

1540 COMMITTEE MATRIX OF NIGER

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 : Niger
Date 1st report : 23 October 2008
Last revised on : January 2015

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 October 1992	
2	Nuclear Weapons Free Zone/ Protocol(s)	X	Pelindaba Treaty signed 11 April 1996	
3	Convention for the Suppression of Acts of Nuclear Terrorism	X	Deposit 2 July 2008	
4	Convention on Physical Protection of Nuclear Material (CPPNM)	X	Deposit 19 August 2004	
5	2005 Amendment to the CPPNM	X	Deposit 4 May 2007	
6	Comprehensive Nuclear-Test-Ban Treaty (CTBT) (not in force)	X	Deposit 9 September 2002	

7	Chemical Weapons Convention (CWC)	X	Deposit 9 April 1997	
8	Biological Weapons Convention (BWC)	X	Deposit 23 June 1972	
9	Geneva Protocol of 1925	X	Deposit 5 April 1967	
10	Other Conventions/Treaties	X	State party to 14 of the 19 international legal instruments conventions and protocols on counter-terrorism against terrorism, including the following relevant to resolution 1540 (2004): 1997 International Convention for the Suppression of Terrorist Bombings 1999 International Convention for the Suppression of the Financing of Terrorism 2005 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf. International Health Regulation (2005).	
11	International Atomic Energy Agency (IAEA)	X	Member since 1969	
12	Hague Code of Conduct (HCOC)	X	Signed 26 November 2002	
13	Other Arrangements			
14	General statement on non-possession of WMD			
15	General statement on commitment to disarmament and non-proliferation			
16	General statement on non-provision of WMD and related materials to non-State actors			
17	Other ¹	X	Niger is member of : African Union ECOWAS Central Bank of West African States Community of Sahel-Saharan States Financial Action Task Force (FATF) especially the Inter-Governmental Action Group against Money Laundering in West Africa International Monetary Fund (IMF) INTERPOL Organisation for Animal Health (OIE) West African Economic and Monetary Union World Bank Group World Customs Organization (WCO) (SAFE Framework of Standards)	

			World Health Organization (WHO) State Party to the Cotonou Agreement	
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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	?	?	NW: Law 2006-17 of 21 June 2006 on Nuclear Safety and Security and on Protection against Ionizing Radiations, article 9. Constitution: article 171 in conjunction with NPT. CW/BW: Constitution: article 171 in conjunction with CWC and BTWC.	X			NW: Law 2006-17 of 21 June 2006 on Nuclear Safety and Security and on Protection against Ionizing Radiations, Title VI. Penal Code 399-16.	
2	acquire	?	?	?	NW/CW/BW: Constitution: article 171 in conjunction with NPT, CWC and BTWC.					
3	possess	X			NW: Law 2006-17 of 21 June 2006 on Nuclear Safety and Security and on Protection against Ionizing Radiations, article 9.	X			NW: Law 2006-17 of 21 June 2006 on Nuclear Safety and Security and on Protection against Ionizing Radiations, Title VI. Penal Code article 399-16 (for nuclear device and nuclear materials).	
4	stockpile/store		?	?	CW/BW: Constitution: article 171 in conjunction with CWC and BTWC.					
5	develop		?	?	CW/BW: Constitution: article 171 in conjunction with CWC and BTWC.					

