

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

**State:**  
**Date of Report:**

**Tuvalu**  
**13 March 2007**

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			
2 General statement on commitment to disarmament and non-proliferation	X	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.	
3 General statement on non-provision of WMD and related materials to non-State actors	X	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	
4 Biological Weapons Convention (BWC)			
5 Chemical Weapons Convention (CWC)	X	Deposit 19 January 2004	
6 Nuclear Non-Proliferation Treaty (NPT)	X	Deposit 19 January 1979	

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)			
9	Hague Code of Conduct (HCOC)	X	Subscribed 25 November 2002	
10	Geneva Protocol of 1925			
11	International Atomic Energy Agency (IAEA)			
12	Nuclear Weapons Free Zone/ Protocol(s)	X	Treaty of Rarotonga, deposited 16 January 1986	
13	Other Conventions/Treaties			
14	Other Arrangements			
15	Other	X	State party to The Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation	

## OP 2 - Biological Weapons (BW)

State:  
Date of Report:

**Tuvalu**  
13 March 2007

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			?	Domestic law provides for fines and imprisonment	
2	acquire			?		
3	possess			?		
4	stockpile/store					
5	develop					
6	transport					
7	transfer					
8	use	X	Counter-terrorism Act of 2009, Articles 12 and 64 (with terrorist intent)	?	Domestic law provides for fines and imprisonment	
9	participate as an accomplice in a.m. activities			X	Counter-terrorism Act of 2009, Article 81 (with terrorist intent).	
10	assist in a.m. activities			X	Counter-terrorism Act of 2009, Article 81 (with terrorist intent).	

11	finance a.m. activities	X	Counter-terrorism Act of 2009, Article 11 (with terrorist intent)			
12	a.m. activities related to means of delivery					
13	involvement of non-State actors in a.m. activities					
14	Other			?	Penal Code - Chap. 8 Arts.	

## OP 2 - Chemical Weapons (CW)

State:  
Date of Report:

**Tuvalu**  
13 March 2007

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			?	Domestic law provides for fines and imprisonment	
2	acquire			?		
3	possess			?		
4	stockpile/store					
5	develop					
6	transport					
7	transfer					
8	use		Counter-terrorism Act of 2009, Articles 12 and 64 (with terrorist intent)	?	Domestic law provides for fines and imprisonment	
9	participate as an accomplice in a.m. activities			X	Counter-terrorism Act of 2009, Article 81 (with terrorist intent).	
10	assist in a.m. activities			X	Counter-terrorism Act of 2009, Article 81 (with terrorist intent).	

11	finance a.m. activities	<b>X</b>	Counter-terrorism Act of 2009, Article 11 (with terrorist intent)			
12	a.m. activities related to means of delivery					
13	involvement of non-State actors in a.m. activities					
14	Other			<b>?</b>	Penal Code - Chap. 8 Arts.	

## OP 2 - Nuclear Weapons (NW)

State:  
Date of Report:

**Tuvalu**  
13 March 2007

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	Counter-terrorism Act of 2009, Article 58 and 65 (with terrorist intent)	X	Counter-terrorism Act of 2009, Article 58 and 65 (with terrorist intent)	
2	acquire		Counter-terrorism Act of 2009, Article 65 (with terrorist intent)	X	Counter-terrorism Act of 2009, Article 65 (with terrorist intent)	
3	possess	X	Counter-terrorism Act of 2009, Article 58 and 65 (with terrorist intent)	X	Counter-terrorism Act of 2009, Article 58 and 65 (with terrorist intent)	
4	stockpile/store					
5	develop	X	Counter-terrorism Act of 2009, Article 65 (with terrorist intent)	X	Counter-terrorism Act of 2009, Article 65 (with terrorist intent)	
6	transport	X	Counter-terrorism Act of 2009, Article 57 (with terrorist intent)	X	Counter-terrorism Act of 2009, Article 57 (with terrorist intent)	
7	transfer					
8	use	X	Counter-terrorism Act of 2009, Articles 12, 58, 64-65 (with terrorist intent)	X	Counter-terrorism Act of 2009, Articles 12, 58, 64-65 (with terrorist intent)	
9	participate as an accomplice in a.m. activities			X	Counter-terrorism Act of 2009, Article 81 (with terrorist intent).	
10	assist in a.m. activities			X	Counter-terrorism Act of 2009, Article 81 (with terrorist intent).	
11	finance a.m. activities	X	Counter-terrorism Act of 2009, Article 11 (with terrorist intent)			

12	a.m. activities related to means of delivery				
13	involvement of non-State actors in a.m. activities				
14	Other			?	Penal Code - Chap. 8 Arts.



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

State:  
Date of Report:

**Tuvalu**  
13 March 2007

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			?	1. Carriage of Goods by Sea, Section IV.6 2. Merchant Shipping Act, Sections 59-62	
10 Other measures for securing					
11 Regulations for physical protection of facilities/materials/ transports					
12 Licensing/registration of facilities/persons handling biological materials					
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	X	1. Plants Ordinance (Chap 39) of 1976, as amended                    2. Plants (Spraying of Aircraft) Regulations                            3. Plants (Prevention of Disease and Pests) Regulations. 4.Quarantine Act.                    5. Livestock Diseases Act 1964	X	1.Plants Ordinance (Chap 39), of 1976, as amended, Art. 16 2.Livestock Diseases Act 1964 3.Penal Code, Articles 176 and 321

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

State:  
Date of Report:

**Tuvalu**  
13 March 2007

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			?	1. Carriage of Goods by Sea, Section IV.6 2. Merchant Shipping Act, Sections 59-62	
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	Office of Attorney General	X	Office of Attorney General	
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			?	Customs Ordinance, 1964	
19	Other	X	Pesticides Act, No. 4 of 1990	X	1.Pesticides Act, No. 4 of 1990. Art. 11 2.Penal Code, Articles 176 and 321	

