

Translated from Spanish

Permanent Mission of the Dominican Republic
to the United Nations

MPRDNY-1952-15

5 November 2015

Sir,

I have the honour to write to you in your capacity as Chair of the Security Council Committee established pursuant to resolution 1540 (2004). In this regard, I am pleased to transmit herewith the report of the Dominican Republic on the implementation of resolution 1540 (2004), in compliance with its obligations under that resolution.

I am also transmitting the national implementation action plan developed by the Dominican Republic in relation to resolution 1540 (2004) in accordance with resolution 1977 (2011) of the United Nations Security Council.

Should you require any assistance with regard to these reports, the point of contact at the Permanent Mission is Counsellor Napoleón Beras, (212) 867-0833, ext. 1847, mobile telephone (347) 761-4176, e-mail address rberas@gmail.com.

Accept, Sir, the renewed assurances of my highest consideration.

(Signed) Francisco A. **Cortorreal**
Ambassador
Permanent Representative

His Excellency
Mr. Román Oyarzun Marchesi
Ambassador Extraordinary and Plenipotentiary
of the Kingdom of Spain to the United Nations
Chair of the Security Council Committee established
pursuant to resolution 1540 (2004)
New York, NY

Report of the Dominican Republic on the implementation of United Nations Security Council resolution 1540 (2004)

The purpose of the present report is to provide updated information on the implementation of United Nations Security Council resolution 1540 (2004) by the Government of the Dominican Republic, which submitted its first report in 2009.

The Government of the Dominican Republic reaffirms that, within its territory, it neither possesses nor has any intention to possess any type of weapon of mass destruction and that it likewise has no intention to carry out any activity connected with such weapons. It also reaffirms its commitment to refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery.

Since the submission of its 2009 report, the Dominican Republic has made many strides in implementing resolution 1540 (2004), one of which is the designation, as national points of contact, of Ambassador Jocelyn Pou, Director for Multilateral Affairs, Ministry of Foreign Affairs, and Brigadier General Francisco A. Ovalle Pichardo of the Dominican Republic Army.

The Dominican Republic has also established a Cross-Sectoral Coordination Committee to implement the commitments made by the Dominican State pursuant to Security Council resolution 1540 (2004). This Committee consists of various State institutions of relevance in this regard, specifically the Ministry of Foreign Affairs, the Ministry of Defence, the Ministry of Energy and Mines, the Ministry of the Interior and Police, the Ministry of Environment and Natural Resources, the Ministry of Public Health and Social Welfare, the General Directorate of Customs and the judiciary.

The regulatory advances made in relation to Security Council resolution 1540 (2004) include the following:

On the legislative front, it is important to note, first, that article 67, paragraph 2, of the Constitution of the Dominican Republic, proclaimed on 26 January 2010, prohibits “the introduction, development, production, possession, sale, transport, stockpiling and use of chemical, biological and nuclear weapons and internationally banned agrochemicals, as well as nuclear waste and toxic and hazardous waste”.

In addition to the legal framework described in the first report, including the Counter-Terrorism Act (Act No. 267-08), which defines weapons of mass destruction and establishes penalties for their use, mention should be made of the General Health Act (Act No. 42-01).

The Dominican Republic is also a State party to various international non-proliferation agreements, as set out previously in the 2009 report. That information is hereby supplemented and updated as follows:

- Convention on the Physical Protection of Nuclear Material, for which the process of depositing the instrument of accession was completed in 2009. On 22 September 2014, the Dominican Republic also accepted the 2005 Amendment to the Convention.
- Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation, ratified in 2012.
- Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, for which the instrument of accession was deposited in 2009.
- Inter-American Convention against Terrorism, ratified in 2006.
- Convention on Biological Diversity, ratified in 1996.

Furthermore, the Dominican Republic is a State member of various international and subregional bodies that deal with issues related to resolution 1540 (2004). In addition to the bodies cited in the first report, mention should be made of the following:

- Caribbean Financial Action Task Force (CFATF).

In addition, the following advances should be noted:

Act No. 100-13 of 2013 established the Ministry of Energy and Mines, which, in its capacity as the governing body of the system, is responsible for formulating, adopting, monitoring, evaluating and supervising policies, strategies, master plans, programmes, projects and services related to the energy sector and the electric power, renewable energy, nuclear energy, natural gas and mining subsectors, including with regard to compliance with safety standards and maintenance of energy infrastructures.

Other accountability, physical protection and security measures taken by the Dominican Republic include, in addition to those mentioned in the first report, the following legal provisions:

- Decree No. 244-95 establishing radiation protection regulations and a series of measures in this regard.
- Act No. 42-01, General Health Act, which includes regulations on security measures in medical laboratories.
- Decision CNE-AD-00-2013 approving regulations on the physical security of radioactive sources, including their transport.
- The 2013 policy and strategy for radioactive waste management in the Dominican Republic, which sets out guidelines for safe waste management to protect workers, the

public and the environment.