6	transport	X	X	X	NW/CW/BW: Penal Code article 399-10 (transport of NCBW and nuclear materials by ship or land vehicle) and article 399-16-1 (transport of nuclear materials from or to a foreign country).	X	X	X	NW/CW/BW: Penal Code article 399-10 (transport of NCBW and nuclear materials by ship or land vehicle) and article 399-16-1 (transport of nuclear materials from or to a foreign country).	
7	transfer	X	?	?	NW/CW/BW: Constitution: article 171 in conjunction with NPT, CWC and BTWC. NW: Penal Code article 399-16-1 (especially nuclear materials).	X			NW: Penal Code article 399-16-1 (especially nuclear materials).	
8	use	X	X	X	NW/CW/BW: Penal Code article 399-9 (use of NCBW against ship or land vehicle). NW: Law 2006-17 of 21 June 2006 on Nuclear Safety and Security and on Protection against Ionizing Radiations, article 9. Penal Code articles 399-16 (nuclear terrorism). CW/BW: Constitution: article 171 in conjunction with CWC. Penal Code article 399-15 b (terrorism bombing), 399-4 to 399-6 (terrorism against or in airport using "device or substance").	X	X	X	NW/CW/BW: Penal Code article 399-9 (use of NCBW against ship or land vehicle). NW: Law 2006-17 of 21 June 2006 on Nuclear Safety and Security and on Protection against Ionizing Radiations, Title VI. Penal Code articles 399-16 (nuclear terrorism). CW/BW: Penal Code article 399-15 b (terrorism bombing), 399-4 to 399-6 (terrorism against or in airport using "device or substance").	
9	participate as an accomplice in abovementioned activities	X	X	X	NW/CW/BW: Penal Code articles 339-16-2 and 339-16-3.	X	X	X	NW/CW/BW: Penal Code articles 339-16-2 and 339-16-3.	
10	assist in abovementioned activities	X	X	X	NW/CW/BW: Constitution: article 171 in conjunction with NPT, CWC and BTWC. Penal Code articles 339-16-2 and 339-16-3.	X	X	X	NW/CW/BW: Penal Code articles 339-16-2 and 339-16-3.	
11	finance abovementioned activities	X	X	X	NW/CW/BW: Penal Code articles 339-17.	X	X	X	NW/CW/BW: Penal Code articles 339-17.	

				Law 2004-41 of 8 June 2004 on fight against money laundering, article 26 9 (financing Terrorism).				National Office on Financial Data Processing (Cellule Nationale de Traitement des Informations Financieres – CENTIF).	
12	abovementioned activities related to means of delivery ²			? BW: Constitution: article 171 in conjunction with BTWC.					
13	involvement of non-State actors in abovementioned activities				X	X	X	NW/CW/BW: Penal Code, articles 399-16-3 (activities related to terrorism in general), 399-16-1 (activities related to nuclear materials) and 399-19-1 (company activities related to terrorism).	
14	Other	?	?	? NW/CW/BW: The Constitution adopted in 2013 states that duly ratified treaties and arrangements hold, upon publication, an authority superior to that of laws.					

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 Materials³

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/664. Additional protocol.					
2	Measures to account for use	X			NW: INFCIRC/664. Additional protocol.					
3	Measures to account for storage	X			NW: INFCIRC/664. Additional protocol.					
4	Measures to account for transport	X			NW: Law 2006-17 of 21 June 2006 on Nuclear Safety and Security and on Protection against Ionizing Radiations, article 15 (transportation [...] of nuclear materials or sources of ionizing radiations is subject to an authorization by the National Centre for Radioprotection and must be compliant with the Law, the IAEA Regulations for the Safe Transport of Radioactive Material and the IAEA Code of Conduct on the Safety and Security of Radioactive Sources.	X	?	?	NW: Law 2006-17 of 21 June 2006 on Nuclear Safety and Security and on Protection against Ionizing Radiations, Title VI. Penal Code article 399-10 (unlawful transport of NCBW and nuclear materials by ship or land vehicle). CW/BW: Penal Code article 399-10 (unlawful transport of NCBW and nuclear materials by ship or land vehicle).	

5	Other measures for accounting								
6	Measures to secure production	X			NW: Law 2006-17 of 21 June 2006 on Nuclear Safety and Security and on Protection against Ionizing Radiations, article 19 (The primary responsibility for the physical protection of nuclear material and security of sources of ionizing radiation during their handling, use, storage and transport rests with the holder of the authorization; the National Centre for Radioprotection establishes regulations specifying measures of physical protection and security).	X		NW: Law 2006-17 of 21 June 2006 on Nuclear Safety and Security and on Protection against Ionizing Radiations, Titles III and VI.	
7	Measures to secure use	X			NW: Law 2006-17 of 21 June 2006 on Nuclear Safety and Security and on Protection against Ionizing Radiations, article 19 (The primary responsibility for the physical protection of nuclear material and security of sources of ionizing radiation during their handling, use, storage and transport rests with the holder of the authorization; the National Centre for Radioprotection establishes regulations specifying measures of physical protection and security).	X		NW: Law 2006-17 of 21 June 2006 on Nuclear Safety and Security and on Protection against Ionizing Radiations, Titles III and VI.	
8	Measures to secure storage	X			NW: Law 2006-17 of 21 June 2006 on Nuclear Safety and Security and on Protection against Ionizing Radiations, article 19 (The primary responsibility for the physical protection of nuclear material and security of sources of ionizing radiation during their handling, use, storage and transport rests with the holder of the authorization; the National Centre for Radioprotection establishes regulations specifying measures of physical protection and security).	X		NW: Law 2006-17 of 21 June 2006 on Nuclear Safety and Security and on Protection against Ionizing Radiations, Titles III and VI.	
9	Measures to secure transport	X			NW: Law 2006-17 of 21 June 2006 on Nuclear Safety and Security and on Protection against	X		NW: Law 2006-17 of 21 June 2006 on Nuclear Safety and Security and on Protection against Ionizing	

