

# 1540 COMMITTEE MATRIX OF AFGHANISTAN

The information in the matrices originates primarily from national reports and is complemented by official government information, including that made available to inter-governmental organizations. The matrices are prepared under the direction of the 1540 Committee.

The 1540 Committee intends to use the matrices as a reference tool for facilitating technical assistance and to enable the Committee to continue to enhance its dialogue with States on their implementation of Security Council Resolution 1540.

The matrices are not a tool for measuring compliance of States in their non-proliferation obligations but for facilitating the implementation of Security Council Resolutions 1540 (2004), 1673 (2006), 1810 (2008) and 1977 (2011). They do not reflect or prejudice any ongoing discussions outside of the Committee, in the Security Council or any of its organs, of a State's compliance with its non-proliferation or any other obligations. Information on voluntary commitments is for reporting purpose only and does not constitute in any way a legal obligation arising from resolution 1540 or its successive resolutions.

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

State: **AFGHANISTAN**  
 Date of Report: **28 August 2008**  
 Date of First Addendum: **29 May 2012**  
 Date of Committee Approval:

Legally binding instruments, organizations, codes of conduct, arrangements, statements and other issues.		YES	if YES, relevant information (i.e. signing, accession, ratification, etc)	Remarks (information refers to the page of the English version of the national report or an official web site)
1	Nuclear Non-Proliferation Treaty (NPT)	X	Deposit 4 February 1970	
2	Nuclear Weapons Free Zone/ Protocol(s)			
3	Convention for the Suppression of Acts of Nuclear Terrorism	X	Deposit 25 Mar 2013	
4	Convention on Physical Protection of Nuclear Material (CPPNM)	X	Deposit 12 September 2003	
5	2005 Amendment to the CPPNM			

6	Comprehensive Nuclear-Test-Ban Treaty (CTBT) (not in force)	X	Deposit 24 September 2003	
7	Chemical Weapons Convention (CWC)	X	Deposit 24 September 2003	
8	Biological Weapons Convention (BWC)	X	Deposit 6 March 1975	
9	Geneva Protocol of 1925	X	Deposit 9 September 1986	
10	Other Conventions/Treaties	X	State party to 12 of 19 universal legal Instruments against terrorism including the following relevant to resolution 1540: 1997 International Convention for the Suppression of Terrorist Bombings 1999 International Convention for the Suppression of the Financing of Terrorism  Outer Space Treaty Sea-Bed treaty Partial Test Ban Treaty	
11	International Atomic Energy Agency (IAEA)	X	Member since 1957	
12	Hague Code of Conduct (HCOC)	X	Subscribed 25 November 2002	
13	Other Arrangements	X	Proliferation Security Initiative Participant Signed letter of intent to implement the World Customs Organization (WCO) SAFE Framework of Standards	
14	General statement on non-possession of WMD	X	State reported not possessing weapons of mass destruction	
15	General statement on commitment to disarmament and non-proliferation	X	State reported that it remains committed to the objectives of disarmament and non-proliferation	
16	General statement on non-provision of WMD and related materials to non-State actors	X	State reported not providing any support to non-State actor to acquire, possess, develop, transport, transfer or use of nuclear, chemical or biological weapons	
17	Other <sup>1</sup>			

1. Including, as appropriate, information with regard to membership in relevant international, regional or sub-regional organizations.

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

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		National legal framework						Enforcement: civil/criminal penalties and others			Remarks
		YES			if YES, source document of national implementation law	YES			if YES, source document		
		N W	C W	B W		N W	C W	B W			
1	manufacture/produce	?	?	?	<b>NW:</b> The Constitution of Afghanistan, Art. 7 NPT ratification law  <b>CW:</b> The Constitution of Afghanistan, Art. 7 CWC ratification law  <b>BW:</b> The Constitution of Afghanistan, Art. 7 BWC ratification law						
2	acquire	X	?	?	<b>NW:</b> The Constitution of Afghanistan, Art. 7 NPT ratification law Law on Combat against Terrorist Offences 2008, section 15 (only nuclear material)  <b>CW:</b> The Constitution of Afghanistan, Art. 7 CWC ratification law  <b>BW:</b> The Constitution of Afghanistan, Art. 7 BWC ratification law	X			<b>NW:</b> Law on Combat against Terrorist Offences 2008, section 15 (only nuclear material)		
3	possess	?	?	?	<b>NW/CW/BW:</b> The Constitution of Afghanistan, Art. 7 NPT, CWC and BWC ratification law						
4	stockpile/store	?	?	?	<b>NW:</b> The Constitution of Afghanistan, Art. 7 Nuclear draft law Art-3						