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

State:  
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**Tuvalu**  
13 March 2007

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				
2 Measures to account for use	X	INFCIRC/391			
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					
9 Measures to secure transport			?	1. Carriage of Goods by Sea, Section IV.6 2. Merchant Shipping Act, Sections 59-62	
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 15 March 1991	X	Safeguards Agreement, in force 15 March 1991
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				

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

State:  
Date of Report:

**Tuvalu**  
13 March 2007

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	Customs Act 1964 as amended 1990, Articles 34-37	X	1. Customs Act 1964 as amended 1990, Articles 207-211 2. Quarantine Ordinance 1929 as amended 1976, Articles 58 and 81	
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	1. Customs Act 1964 as amended 1990 2. Quarantine Ordinance 1929 as amended 1976, Articles 4-6	X	1. Customs Act 1964 as amended 1990, Articles 207-211" and 2. Customs Service 3. Quarantine Ordinance 1929 as amended 1976, Articles 4-6	
5	Export control legislation in place	?	Customs Act 1964 as amended 1990, Article 37 (applying the Act to items prohibited elsewhere)	?	Customs Act 1964 as amended 1990, Articles 207-211	
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	?	Customs Ordinance, 1964 - List of prohibited goods prescribed by the Prime Minister		
15	Inclusion of technologies				
16	Inclusion of means of delivery				
17	End-user controls				
18	Catch all clause				
19	Intangible transfers				
20	Transit control	?	Customs Regulations 1964 as amended 2009, Articles 40-42	?	Customs Act 1964 as amended 1990, Articles 207-211
21	Trans-shipment control	?	Customs Act 1964 as amended 1990, Article 36	?	Customs Act 1964 as amended 1990, Articles 207-211
22	Re-export control				
23	Control of providing funds				
24	Control of providing transport services				



25	Control of importation	?	Customs Act 1964 as amended 1990, Article 37 (applying the Act to items prohibited elsewhere)	X	1. Customs Act 1964 as amended 1990, Articles 207-211 2.. Quarantine Ordinance 1929 as amended 1976, Articles 58 and 81	
26	Extraterritorial applicability					
27	Other	X	1. Plant Ordinance, Sections 4-10 2. Plants Amendment Ordinance 1991 3. Quarantine Act.	X	1. Inter-agency Boarding Party Committee for border security issues 2. Plant Ordinance, Sections 4 and 16(?)	

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Controls of CW including Related Materials**

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		YES	if YES, indicate source document	YES	if YES, indicate source document	
1	Border control	X	Customs Act 1964 as amended 1990, Articles 34-37	X	Customs Act 1964 as amended 1990, Articles 207-211	
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	Customs Act 1964 as amended 1990	X	1. Customs Act 1964 as amended 1990, Articles 207-211" and 2. Customs Service	
5	Export control legislation in place	?	Customs Act 1964 as amended 1990, Article 37 (applying the Act to items prohibited elsewhere	?	Customs Act 1964 as amended 1990, Articles 207-211	
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				
17	End-user controls				
18	Catch all clause				
19	Intangible transfers				
20	Transit control	?	Customs Regulations 1964 as amended 2009, Articles 40-42	?	Customs Act 1964 as amended 1990, Articles 207-211
21	Trans-shipment control	?	Customs Act 1964 as amended 1990, Article 36	?	Customs Act 1964 as amended 1990, Articles 207-211
22	Re-export control				
23	Control of providing funds				
24	Control of providing transport services				
25	Control of importation	?	Customs Act 1964 as amended 1990, Article 37 (applying the Act to items prohibited elsewhere)	?	Customs Act 1964 as amended 1990, Articles 207-211
26	Extraterritorial applicability				

27	Other	X	Pesticides Act, No. 4 of 1990	X	1.Inter-agency Boarding Party Committee for border security issues 2. Pesticides Act, No. 4 of 1990	
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**OP 3 (c) and (d) and related matters from OP 6, and OP 10 -  
Controls of NW including Related Materials**

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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	Customs Act 1964 as amended 1990, Articles 34-37	X	Customs Act 1964 as amended 1990, Articles 207-211	
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	Customs Act 1964 as amended 1990	X	1. Customs Act 1964 as amended 1990, Articles 207-211" and "2. Customs Service	
5	Export control legislation in place	X	1.Counter-terrorism Act of 2009, Article 57 (with terrorist intent) 2.Customs Act 1964 as amended 1990, Article 37 (applying the Act to items prohibited elsewhere)		Customs Act 1964 as amended 1990, Articles 207-211	
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				
17	End-user controls				
18	Catch all clause				
19	Intangible transfers				
20	Transit control	?	Customs Regulations 1964 as amended 2009, Articles 40-42	?	Customs Act 1964 as amended 1990, Articles 207-211
21	Trans-shipment control	X	Customs Act 1964 as amended 1990, Article 36	X	Customs Act 1964 as amended 1990, Articles 207-211
22	Re-export control				
23	Control of providing funds				
24	Control of providing transport services				

25	Control of importation	X	1.Counter-terrorism Act of 2009, Article 57 (with terrorist intent) 2.Customs Act 1964 as amended 1990, Article 37 (applying the Act to items prohibited elsewhere)		Customs Act 1964 as amended 1990, Articles 207-211	
26	Extraterritorial applicability					
27	Other			X	Inter-agency Boarding Party Committee for border security issues	

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

State:  
Date of Report:

**Tuvalu**  
13 March 2007

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	Assistance in place (bilateral/plurilateral/multilateral)			
6	Information for industry			
7	Information for the public			