

Translated from French

Permanent Mission of France to the United Nations

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The Permanent Mission of France to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004), and has the honour to transmit herewith France's action plan for the implementation of resolution 1540, and its annex, concerning the principal actions or cooperative activities undertaken by France pertaining to the implementation of resolution 1540. The Permanent Mission of France to the United Nations would be grateful if the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) would circulate them among the members of the 1540 Committee and publish them on the Committee's website.

France's 1540 and technical assistance points of contact remain the same (the Subdirectorate for Disarmament and Nuclear Non-Proliferation, and the Ministry of Foreign and European Affairs).

The Permanent Mission of France to the United Nations takes this opportunity to convey to the Chairman of the Committee established pursuant to resolution 1540 (2004) the renewed assurances of its highest consideration.

New York, 27 September 2011

His Excellency Mr. Baso Sangqu

Ambassador, Permanent Representative of South Africa to the United Nations

Chairman of the Committee established pursuant to resolution 1540 (2004)

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FRANCE

United Nations Security Council resolution 1540

- Action Plan -

Introduction

Resolution 1540, adopted by the United Nations Security Council in 2004, is an effective response by the international community to the threat that the proliferation of weapons of mass destruction and their means of delivery poses to international peace and security. Full implementation of the resolution is crucial to our collective security and must continue to be maintained. France, which has submitted three reports on implementation to the United Nations 1540 Committee (on 28 October 2004, 25 August 2005 and 15 December 2007), remains fully committed to the pursuit of this objective, both nationally and in terms of support to other countries upon request.

On 20 April 2011, by unanimously adopting resolution 1977 (2011), which extends the mandate of the 1540 Committee for a period of 10 years, the Security Council sent a clear and united message about the need for long-term action on the part of the international

community to combat this threat to international peace and security. France welcomes the adoption of this resolution, which inter alia strengthens the Committee's goals as regards assistance to requesting States.

Security Council resolution 1810 (2008) "encourages all States that have submitted such reports to provide, at any time or upon the request of the 1540 Committee, additional information on their implementation of resolution 1540 (2004)." In addition, the 1540 Committee, in its 2008 report, invited States to prepare position papers and national action plans "mapping out their priorities and plans for implementing the key provisions of resolution 1540 (2004), and to submit those plans to the Committee" in order for the Committee to strengthen "its role in facilitating technical assistance for implementation of resolution 1540 (2004)."

In that regard, the Government of France has prepared an action plan on the national implementation of resolution 1540 (2004), with contributions from the Ministry of Foreign and European Affairs (MAEE), the Ministry of the Interior, the Ministry of Finance, the Ministry of Defence, the Secretariat of Defence and National Security (SDSN), the Atomic

Energy Agency (CEA), and the Institute for Radiation Protection and Nuclear Safety

(IRSN). This action plan is intended to present, as a complement to the letter sent to the Committee on 25 June 2008 regarding assistance measures, the actions taken by France to promote resolution 1540 in international forums, as well as the principal competencies that France can draw on to provide assistance in the implementation of the resolution.

1. France's actions to promote resolution 1540 in international forums

France is committed to promoting the objectives and framework for action of resolution 1540 whenever possible. Some recent examples are:

- United Nations

In November 2010, the political adviser to the Permanent Mission of France to the United Nations asserted in a statement to the Security Council that nuclear, radiological, chemical or biological terrorism remained one of the principal threats to our security, and he noted that the Council, through resolution 1540, had provided a specific and appropriate response. He also noted that France, jointly with Germany, had that same year submitted in

the First Committee a resolution on preventing the acquisition by terrorists of radioactive sources, which had been adopted by consensus.

In October 2009, at the meeting of the 1540 Committee devoted to a comprehensive review of the implementation of the resolution, France made some proposals with a view to strengthening the Committee's activities in terms of assistance to States experiencing difficulty in implementing the resolution, as mandated in resolution 1810. In particular, France favours stepping up the Committee's assistance activities and strengthening its role as an intermediary in matching offers to requests with respect to assistance. France also favours the introduction of visits to countries by the 1540 Committee, as authorized in resolution 1810, with full respect for the sovereignty of States.

This proactive approach is now reflected in the Committee's programmes of work and the activities of the Committee's working group on assistance, which France has the honour of chairing. In addition, having actively participated in the most recent United Nations conference on financing and providing assistance to States experiencing difficulty

in implementing resolution 1540, held on 11 July 2007, France supports the organization of another conference in Paris soon.

- *European Union*

France has encouraged the European Union to take greater account of the threat posed by the proliferation of weapons of mass destruction and their means of delivery, particularly in the context of the New Lines for Action in Combating Proliferation, adopted during the French presidency of the European Union. The renewal of these New Lines, in 2011, actively promoted by France, will be an opportunity to extend and specify the actions that have already been carried out.

