensing					
8	General licensing					

9	Exceptions from licensing				
10	Licensing of deemed export/visa				
11	National licensing authority	X	Transnational Crimes Bill 2005, Section 14	X	TCA 2005, Section 14, Prime Minister with consent of Cabinet
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				
18	Catch all clause				
19	Intangible transfers				
20	Transit control				
21	Trans-shipment control	X	Customs and Excise Act, Chapter 67, Section 37	X	Customs and Excise Act, Chapter 67, Parts V and XI
22	Re-export control				
23	Control of providing funds				
24	Control of providing transport services				
25	Control of importation	X	1. Customs and Excise Act, Chapter 67, Part II, Section 35 and Part V 2. TCA 2005, Section 14	X	1. Customs and Excise Act, Chapter 67, Parts V and XI 2. TCA 2005, Section 14 Prime Minister with consent of Cabinet
26	Extraterritorial applicability				
27	Other				

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

State:
Date of Report:

Tonga

05 April 2006

Can information be provided on the following issues ?		YES		Remarks
1	Control lists - items (goods/ equipment/ materials/ technologies)			
2	Control lists - other	?	Customs and Excise Act, Chapter 67, Part I of Schedule II	
3	Assistance offered			
4	Assistance requested	?	Will advise in due course on the specific area in which additional support is required	
5	Assistance in place (bilateral/plurilateral/multilateral)			
6	Information for industry			
7	Information for the public	X	Has advised the public on all conventions, agreements, laws it has become a signatory to, as well as on the obligations under such laws	