



Security Council

Distr.: General
25 March 2010
English
Original: French

Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 24 April 2008 from the Permanent Mission of the Democratic Republic of the Congo to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Democratic Republic of the Congo to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) on the non-proliferation of weapons of mass destruction and has the honour to transmit to him herewith the report of the Democratic Republic of the Congo, in accordance with the provisions of paragraph 4 of the above-mentioned resolution (see annex).



2

Annex to the note verbale dated 24 April 2008 from the Permanent Mission of the Democratic Republic of the Congo to the United Nations addressed to the Chairman of the Committee

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

State:

Democratic Republic of the Congo

Date of report:

<i>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?</i>		<i>YES</i>	<i>If YES, indicate relevant information (i.e. signing, accession, ratification, entering into force, etc.)</i>	<i>Remarks (information refers to the page of the English version of the report or an official website)</i>
1	General statement on non-possession of WMD	No		
2	General statement on commitment to disarmament and non-proliferation	No		
3	General statement on non-provision of WMD and related materials to non-State actors	No	of WMD	
4	Biological Weapons Convention (BWC)	Yes	Instruments of ratification deposited on 16 September 1975	http://disarmament2.un.org/TreatyStatus.nsf
5	Chemical Weapons Convention (CWC)	Yes	Instruments of ratification deposited on 12 October 2005	http://disarmament2.un.org/TreatyStatus.nsf
6	Nuclear Non-Proliferation Treaty (NPT)	Yes	Instruments of ratification deposited on 4 August 1970	http://disarmament2.un.org/TreatyStatus.nsf

The information in the matrices originates primarily from national reports and is complemented by official government information, including that made available to intergovernmental 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 with 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.

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 website)
7	Comprehensive Nuclear-Test-Ban Treaty (CTBT)	Yes	Ratified on 28 September 2004	http://disarmament2.un.org/TreatyStatus.nsf
8	Convention on Physical Protection of Nuclear Material (CPPNM)	Yes	Entered into force on 21 October 2004	http://www.iaea.org/Publications/Documents/Conventions/cppnm_status.pdf
9	Hague Code of Conduct (HCOC)	No		
10	Geneva Protocol of 1925	No		
11	International Atomic Energy Agency (IAEA)	Yes	Since 1961	www.iaea.org/About/Policy/MemberStates/
12	Nuclear-Weapon-Free Zone/Protocol(s)			
13	Other conventions/treaties	No		
14	Other arrangements	No		
15	Other			

OP 2 — Biological Weapons (BW)

State:

**Democratic Republic of the
Congo**

Date of report:

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	No				
2	Acquire	Yes	Article 215 of the draft new Constitution			http://www.congonline.com/documents/Nouvelle_Constitution_fevrier2006.pdf
3	Possess	No				
4	Stockpile/store	No				
5	Develop	Yes	Article 215 of the draft new Constitution			http://www.congonline.com/documents/Nouvelle_Constitution_fevrier2006.pdf
6	Transport	No				
7	Transfer	Yes	Article 215 of the draft new Constitution			http://www.congonline.com/documents/Nouvelle_Constitution_fevrier2006.pdf
8	Use	No				
9	Participate as an accomplice in a.m. activities	No				
10	Assist in a.m. activities	Yes	Article 215 of the draft new Constitution			http://www.congonline.com/documents/Nouvelle_Constitution_fevrier2006.pdf
11	Finance a.m. activities	No				

<i>Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?</i>		<i>National legal framework</i>		<i>Enforcement: civil/criminal penalties and others</i>		<i>Remarks</i>
		<i>YES</i>	<i>If YES, indicate source document of national implementation law</i>	<i>YES</i>	<i>If YES, indicate source document</i>	
12	A.m. activities related to means of delivery	Yes	Article 215 of the draft new Constitution			http://www.congonline.com/documents/Nouvelle_Constitution_fevrier2006.pdf
13	Involvement of non-State actors in a.m. activities	No				
14	Other	---				

OP 2 — Chemical Weapons (CW)

State:

**Democratic Republic of the
Congo**

Date of report:

S/A/C.44/2004/02/158

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	No				
2	Acquire	Yes	Article 215 of the draft new Constitution			http://www.congonline.com/documents/Nouvelle_Constitution_fevrier2006.pdf
3	Possess	No				
4	Stockpile/store	Yes	Article 215 of the draft new Constitution			http://www.congonline.com/documents/Nouvelle_Constitution_fevrier2006.pdf
5	Develop	Yes	Article 215 of the draft new Constitution			http://www.congonline.com/documents/Nouvelle_Constitution_fevrier2006.pdf
6	Transport	No				
7	Transfer	Yes	Article 215 of the draft new Constitution			http://www.congonline.com/documents/Nouvelle_Constitution_fevrier2006.pdf
8	Use	No				
9	Participate as an accomplice in a.m. activities	No				
10	Assist in a.m. activities	Yes	Article 215 of the draft new Constitution			http://www.congonline.com/documents/Nouvelle_Constitution_fevrier2006.pdf