France has also given its full support to the EU Council Joint Action in support of the implementation of resolution 1540, dated 14 May 2008. As a result of this initiative, six regional seminars were organized, jointly with the United Nations Office for Disarmament Affairs, in which more than ninety countries participated.

- *G8*

During its presidency of the G8 in 2011, France is coordinating the measures to be taken on behalf of the G8 vis-à-vis States that have not yet submitted their first report on the implementation of the resolution. Producing this report is the first step in evaluating the gaps that exist in legislation, regulations or application, after which the necessary measures can be taken for improved implementation. This initiative is also designed to encourage countries to work with the Committee to identify their potential assistance needs. The Chair of the 1540 Committee will be kept informed of the outcomes.

As part of the focus on the future of the G8 Global Partnership, France supports strengthening links between the Partnership and the 1540 Committee for the implementation of specific technical cooperation projects aimed at reducing the development-related risks of certain sensitive nuclear, chemical and biological technologies, in order to strengthen international action in combating the proliferation of weapons of mass destruction and their means of delivery.

- *Proliferation Security Initiative (PSI)*

In the context of the Initiative, France supports the idea of strengthening national and international legislation with a view to intercepting proliferation flows. Owing to its unquestionable legitimacy, resolution 1540 provides a legal basis for States to take effective measures to enforce the sanctions adopted by the Security Council against States suspected of undertaking illegal proliferation activities.

- *The Financial Action Task Force (FATF)*

France actively supports strengthened measures to combat the financing of proliferation (paragraphs 2 and 3(d) of resolution 1540) and would like FATF to adopt measures on the proliferation of weapons of mass destruction and their means of delivery similar to those on the financing of terrorism. Such measures could take the form of "special recommendations" whereby the States members of FATF would agree in particular to criminalize proliferation financing in their national legislation, provide the necessary legal basis for freezing the financial assets of proliferation entities, cooperate with international enquiries, and request banks to monitor transactions and report any suspect payments to the financial intelligence unit.

- *Organization for Security and Cooperation in Europe (OSCE)*

France supports the efforts made to strengthen the relationship between OSCE and the 1540 Committee. If regional security organizations like OSCE were to take greater account of the objectives of resolution 1540, enforcement of the resolution could be improved through the development of calibrated approaches that corresponded to the different challenges and specificities of each region.

- *The Hague Code of Conduct (HCOC)*

With regard to ballistic proliferation, France is committed to fulfilment of the principles of resolution 1540, in particular through the universalization of the Hague Code of Conduct. The aim of HCOC is to introduce transparency measures into the development of ballistics programmes; it comprises 133 countries to date. France, which is HCOC Chair for 2011, is promoting broader support for this instrument and the enhancement of its effectiveness.

2. Specific activities in support of implementation of the resolution

- *Strengthening the national legislative framework*

At the national level, France adopted a government plan for intercepting proliferation flows in February 2009. In addition, the Prime Minister's Office has circulated an interministerial instruction aimed at alerting all ministries to the various aspects of combating proliferation.

France has also reorganized its national controls over the export of dual-use items, on the basis of European regulation No. 428/2009 of 5 May 2009. The processing of all applications for export authorization for dual-use items is now centralized in the Department of Dual-use Items, under the aegis of the Ministry of Economic Affairs, Finance and Industry. Additionally, a decree of 18 March 2010 created the Interministerial Committee on Dual-use Items, chaired by the MAEE, which is responsible for processing the most sensitive cases.

Lastly, a law modernizing the legislative mechanisms for combating the proliferation of weapons of mass destruction and their means of delivery was adopted on 14 March 2011.

This law specifies the offences pertaining to the proliferation of nuclear, chemical and

biological weapons, criminalizes some additional acts, including proliferation financing, and consolidates the deterrent effects. It increases sentences for offences involving the proliferation of missiles and those falling within the control regime for dual-use items. It reinforces the procedural modalities for combating proliferation, on the basis of the rules currently applicable to combating terrorism. This law implements the 2008 White Paper on national defence and security and gives specific expression to France's commitment to combating proliferation and its compliance with international obligations.

France is willing to share with interested countries the experience it has acquired as regards strengthening national legal instruments to combat proliferation.

- *Consciousness-raising activities*

In 2007, in cooperation with several international partners, France organized a regional seminar in Jakarta to promote the strengthening of regional cooperation in the implementation of resolution 1540 among countries in South-East Asia. A second, similar, seminar was held in 2009 in Abu Dhabi for States in the Middle East and the Persian Gulf.