				<p><b>CW:</b> The Constitution of Afghanistan, Art. 7 CWC ratification law</p> <p><b>BW:</b> The Constitution of Afghanistan, Art. 7 BWC ratification law</p>				
5	develop		?	?	<p><b>CW:</b> The Constitution of Afghanistan, Art. 7 CWC ratification law</p> <p><b>BW:</b> The Constitution of Afghanistan, Art. 7 BWC ratification law</p>			
6	transport		?	?	?	<p><b>NW/CW/BW:</b> NPT, CWC and BWC ratification law</p>		
7	transfer	X	?	?	<p><b>NW:</b> The Constitution of Afghanistan, Art. 7 Law on Combat against Terrorist Offences 2008, section 15 (only nuclear material)</p> <p><b>CW:</b> The Constitution of Afghanistan, Art. 7 CWC ratification law</p> <p><b>BW:</b> The Constitution of Afghanistan, Art. 7 BWC ratification law</p>	X		<p><b>NW:</b> Law on Combat against Terrorist Offences 2008, section 15 (only nuclear material)</p>
8	use	X	?	?	<p><b>NW:</b> Law on Combat against Terrorist Offences 2008, section 15 (only nuclear material)</p> <p><b>CW:</b> The Constitution of Afghanistan, Art. 7 CWC ratification law</p>	X		<p><b>NW:</b> Law on Combat against Terrorist Offences 2008, section 15 (only nuclear material)</p>
9	participate as an accomplice in	X			<p><b>NW:</b> Law on Combat against Terrorist Offences 2008,</p>	X		<p><b>NW:</b> Law on Combat against Terrorist Offences 2008,</p>

	abovementioned activities			section 17(1) (only nuclear material)				section 17(1) (only nuclear material)	
10	assist in abovementioned activities		?	?	<b>CW:</b> The Constitution of Afghanistan, Art. 7 CWC ratification law  <b>BW:</b> The Constitution of Afghanistan, Art. 7 BWC ratification law				
11	finance abovementioned activities	X	?	?	<b>NW/CW/BW:</b> Afghanistan law on Combating the Financing of Terrorism – Art 3	X	X	X	<b>NW/CW/BW:</b> Afghanistan law on Combating the Financing of Terrorism – Art 4 & 5
12	abovementioned activities related to means of delivery <sup>2</sup>	X	?	?	<b>NW/CW:</b> Does not provide any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical and nuclear weapons and their means of delivery  <b>BW:</b> The Constitution of Afghanistan, Art. 7 BWC ratification law Does not provide any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical and nuclear weapons and their means of delivery				
13	involvement of non-State actors in abovementioned activities								
14	Other								

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

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

	Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW, CW, BW and Related Materials? Can violators be penalized?	National legal framework			Enforcement: civil/criminal penalties and others			Remarks		
		YES			if YES, source document	YES			if YES, source document	
		NW	CW	BW		NW	CW			BW
1	Measures to account for production	X			NW: INFCIRC/257					
2	Measures to account for use	X			NW: INFCIRC/257					
3	Measures to account for storage	X			NW: INFCIRC/257					
4	Measures to account for transport									
5	Other measures for accounting		X	X	CW/BW: Environment Act promulgated by Presidential Decree on 18 December 2005		X	X	CW/BW: Environment Act promulgated by Presidential Decree on 18 December 2005, Chapter 8: Compliance and Enforcement, Arts. 70-77	
6	Measures to secure production									
7	Measures to secure use									
8	Measures to secure storage									
9	Measures to secure transport									
10	Other measures for securing		X	X	CW/BW: Environment Act promulgated by Presidential Decree on 18 December 2005		X	X	CW/BW: Environment Act promulgated by Presidential Decree on 18 December 2005, Chapter 8: Compliance and Enforcement, Arts. 70-75	
11	Regulations for physical protection of facilities/materials/		X	X	CW/BW: Environment Act promulgated by Presidential Decree on 18 December 2005		X	X	CW/BW: The National Environmental Protection Agency	

	transports								
12	Licensing/registration of installations/facilities/ persons/entities/use/ handling of materials								
13	Reliability check of personnel								
14	Measures to account for/secure/ physically protect means of delivery								

3. Related materials: materials, equipment and technology covered by relevant multilateral treaties and arrangements, or included on national control lists, which could be used for the design, development, production or use of nuclear, chemical and biological weapons and their means of delivery.

\* Information required in this section may also be available in the State's Confidence Building Measures report, if submitted to the BWC Implementation Support Unit (online at: [http://www.unog.ch/80256EE600585943/\(httpPages\)/4FA4DA37A55C7966C12575780055D9E8?OpenDocument](http://www.unog.ch/80256EE600585943/(httpPages)/4FA4DA37A55C7966C12575780055D9E8?OpenDocument) )

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

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized?		National legal framework		Enforcement: civil/criminal penalties and others		Remarks
		YES	if YES, source document	YES	if YES, source document	
1	National regulatory authority	?	Submissions by National INIS Liaison Officers	?	National Atomic Energy Commission of Afghanistan-Faculty of Science	
2	IAEA Safeguards Agreements	X	Safeguards Agreement, in force 20 February 1978 Additional Protocol, in force 19 July 2005	X	Safeguards Agreement, in force 20 February 1978 Additional Protocol, in force 19 July 2005	
3	IAEA Code of Conduct on Safety and Security of Radioactive Sources					
4	Supplementary Guidance on the Import and Export of Radioactive Sources of the Code of Conduct on the Safety and Security of Radioactive Sources					
5	IAEA Incident and Trafficking Database					
6	Other Agreements related to IAEA	X	Model Project (INT/9/143) on "Upgrading Radiation Protection Infrastructure"	X	To strength the radiation safety infrastructures bring into compliance with the Basic Safety Standards	
7	Additional national legislation/regulations related to nuclear materials including CPPNM					
8	Other					



