

# DRAFT 1540 COMMITTEE MATRIX OF NEPAL

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: **NEPAL**  
 Date of Report: **17 March 2006**  
 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 9 January 1970	
2	Nuclear Weapons Free Zone/ Protocol(s)			
3	Convention for the Suppression of Acts of Nuclear Terrorism			
4	Convention on Physical Protection of Nuclear Material (CPPNM)			
5	2005 Amendment to the CPPNM			

6	Comprehensive Nuclear-Test-Ban Treaty (CTBT) (not in force)	?	Signed 8 October 1996	
7	Chemical Weapons Convention (CWC)	X	Deposit 18 October 1997	
8	Biological Weapons Convention (BWC)	?	Signed 10 April 1972	
9	Geneva Protocol of 1925	X	Deposit 9 May 1969	
10	Other Conventions/Treaties	X	State Party to 6 of 19 universal legal instruments against terrorism, including the following relevant to resolution 1540 (2004): 1999 International Convention for suppression of the Financing of Terrorism  Outer Space Treaty, deposit 10 October 1967 Partial Test Ban Treaty, 7 October 1963 Signed letter of intent to implement the World Customs Organization (WCO) SAFE Framework of Standards ( <a href="http://www.wcoomd.org">www.wcoomd.org</a> ) SAARC Convention on Suppression of Terrorism, 1987 and Additional Protocol to the Convention	
11	International Atomic Energy Agency (IAEA)	X	Member since 2008	
12	Hague Code of Conduct (HCOC)			
13	Other Arrangements			
14	General statement on non-possession of WMD	X	State reported that it does not possess nuclear, chemical or biological weapons	
15	General statement on commitment to disarmament and non-proliferation	X	State reported its full commitment to the need for complete and general disarmament for WMD	
16	General statement on non-provision of WMD and related materials to non-State actors			
17	Other <sup>1</sup>	X	WCO WHO IMO OIE INTERPOL	

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	X	X		NW/CW: Nepal Treaty Act, 1990, Section 9 (1): (In case of the provisions of a treaty, to which Nepal or Government of Nepal is a party upon its ratification accession, acceptance or approval by the Parliament, inconsistent with the provisions of prevailing laws, the inconsistent provision of the law shall be void for the purpose of that treaty, and the provisions of the treaty shall be enforceable as good as Nepalese laws.)	?	?		NW/CW: Terrorist and Disruptive Acts (Prevention and Punishment) Ordinance, 2058 (2002), Section 10	
2	acquire	X	X		NW/CW: Nepal Treaty Act, 1990, Section 9 (1): (In case of the provisions of a treaty, to which Nepal or Government of Nepal is a party upon its ratification accession, acceptance or approval by the Parliament, inconsistent with the provisions of prevailing laws, the inconsistent provision of the law shall be void for the purpose of that treaty, and the provisions of the treaty shall be enforceable as good as Nepalese laws.)	?	?		NW/CW: Terrorist and Disruptive Acts (Prevention and Punishment) Ordinance, 2058 (2002), Section 10	
3	possess									
4	stockpile/store		X		CW: Nepal Treaty Act, 1990 (1)	?	?		NW/CW: Terrorist and Disruptive Acts (Prevention and Punishment) Ordinance, 2058 (2002), Section 10	

5	develop		X			?	?		<b>NW/CW:</b> Terrorist and Disruptive Acts (Prevention and Punishment) Ordinance, 2058 (2002), Section 10	
6	transport									
7	transfer	X	X			?	?		<b>NW/CW:</b> Terrorist and Disruptive Acts (Prevention and Punishment) Ordinance, 2058 (2002), Section 10	
8	use		X				?		<b>CW:</b> Terrorist and Disruptive Acts (Prevention and Punishment) Ordinance, 2058 (2002), Section 10	
9	participate as an accomplice in abovementioned activities	?	?			?	?		<b>NW/CW:</b> Terrorist and Disruptive Acts (Prevention and Punishment) Ordinance, 2058 (2002), Section 2 (i) (3)	
10	assist in abovementioned activities	X	X			?	?		<b>NW/CW:</b> Terrorist and Disruptive Acts (Prevention and Punishment) Ordinance, 2058 (2002), Section 10	
11	finance abovementioned activities	?	X			?	?		<b>NW:</b> Nepal Treat Act 1990 (1) Terrorist and Disruptive Acts (Prevention and Punishment) Ordinance, 2058 (2002), Section 2 (i) & 3  <b>CW:</b> Nepal Treaty Act 1990 (1)	