These seminars, in addition to their stated goals of consciousness-raising and providing

information, enabled the representatives of various States in South-East Asia, and later in the Middle East, to establish relationships with the representatives of States or international organizations that could brief them on the best ways to implement resolution 1540 and on potential assistance measures.

In 2008, during its presidency of the European Union and as part of the Global Initiative to Combat Nuclear Terrorism (GICNT), France organized a seminar on nuclear and radioactive detection in the prevention of terrorism, which provided a forum for an in-depth discussion of the most advanced detection techniques that play a significant role in reducing the risks of nuclear terrorist attacks.

- *Cooperation activities*

Launched in 2003, during its presidency of the G8, France is leading an initiative to locate, secure, and in certain cases repatriate, radioactive sources of French origin that are still present abroad and pose a security risk. Thanks to this initiative, a source located in Côte d'Ivoire and another, located in Madagascar were repatriated in 2003 and 2011 respectively..

Through the Priority Solidarity Fund of the MAEE, France funds and manages numerous cooperation projects designed to combat trafficking and prevent terrorism. For example, in the Sahel, a €3.6 million 3-year project is designed to enhance States' capacity to deal with terrorism and trafficking threats. In addition, on a multilateral level, France contributes to the work carried out by UNODC to prevent terrorism in the region. In Iraq, as part of the European EUJUST LEX programme, France is contributing to the training of Iraqi officials (magistrates, police officers and prison staff).

- *Third-country assistance measures*

France, which is the coordinator of the 1540 Committee working group on assistance, has been involved for a long time in a considerable number of projects relating to cooperation, legal assistance, strengthening of penal systems, judicial cooperation, and combating corruption, which can take the form of audits, staff training, technical assistance, donations of equipment or financing of multiyear projects. All these activities are aimed at capacity-building for States in the most vulnerable regions, so that they can more effectively

prevent and combat trafficking, terrorism and the proliferation of weapons of mass

destruction.

France is able to mobilize broad expertise for State capacity-building and can call on a vast network of trainers, advisers, and customs and legal technical assistants serving in States, particularly in West Africa. The bulk of French activities are in Africa and South-East Asia, where France has already signed a number of cooperation agreements.

With regard to legal assistance, France can provide support for the ratification of international legal instruments or the elaboration of legislation and regulations (adapting international texts for domestic legislation).

- *Additional measures*

The annex to the action plan gives examples of the activities France has undertaken in support of the effective implementation of resolution 1540. This list of initiatives, which is by no means comprehensive, is noteworthy for its breadth and diversity: programmes can be local or regional and cover extremely varied areas (nuclear, chemical and biological); they deal with both technical and legislative measures.

3. Competencies offered by France with regard to assistance for the implementation of resolution 1540

In each of the areas listed in the resolution, France can offer its assistance in the following sectors:

United Nations Security Council resolution 1540 (2004) (para 3): The Security Council [...]

decides also that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials,

i.e.:

(a) Accounting for and securing such items in production, use, storage or transport

- accounting for nuclear, biological, chemical and radiological materials;
- securing the transportation of dangerous materials, in particular nuclear and radiological materials;

(b) Physical protection measures

- physically securing nuclear and biological materials and facilities;
- providing equipment for handling and transporting dangerous items;
- training detection staff (chemical, nuclear, radiological and biological);
- providing radiological detection equipment;
- assistance with the implementation of protection and security plans;

(c) Border controls and law enforcement

- cooperation and capacity-building of customs and police officers;
- training in export controls;
- training for border police;
- legal assistance for the establishment of an information system on export controls and combating proliferation;
- cooperation in the establishment of an effective legal system;
- training staff and providing equipment to strengthen border controls;

(d) National export and trans-shipment controls

- training in the issuance of permits and compliance with regulations in connection with the import and export of sensitive, chemical and biological materials and technologies;
- training in the issuance of permits and compliance with regulations in connection with the import and export of nuclear materials and technologies or dual-use materials and technologies in the nuclear and ballistic fields;
- technical inspection and evaluation of dual-use merchandise and technologies in the military, nuclear, missile, chemical and biological sectors in accordance with the Missile Technology Control Regime, the Nuclear Suppliers Group, the Australia Group and the Wassenaar Arrangement;
- training of personnel in this sector;

Other areas of French expertise

- identifying, securing and, where necessary, repatriating, radioactive sources;
- advice on strengthening domestic legislation;
- strengthening the police, the legal system and customs;

- strengthening regional cooperation in combating trafficking and terrorism.

France would consider the possibility of other capacity-building activities and urges countries wishing to receive assistance to fully outline their requested areas of intervention.

In that regard, France appreciates the experts' summaries of the requests for assistance transmitted to the Committee as they will facilitate a more effective response to the enormous challenges involved in implementing the resolution.