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

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect CW and Related Materials? Can violators be penalized?		National legal framework		Enforcement: civil/criminal penalties and others		Remarks
		YES	if YES, source document	YES	if YES, source document	
1	National CWC authority	X	Notification to the Director-General as of 2 June 2008	X	Ministry of Defence	
2	Reporting Schedule I, II and III chemicals to OPCW					
3	Account for, secure or physically protect "old chemical weapons"					
4	Other legislation/ regulations controlling chemical materials	X	Environment Act promulgated by Presidential Decree on 18 December 2005	X	Environment Act promulgated by Presidential Decree on 18 December 2005, Chapter 8: Compliance and Enforcement, Arts. 70-75	
5	Other					

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

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized?		National legal framework		Enforcement: civil/criminal penalties and others		Remarks
		YES	if YES, source document	YES	if YES, source document	
1	Regulations for genetic engineering work					
2	Other legislation/ regulations related to safety and security of biological materials	X	Environment Act promulgated by Presidential Decree on 18 December 2005	X	Environment Act promulgated by Presidential Decree on 18 December 2005, Chapter 8: Compliance and Enforcement, Arts. 70-75	
3	Other					

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

	Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW, CW, BW and Related Materials? Can violators be penalized?	National legal framework			Enforcement: civil/criminal penalties, and measures of implementation, etc			Remarks		
		YES			if YES, source document	YES			if YES, source document	
		N W	C W	B W		N W	C W			B W
1	Border control	?	?	?	<b>NW/CW/BW:</b> The Customs Act of 20 March 2005, Arts. 2 and 45	?	?	?	<b>NW/CW/BW:</b> The Customs Act of 20 March 2005, Art. 172 (Smuggling of Goods): Customs controls luggage and other goods carried by or on persons	
2	Technical support of border control measures									
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	?	?	?	<b>NW/CW/BW:</b> The Customs Act of 20 March 2005, Art. 16	?	?	?	<b>NW/CW/BW:</b> Brokerage is a non-governmental business which persons may carry out upon obtaining a license from the Ministry of Finance	
4	Enforcement agencies/authorities	?	?	?	<b>NW/CW/BW:</b> The Customs Act of 20 March 2005, Art. 8	?	?	?	<b>NW/CW/BW:</b> General Directorate of Customs of the Ministry of Finance - Customs Authority	
5	Export control legislation in place	?	?	?	<b>NW/CW/BW:</b> The Customs Act of 20 March 2005, Arts. 34, 38 (The captain of an aircraft carrying goods and destined to leave Afghanistan, must present customs officer the customs declaration or manifest of goods on board to be exported from the customs territory of the State) and 42 (Postal shipments shall remain under customs supervision while customs requirements are completed in the post office) Environment Act promulgated by Presidential Decree on 18 December 2005 (Including radioactive substances)	?	?	?	<b>NW/CW/BW:</b> The Customs Act of 20 March 2005	

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	?	?	?	<b>NW/CW/BW:</b> The Customs Act of 20 March 2005, Arts.75- 80 (The owner of transit goods or his agent shall be obliged to present the goods and the related customs documents intact, in accordance with procedures, at the relevant designated customs office by the prescribed time limit to ensure identification of the goods)	?	?	?	<b>NW/CW/BW:</b> The Customs Act of 20 March 2005, Art.75
21	Trans-shipment control	?	?	?	<b>NW/CW/BW:</b> The Customs Act of 20 March 2005, Art. 49: Customs may at any time require goods to be unloaded and unpacked in order to inspect the goods and their means of transport	?	?	?	<b>NW/CW/BW:</b> The Customs Act of 20 March 2005

22	Re-export control	?	?	?	<b>NW/CW/BW:</b> The Customs Act of 20 March 2005, Art. 95: Customs shall specify the period within which the compensating products must be exported	?	?	?	<b>NW/CW/BW:</b> The Customs Act of 20 March 2005
23	Control of providing funds								
24	Control of providing transport services								
25	Control of importation	?	?	?	<b>NW/CW/BW:</b> The Customs Act of 20 March 2005, Art. 34 (5): Goods brought into the customs territory of the State shall, at the time of their entry, be subject to customs supervision and control by the customs. Environment Act promulgated by Presidential Decree on 18 December 2005	?	?	?	<b>NW/CW/BW:</b> The Customs Act of 20 March 2005
26	Extraterritorial applicability								
27	Other								

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

Can information be provided on the following issues?		YES		Remarks
1	Control lists - items (goods/ equipment/ materials/ technologies)			
2	Control lists - other			
3	Assistance offered			
4	Assistance requested			
5	Point of Contact for assistance			
6	Assistance in place (bilateral/multilateral)			
7	Work with and inform industry			
8	Work with and inform the public			
9	Point of Contact			
10	Other <sup>4</sup>			

4. Information may include references to voluntary implementation national action plan and visits to States, at their invitation, by the 1540 Committee.