<i>Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?</i>		<i>National legal framework</i>		<i>Enforcement: civil/criminal penalties and others</i>		<i>Remarks</i>
		<i>YES</i>	<i>If YES, indicate source document of national implementation law</i>	<i>YES</i>	<i>If YES, indicate source document</i>	
11	Finance a.m. activities	No				
12	A.m. activities related to means of delivery	No				
13	Involvement of non-State actors in a.m. activities	No				
14	Other					

OP 2 — Nuclear Weapons (NW)**State:****Democratic Republic of the
Congo****Date of report:**

S/A/C.44/2004/02/158

<i>Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?</i>		<i>National legal framework</i>		<i>Enforcement: civil/criminal penalties and others</i>		<i>Remarks</i>
		<i>YES</i>	<i>If YES, indicate source document of national implementation law</i>	<i>YES</i>	<i>If YES, indicate source document</i>	
1	Manufacture/produce	Yes	Article 215 of the draft new Constitution			http://www.congonline.com/documents/Nouvelle_Constitution_fevrier2006.pdf
2	Acquire	Yes	Article 215 of the draft new Constitution			http://www.congonline.com/documents/Nouvelle_Constitution_fevrier2006.pdf
3	Possess	No				
4	Stockpile/store	No				
5	Develop	No				
6	Transport	No				
7	Transfer	Yes	Article 215 of the draft new Constitution			http://www.congonline.com/documents/Nouvelle_Constitution_fevrier2006.pdf
8	Use					
9	Participate as an accomplice in a.m. activities					
10	Assist in a.m. activities	Yes	Article 215 of the draft new Constitution			http://www.congonline.com/documents/Nouvelle_Constitution_fevrier2006.pdf
11	Finance a.m. activities	No				

<i>Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?</i>		<i>National legal framework</i>		<i>Enforcement: civil/criminal penalties and others</i>		<i>Remarks</i>
		<i>YES</i>	<i>If YES, indicate source document of national implementation law</i>	<i>YES</i>	<i>If YES, indicate source document</i>	
12	A.m. activities related to means of delivery	No				
13	Involvement of non-State actors in a.m. activities	No				
14	Other					

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

State: **Democratic Republic of the Congo**

Date of report:

S/A/C.44/2004/02/158

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	No				
2	Measures to account for use	No				
3	Measures to account for storage	No				
4	Measures to account for transport	No				
5	Other measures for accounting	No				
6	Measures to secure production	No				
7	Measures to secure use	No				
8	Measures to secure storage	No				
9	Measures to secure transport	No				
10	Other measures for securing	No				
11	Regulations for physical protection of facilities/ materials/ transports	No				
12	Licensing/registration of facilities/persons handling biological materials	No				
13	Reliability check of personnel	No				
14	Measures to account for/secure/ physically protect means of delivery	No				
15	Regulations for genetic engineering work	No				

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	
16	Other legislation/regulations related to safety and security of biological materials	No				
17	Other					

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

State: Democratic Republic of the Congo

Date of report:

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	No				
2	Measures to account for use	No				
3	Measures to account for storage	No				
4	Measures to account for transport	No				
5	Other measures for accounting	No				
6	Measures to secure production	No				
7	Measures to secure use	No				
8	Measures to secure storage	No				
9	Measures to secure transport	No				
10	Other measures for securing	No				
11	Regulations for physical protection of facilities/ materials/ transports	No				
12	Licensing of chemical installations/entities/use of materials	No				
13	Reliability check of personnel	No				
14	Measures to account for/secure/ physically protect means of delivery	No				
15	National CWC authority	Yes				

<i>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?</i>		<i>National legal framework</i>		<i>Enforcement: civil/criminal penalties, and others</i>		<i>Remarks</i>
		<i>YES</i>	<i>If YES, indicate source document</i>	<i>YES</i>	<i>If YES, indicate source document</i>	
16	Reporting Schedule I, II and III chemicals to OPCW	Yes				
17	Account for, secure or physically protect old chemical weapons	No				
18	Other legislation/regulations controlling chemical materials	No				
19	Other					

OP 3 (a) and (b) — Account for/Secure/Physically protect NW including Related Materials
State:
**Democratic Republic of the
Congo**
Date of report:

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	No	INFCIRC/183			http://www.iaea.org/OurWork/SV/Safeguards/sir_table.pdf
2	Measures to account for use	No				
3	Measures to account for storage	No				
4	Measures to account for transport	No				
5	Other measures for accounting	No				
6	Measures to secure production	No				
7	Measures to secure use	No				
8	Measures to secure storage	No				
9	Measures to secure transport	No				
10	Other measures for securing	No				
11	Regulations for physical protection of facilities/materials/transport	No				
12	Licensing of nuclear installations/entities/use of materials	No				
13	Reliability check of personnel	No				
14	Measures to account for/secure/physically protect means of delivery	No				
15	National regulatory authority	No				