Expressions of interest with regard to a request for assistance should be addressed to France's 1540 Point of Contact, the Subdirectorate for Disarmament and Nuclear Non-proliferation in the MAEE, or the Permanent Mission of France to the United Nations, for the attention of the French representative on the 1540 Committee.

Conclusion

The preparation of this action plan has provided various ministries and bodies of the French Government with the opportunity to coordinate activities relating to resolution 1540

and to share them with the international community. France encourages other United

Nations Member States to regard the drawing up of this type of plan as an opportunity to

increase national and international dialogue, in order to strengthen the implementation of the

resolution.

The 1540 Committee is an important part of the international architecture for combating the proliferation of weapons of mass destruction and their means of delivery.

France welcomes the extension of the Committee's mandate on 20 April 2011 as an opportunity for the Committee to strengthen its activities, in particular with regard to providing assistance.

ANNEX: Principal actions or cooperative activities undertaken by France pertaining to the
implementation of resolution 1540

France actively supports the implementation of United Nations Security Council resolution 1540 through its coordination of the 1540 Committee working group on assistance. Its actual assistance takes the form of multiple international, regional and local cooperation projects, which fall into different categories but have a principal focus on technical assistance, training (technical and awareness-raising), financing and audit.

1. Principal technical assistance and support projects

Target country/ international organization	Nature and timetable of the project	Ministry or administration involved	Total cost of the project
Russia	Shchuchye project - Contribution to the construction of a chemical weapons destruction factory - completed in May 2009	MAEE Ministry of Defence CEA	€5.2 million
Russia	Gremishka - securing and eliminating nuclear fuel on	MAEE Ministry of Defence CEA	To end of 2009: €6.2 million From 2010 to 2012:

	former naval bases - 2004/2012	IRSN	€19.5 million
Niger	Launching a comprehensive policy for combating transnational crime (proliferation)	MAEE - Priority Solidarity Fund	€4 million
Georgia - Azerbaijan	Development of tools for combating the bioterrorist threat. Work in the field of bacteriophages and tests on strains of plague - 2010/2012	MAEE Ministry of Defence CEA	From 2010 to 2012: €500,000
Madagascar	Repatriation of a radioactive source at the Antananarivo - 2006/2010	CEA MAEE	€150,000
IAEA	French expertise: monitoring a MOX production factory, satellite imagery, development of equipment. Participation since 1982.	CEA MAEE (International Relations Department (DRI), Military Applications Department(DAM)) IRSN AREVA	€150,000 €9 million total contribution since 2002
WHO Member	Creation of an	Ministry of	€1.5 million over 3

States	epidemiological surveillance platform - project launched in 2010 (6 months)	Agriculture	years
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2. Principal training and consciousness-raising projects

Target country/ international organization	Nature and timetable of the project	Ministry or administration involved	Total cost of the project
United Arab Emirates and Jordan	Raising awareness of nuclear security and information activities on nuclear security in France. UAE: 2009/ Jordan: 2010.	Ministry of Ecology, Sustainable Development, Transport and Housing	State financing (MAEE and Ministry of Defence)
European Union	Training in nuclear and radiological security. Project launched in 2009.	CEA and the European Commission Joint Research Centre	€5 million over 3 years
Dubai	Detection of nuclear and/or radiological products (training of various departments: domestic security, customs, defence). Project being developed.	CEA General Directorate of the National Police Customs	30 to 40 men mobilized per day (€30,000-40,000)
Burundi	Creating and training	MAEE - Priority	€2 million

	the new national police force. Project launched in 2005.	Solidarity Fund	
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3. Principal financing projects

Target country/ international organization	Nature and timetable of the project	Ministry or administration involved	Total cost of the project
Burkina Faso	Modernization of the drug testing laboratory. Building the operational capacity of investigative services. Project launched in 2006.	MAEE - Priority Solidarity Fund	€6.5 million
Sahel	Support for the Sahel JUSSEC security plan. Date: 2009/2012.	MAEE - Priority Solidarity Fund	€4 million
IAEA	Contribution to the IAEA Nuclear Security Fund since 2002	CEA	2010: €70,000 2009: €50,000 2008: €50,000

Principal audit projects

Target country/ international organization	Nature and timetable of the project	Ministry or administration involved	Total cost of the project
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Georgia	Searching for radioactive sources with the HELINUC system. Project launched in 2000.	CEA	300 men per day €300,000
IAEA	Assistance in the field of securing and repatriating radioactive sources. Project launched in 2009	CEA/International Relations Department (DRI) MAEE The International Police Task Force - "GIP Sources" IRSN	Financed by the CEA