It should also be noted that in 2011 a “Green Customs” agreement on inter-agency cooperation for the control of imports, exports and transit goods related to multilateral environmental agreements was signed by the Ministry of Environment and Natural Resources, the General Directorate of Customs, the Ministry of Public Health and Social Welfare, the Ministry of Agriculture and the Dominican Republic Navy. The purpose of the agreement is to coordinate actions for managing natural resources, species, organisms and hazardous substances in the Dominican Republic, with a view to strengthening controls on imports, exports and transit goods in international trade, in strict compliance with international commitments and existing environmental legislation.

The Dominican Republic has also established a national committee for the management of chemicals and hazardous waste, which since 2014 has had a national plan for implementing the Strategic Approach to International Chemicals Management.

Other achievements include the establishment of tariff subheadings at the eight-digit level and their subsequent incorporation into the risk management system, in order to provide for early warning before environmental goods are released from customs. Also worthy of note is the opening of a modern laboratory for the identification of controlled substances and materials.

In compliance with the Chemical Weapons Convention, the Dominican Republic has submitted annual declarations and reports on chemicals, most recently for 2014.

With regard to controls on imports, exports and re-exports and on end users, as well as transit and trans-shipment, the Dominican Republic has the following provisions, in addition to those indicated in the first national report:

- Decree No. 244-95 establishing regulations on radiation protection, including provisions on the import and export of natural or artificial radioactive substances and radiation-generating devices.

Training courses and workshops

Various activities that are directly or indirectly related to resolution 1540 (2004) have been carried out, including the following:

- Regional basic course on responding to chemical warfare agents and to incidents involving toxic industrial chemicals, given by the Organization for the Prohibition of Chemical Weapons (OPCW) at the Ministry of Defence from 2 to 6 March 2015.
- Workshop on identification of radioactive sources and radiation-emitting devices, held at the headquarters of the General Directorate of Customs on 20 March 2015.

- Workshop on dangerous goods and their documentation, given by the Dominican Civil Aviation Institute’s Academy of Aeronautical Sciences at the headquarters of the General Directorate of Customs on 27 August 2015 and aimed at officials of the General Directorate and of the Dominican Postal Institute.

Other activities include the organization of training workshops for customs assessors of the General Directorate of Customs as a first line of defence regarding the substances listed in the Chemical Weapons Convention, radioactive sources and equipment containing them, and precursors. In addition, the Ministry of Energy and Mines promotes training on energy security and international security, in accordance with existing needs.

In 2015, experts from the Organization of American States (OAS) Inter-American Committee against Terrorism visited Santo Domingo in order to provide advice on a preliminary assessment of biosafety capacities, which consisted of identifying the strengths and weaknesses of existing programmes concerning the national response to biological threats. A national plan for responding to biosafety incidents is being developed in collaboration with all institutions involved in responding to emergencies of this kind.

Legislative initiatives

The National Congress is discussing a bill on the control and regulation of firearms, ammunition, explosives, bladed weapons and related materials, which refers inter alia to weapons of mass destruction as weapons prohibited by the Dominican State. In addition, work is under way on a bill concerning weapons of mass destruction, which will, inter alia, define the responsibility of the Dominican State with respect to issues related to resolution 1540 (2004).

Technical advice

In January 2015, the aforementioned Cross-Sectoral Coordination Committee requested the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean to submit a “national legal study on the implementation of resolution 1540 (2004) in the Dominican Republic”, setting out the findings and recommendations of that international entity based on an analysis of national provisions on non-proliferation and weapons of mass destruction.

In consultation with the group of experts of the Security Council Committee established pursuant to resolution 1540 (2004) and the Regional Centre, the Dominican Republic is developing a national action plan for implementing resolution 1540 (2004).

This report was prepared in the city of Santo Domingo, National District, capital of the Dominican Republic, on 28 October 2015.

Dominican Republic

National action plan for implementing resolution 1540 (2004)

By its resolution 1977 (2011), adopted on 20 April 2011, the United Nations Security Council reaffirms that the proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security, and decides to extend the mandate of the Committee established pursuant to resolution 1540 (2004) for an additional 10 years, until 2021. That resolution also encourages all States to prepare, on a voluntary basis, national action plans for implementing the key provisions of resolution 1540 (2004) and to submit those plans to the Committee.

The main purpose of this document is to submit such a voluntary national action plan, setting out goals and activities that can be pursued by the Government of the Dominican Republic with a view to strengthening the implementation of resolution 1540 (2004).