12	abovementioned activities related to means of delivery <sup>2</sup>								
13	involvement of non-State actors in abovementioned activities	X	X		NW/CW: Terrorist and Disruptive Acts (Prevention and Punishment) Ordinance, 2058 (2002), Section 3  CW: Nepal Treaty Act 1990 (1)	?	?		NW/CW: Terrorist and Disruptive Acts (Prevention and Punishment) Ordinance, 2058 (2002), Section 10
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	
		N W	C W	B W*		N W	C W	B W		
1	Measures to account for production	X	?		NW: INFCIRC/186  CW: Pesticides Regulation, 2050 (1994), Rule 3 (1)					
2	Measures to account for use	X			NW: INFCIRC/186  CW: Pesticides Regulation, 2050 (1994), Rule 3 (1)					
3	Measures to account for storage	X			NW: INFCIRC/186  CW: Pesticides Regulation, 2050 (1994), Rule 3 (1)					
4	Measures to account for transport									
5	Other measures for accounting		?		CW: The Pesticide Regulation, 2050 (1994), Rule 7					
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								
11	Regulations for physical protection of facilities/ materials/ transports								
12	Licensing/registration of installations/facilities/ persons/entities/use/ handling of materials		?		<b>CW:</b> The Pesticide Regulation, 2050 (1994), Rule 3-15		X		<b>CW:</b> The Pesticide Regulation, 2050 (1994), Rule 16 (cancelation of license in case the terms and conditions are not observed)
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					
2 IAEA Safeguards Agreements	X	Safeguards Agreement (INFCIRC/186), in force 22 June 1972			
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					
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 24 March 2009	X	Ministry of Foreign Affairs	
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					
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?	<u>N</u> ational legal framework		<u>E</u> nforcement: 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					
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, and 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	X	X	X	NW/CW/BW: Customs Act 2064 (2007), Art 3-4	X	X	X	NW/CW/BW: Customs Act 2064 (2007), Art. 17-20 and 57.	
2	Technical support of border control measures	X	X	X	NW/CW: BW: Customs Act 2064, Art. 30 (If it is required to subject any goods to a special test from the health or environmental perspective, the Customs Officer may get such goods tested by the concerned body or laboratory.	X	X	X	NW/CW/BW: Authorized laboratories, Customs Act, Art.30	
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology									
4	Enforcement agencies/authorities	X	X	X	NW/CW/BW: Customs Act 2064 (2007)	X	X	X	NW/CW/BW: Customs Authority	
5	Export control legislation in place	?	?	?	NW/CW/BW: Export and Import Control Act 2013 (1957) Export and Import Control Rules 2034 (1978)  CW: The Pesticide Regulation, 2050 (1994), Rule 3-15	X	X	X	NW/CW/BW: Customs Act, Art. 38 (seize of goods in case of smuggling), and 57 Export and Import Control Act 2013 (1957), Art 5	
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								
21	Trans-shipment control								
22	Re-export control								
23	Control of providing funds								
24	Control of providing transport services								
25	Control of importation	?	?	?	NW/CW/BW: Export and Import Control Act 2013 (1957) Export and Import Control Rules 2034 (1978)	x	x	x	NW/CW/BW: Customs Act, Art. 38 (seize of goods in case of smuggling), and Art 57 Export and Import Control Act 2013 (1957), Art 5

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.