					Ionizing Radiations, article 19 (The primary responsibility for the physical protection of nuclear material and security of sources of ionizing radiation during their handling, use, storage and transport rests with the holder of the authorization; the National Centre for Radioprotection establishes regulations specifying measures of physical protection and security).				Radiations, Titles III and VI.	
10	Other measures for securing	X			NW: Different measures in Law 2006-17 of 21 June 2006 on Nuclear Safety and Security and on Protection against Ionizing Radiations, such as for instance: a warning mechanism in case of theft, threat of theft or loss of nuclear materials or sources of ionizing radiations; or, a prohibition to transmit disseminate to non-authorized persons confidential information on measures of physical protection of nuclear materials and of security of sources of ionizing radiations	X			NW: Law 2006-17 of 21 June 2006 on Nuclear Safety and Security and on Protection against Ionizing Radiations, Title VI.	
11	Regulations for physical protection of facilities/ materials/ transports	X			NW: Law 2006-17 of 21 June 2006 on Nuclear Safety and Security and on Protection against Ionizing Radiations, article 19 (the National Centre for Radioprotection establishes regulations specifying measures of physical protection and security).	X			NW: Law 2006-17 of 21 June 2006 on Nuclear Safety and Security and on Protection against Ionizing Radiations, Titles III and VI.	
12	Licensing/registration of installations/facilities/ persons/entities/use/ handling of materials					X			NW: Law 2006-17 of 21 June 2006 on Nuclear Safety and Security and on Protection against Ionizing Radiations, Titles III and VI.	
13	Reliability check of personnel					X			NW: Law 2006-17 of 21 June 2006 on Nuclear Safety and Security and on Protection against Ionizing Radiations, Titles III and VI.	

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	X	Law 2006-18 of 21 June 2006 on Nuclear Safety and Security and on Protection against Ionizing Radiations establishes the National Centre for Radioprotection.	X	National Centre for Radioprotection.	
2	IAEA Safeguards Agreements	X	Safeguards agreement in force since 16 February 2005 Additional Protocol in force since 2 May 2007	X	Safeguard agreement in force since 16 February 2005 Additional Protocol in force since 2 May 2007	
3	IAEA Code of Conduct on Safety and Security of Radioactive Sources	X	Notification pursuant to GC(47)/RES/7.B	X	Point of contact designated	
4	Supplementary Guidance on the Import and Export of Radioactive Sources of the Code of Conduct on the Safety and Security of Radioactive Sources	X	Notification on Supplementary Guidance pursuant to GC(48)/RES/10.D	X	Notification on Supplementary Guidance pursuant to GC(48)/RES/10.D	
5	IAEA Incident and Trafficking Database	X	Participates.	X	Participates.	
6	Other Agreements related to IAEA	X	Complementary agreement of 14 August 1989 with IAEA on technical assistance supply. Member State of the African Regional	X	Complementary agreement of 14 August 1989 with IAEA on technical assistance supply. Member State of the African Regional	

			Cooperative Agreement for Research, Development and Training Related to Nuclear Science and Technology (AFRA) Country Programme Framework Agreement (CPF), 2011		Cooperative Agreement for Research, Development and Training Related to Nuclear Science and Technology (AFRA) Country Programme Framework Agreement (CPF), 2011	
7	Additional national legislation/regulations related to nuclear materials including CPPNM					
8	Other	X	Member: Forum of Nuclear Regulatory Bodies in Africa (FNRBA)	X	Member: Forum of Nuclear Regulatory Bodies in Africa (FNRBA)	