Prior to the drafting of this plan, a national baseline analysis was carried out in which the various authorities and stakeholders identified, in a coordinated manner, the priorities, needs and challenges arising from the implementation of resolution 1540 (2004). This process of dialogue in the Dominican Republic was conducted within the framework of the Cross-Sectoral Coordination Committee, pursuant to the commitments made by the Dominican State under Security Council resolution 1540 (2004).

The Government of the Dominican Republic, in consultation with the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean, is pleased to submit the following voluntary action plan.

| | Activity | Estimated time frame |
|---|--|---|
| <i>With the support of the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean, the 1540 Committee and other providers of technical assistance</i> | Strengthening of the Cross-Sectoral Coordination Committee, pursuant to the commitments made by the Dominican State under Security Council resolution 1540 (2004) | |
| | Strengthening of the Cross-Sectoral Coordination Committee <ul style="list-style-type: none"> – Review the Committee’s membership to determine whether other entities should be included – Explore formal or informal mechanisms for regulating the Committee’s operation, the frequency of its meetings and the roles and responsibilities of each of its members | Short-term (fourth quarter of 2015) |
| | Other issues identified by the Cross-Sectoral Coordination Committee | Continuous: short-, medium- and long-term (2015-2017) |

| | Activity | Estimated time frame |
|--|--|--|
| <p><i>With the support of the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean, the 1540 Committee and other providers of technical assistance</i></p> | <p>Strengthening of the legislative framework</p> <p>Strengthening of the legislative framework</p> <ul style="list-style-type: none"> – Work towards the adoption of rules and regulations to strengthen the overall legal framework concerning weapons of mass destruction. Consideration will be given to the areas identified by the Cross-Sectoral Coordination Committee, as well as the recommendations made by the Regional Centre in the legal study prepared in 2014 and submitted in early 2015. <i>(The Dominican Republic, in consultation with the Regional Centre, is in the process of developing a framework law on weapons of mass destruction, having held technical meetings of Dominican legal experts and Regional Centre experts from 29 September to 1 October 2015.)</i> <p>Promote the ratification of additional international instruments related to resolution 1540 (2004)</p> <ul style="list-style-type: none"> – In addition to the baseline analysis carried out by the Cross-Sectoral Coordination Committee, the legal study prepared by the Regional Centre in 2014 identified a number of international instruments (to which the Dominican Republic is a State party) of relevance to the implementation of resolution 1540 (2004). These include: <ul style="list-style-type: none"> • The 2005 International Convention for the Suppression of Acts of Nuclear Terrorism; • The 1980 Convention on the Physical Protection of Nuclear Material and the 2005 Amendments thereto; • The 1997 International Convention for the Suppression of Terrorist Bombings; • The 1999 International Convention for the Suppression of the Financing of Terrorism; • The 2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation; • The 2005 Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf; and • The 2010 Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation. <p>Strengthening of import and export controls</p> <p>Structuring and implementation of control lists of dual-use items and</p> | <p>Short- to medium-term (2015-2016)</p> <p>Medium-term (mid-2016)</p> |

| | Activity | Estimated time frame |
|--|---|--|
| | <p>materials and those of proliferation concern</p> <p>Design and implementation (or strengthening) of unified licensing systems, with effective end-use/end-user regulations</p> <p>Other issues identified by the institutions members of the Cross-Sectoral Coordination Committee</p> <p>Capacity-building and training for officials in various sectors</p> <p>Training in border and port security</p> <ul style="list-style-type: none"> ○ Training in effective measures to strengthen border security and port security; exercises to strengthen comprehensive risk management and inter-agency coordination <p>Training in the identification and management of chemical, biological, radiological and nuclear (CBRN) substances</p> <ul style="list-style-type: none"> ○ Training in the identification of items and materials of proliferation concern (<i>activity carried out previously</i>) ○ Training in the management and detection of explosives and chemicals ○ Workshops on the identification of radioactive sources and radiation-emitting devices (<i>activity carried out previously</i>) ○ Courses on responding to chemical warfare agents and to incidents involving toxic industrial chemicals (<i>activity carried out previously</i>) ○ Workshops on responses to radiological emergencies (<i>activity carried out previously</i>) ○ Training of staff in the use of the equipment acquired under the first objective in section 3 below <p>Other capacity-building and training initiatives identified by the institutions members of the Cross-Sectoral Coordination Committee</p> | <p>Continuous: short-, medium- and long-term (2015-2017)</p> <p>Continuous: short-, medium- and long-term (2015-2017)</p> <p>Continuous: short-, medium- and long-term (2015-2017)</p> |
| | <p>Acquisition of equipment</p> <ul style="list-style-type: none"> ○ Acquisition of equipment for scanning containers and detecting CBRN substances ○ Other equipment needs identified by the institutions members of the Cross-Sectoral Coordination Committee <p>Strengthening of dialogue with the private sector and industry</p> | <p>Continuous: short-, medium- and long-term</p> |