<i>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?</i>		<i>National legal framework</i>		<i>Enforcement: civil/criminal penalties, and others</i>		<i>Remarks</i>
		<i>YES</i>	<i>If YES, indicate source document</i>	<i>YES</i>	<i>If YES, indicate source document</i>	
16	IAEA Safeguards Agreements	Yes	1. IAEA Safeguards Agreement in force since 9 November 1972 2. Additional Protocol in force since 9 April 2003			http://www.iaea.org/OurWork/SV/Safeguards/sir_table.pdf
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	No				
19	Other agreements related to IAEA	No				
20	Additional national legislation/regulations related to nuclear materials including CPPNM	No				
21	Other					

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

State: **Democratic Republic of the Congo**

Date of report:

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	Yes	1. Legislative Order No. 79/114 of 15 May 1979 2. Legislative Order 78/002 of 6 January 1978		1. Legislative Order No. 79/114 of 15 May 1979 2. Legislative Order 78/002 of 6 January 1978	http://www.minfinrdc.cd/regies/ofida/ofida.htm
2	Technical support of border control measures	No				
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	No				
4	Enforcement agencies/authorities	No				
5	Export control legislation in place	No				
6	Licensing provisions	No				
7	Individual licensing	No				
8	General licensing	No				
9	Exceptions from licensing	No				
10	Licensing of deemed export/visa	No				
11	National licensing authority	No				
12	Interagency review for licences	No				
13	Control lists	No				
14	Updating of lists	No				
15	Inclusion of technologies	No				
16	Inclusion of means of delivery	No				
17	End-user controls	No				

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	
18	Catch all clause	No				
19	Intangible transfers	No				
20	Transit control	No				
21	Trans-shipment control	No				
22	Re-export control	No				
23	Control of providing funds	No				
24	Control of providing transport services	No				
25	Control of importation	No				
26	Extraterritorial applicability	No				
27	Other	-				

OP 3 (c) and (d) and related matters from OP 6 and OP 10 — Controls of CW including Related Materials

State: **Democratic Republic of the Congo**

Date of report:

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW 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	Yes	1. Legislative Order No. 79/114 of 15 May 1979 2. Legislative Order 78/002 of 6 January 1978		1. Legislative Order No. 79/114 of 15 May 1979 2. Legislative Order 78/002 of 6 January 1978	http://www.minfinrdc.cd/regies/ofida/ofida.htm
2	Technical support of border control measures	No				
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	No				
4	Enforcement agencies/authorities	No				
5	Export control legislation in place	No				
6	Licensing provisions	No				
7	Individual licensing	No				
8	General licensing	No				
9	Exceptions from licensing	No				
10	Licensing of deemed export/visa	No				
11	National licensing authority	No				
12	Interagency review for licences	No				
13	Control lists	No				
14	Updating of lists	No				
15	Inclusion of technologies	No				
16	Inclusion of means of delivery	No				
17	End-user controls	No				

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW 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	
18	Catch all clause	No				
19	Intangible transfers	No				
20	Transit control	No				
21	Trans-shipment control	No				
22	Re-export control	No				
23	Control of providing funds	No				
24	Control of providing transport services	No				
25	Control of importation	No				
26	Extraterritorial applicability	No				
27	Other					

OP 3 (c) and (d) and related matters from OP 6 and OP 10 — Controls of NW including Related Materials

State: **Democratic Republic of the Congo**

Date of report:

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	Yes	1. Legislative Order No. 79/114 of 15 May 1979 2. Legislative Order 78/002 of 6 January 1978		1. Legislative Order No. 79/114 of 15 May 1979 2. Legislative Order 78/002 of 6 January 1978	http://www.minfinrdc.cd/regies/ofida/ofida.htm
2	Technical support of border control measures	No				
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	No				
4	Enforcement agencies/authorities	No				
5	Export control legislation in place	No				
6	Licensing provisions	No				
7	Individual licensing	No				
8	General licensing	No				
9	Exceptions from licensing	No				
10	Licensing of deemed export/visa	No				
11	National licensing authority	No				
12	Interagency review for licences	No				
13	Control lists	No				
14	Updating of lists	No				
15	Inclusion of technologies	No				
16	Inclusion of means of delivery	No				
17	End-user controls	No				

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	
18	Catch all clause	No				
19	Intangible transfers	No				
20	Transit control	No				
21	Trans-shipment control	No				
22	Re-export control	No				
23	Control of providing funds	No				
24	Control of providing transport services	No				
25	Control of importation	No				
26	Extraterritorial applicability	No				
27	Other	-				

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

State: Democratic Republic of the Congo

Date of report:

Can information be provided on the following issues?		YES		Remarks
1	Control lists — items (goods/ equipment/materials/technologies)	No		
2	Control lists — other	No		
3	Assistance offered	No		
4	Assistance requested	No		
5	Assistance in place (bilateral/ plurilateral/multilateral)	No		
6	Information for industry	No		
7	Information for the public	No		