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	National Committee for Collection and Control of Illicit Weapons	X	National Committee for Collection and Control of Illicit Weapons	
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, 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 code.	X	X	X	NW/CW/BW: Customs directorate. Police.	
2	Technical support of border control measures					?	?	?	NW/CW/BW: Use of ASYCUDA++ system	
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology									
4	Enforcement agencies/authorities									
5	Export control legislation in place	X			NW: Law 2006-17 of 21 June 2006 on Nuclear Safety and Security and on Protection against Ionizing Radiations, article 15 (the National Centre for Radioprotection establishes the regulations regarding the importation and exportation of nuclear materials and sources of ionizing radiations).	?			NW: Law 2006-17 of 21 June 2006 on Nuclear Safety and Security and on Protection against Ionizing Radiations, Title VI	
6	Licensing provisions	X			NW/CW/BW: Law 2006-17 of 21 June 2006 on Nuclear Safety and Security and on Protection against Ionizing Radiations, article 15 (the National Centre for Radioprotection establishes the					

				regulations regarding the importation and exportation of nuclear materials and sources of ionizing radiations).					
7	Individual licensing	X		NW/CW/BW: Law 2006-17 of 21 June 2006 on Nuclear Safety and Security and on Protection against Ionizing Radiations, article 15 (the National Centre for Radioprotection establishes the regulations regarding the importation and exportation of nuclear materials and sources of ionizing radiations).					
8	General licensing								
9	Exceptions from licensing								
10	Licensing of deemed export/visa								
11	National licensing authority	X		NW/CW/BW: Law 2006-17 of 21 June 2006 on Nuclear Safety and Security and on Protection against Ionizing Radiations, article 15 (the National Centre for Radioprotection establishes the regulations regarding the importation and exportation of nuclear materials and sources of ionizing radiations).	X			NW/CW/BW: Law 2006-17 of 21 June 2006 on Nuclear Safety and Security and on Protection against Ionizing Radiations, article 15 (the National Centre for Radioprotection establishes the regulations regarding the importation and exportation of nuclear materials and sources of ionizing radiations).	
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			NW: Law 2006-17 of 21 June 2006 on Nuclear Safety and Security and on Protection against Ionizing Radiations, article 15 (the National Centre for Radioprotection establishes the					

				regulations regarding the importation and exportation of nuclear materials and sources of ionizing radiations).					
18	Catch all clause								
19	Intangible transfers								
20	Transit control								
21	Trans-shipment control								
22	Re-export control								
23	Control of providing funds	X	X	X	NW/CW/BW: Penal Code articles 339-17. Law 2004-41 of 8 June 2004 on fight against money laundering, article 26 9 (financing Terrorism).	X	X	X	NW/CW/BW: Penal Code articles 339-17. National Office on Financial Data Processing (Cellule Nationale de Traitement des Informations Financieres – CENTIF).
24	Control of providing transport services								
25	Control of importation	?			NW: Law 2006-17 of 21 June 2006 on Nuclear Safety and Security and on Protection against Ionizing Radiations, article 15 (the National Centre for Radioprotection establishes the regulations regarding the importation and exportation of nuclear materials and sources of ionizing radiations)	?			NW: Law 2006-17 of 21 June 2006 on Nuclear Safety and Security and on Protection against Ionizing Radiations, Title VI. Penal Code article 399-16-1 (transport of nuclear materials from or to a foreign country).
26	Extraterritorial applicability								
27	Other	X	?	?	NW/CW/BW: Ordinance No.89-24 of 8 December 1989 prohibiting Importation of Industrials, nuclear and toxic waste.				

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	X	Request of 14 March 2014: <ul style="list-style-type: none"> - Strengthening the legislative framework in the nuclear chemical and biological fields. - Holding of a regional ECOWAS workshop which the Niger intends to host to commemorate the tenth anniversary of the adoption of resolution 1540 (2004), with a focus on the drafting of control lists. - Holding a National workshop on the control of strategic goods. - Training the trainers in the area of border control. - Participation in workshops on resolution 1540 (2004) organized outside the country by partners, with subsequent briefing of national stakeholders. - Integration of issues related to resolution 1540 (2004) in the curricula of higher education establishments. - Acquisition of equipment. - Institutional support and training of specialists and researchers. 	
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	X	Colonel Bako Boubacar, Ministry of Defence	
10	Other ⁴	X	1540 Committee Country visit in 2014.	

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