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New York, NY 10017

August 12, 2010

H.E Mr. Claude Heller
Permanent Representative of Mexico
to the United Nations
Two United Nations Plaza, 28th floor
New York, NY 10017

Dear Ambassador,

The Permanent Mission of Canada to the United Nations presents its compliments to the 1540 Committee and has the honour to submit Canada's summary action plan regarding its implementation of United Nations Security Council Resolution 1540 (2004).

Yours sincerely,

//original signed//
John McNee
Ambassador and
Permanent Representative

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**United Nations Security Council Resolution 1540
Summary Action Plan**

CANADA

Introduction

The Government of Canada is pleased to submit this summary action plan on its implementation of United Nations Security Council Resolution 1540 (2004). Operational Paragraph 4 of UNSCR 1810 (2008) “encourages all States to prepare on a voluntary basis summary action plans, with the assistance of the 1540 Committee as appropriate, mapping out their priorities and plans for implementing the key provisions of Resolution 1540 (2004), and to submit those plans to the 1540 Committee.”

This summary action plan is a result of consultation with a range of Government of Canada departments and agencies with responsibilities for the implementation of the various provisions of UNSCR 1540. These included: the Department of Foreign Affairs and International Trade; the Canada Border Services Agency; Transport Canada; the Canadian Nuclear Safety Commission; the Royal Canadian Mounted Police, and Public Works and Government Services Canada. It should be noted that as a summary, this report is not intended to be comprehensive; rather, it offers an indication of some of the most important planned areas of Canadian engagement on UNSCR 1540.

Specific actions in support of UNSCR 1540

Canada submitted three reports to the UNSCR 1540 Committee, in December 2004, March 2006, and January 2008 on its implementation of the Resolution.

Appendix 1 to this report details key specific actions that the Government of Canada has taken and intends to take to support UNSCR 1540. These initiatives are notable for their breadth and diversity: domestic and international; nuclear, chemical, and biological; legislative, policy, and programming. Together, they demonstrate Canada’s continuing strong commitment to implement UNSCR 1540 at home and to assist other states in meeting their own obligations.

Canadian advancement of UNSCR 1540 through international fora

United Nations

In September 2009, the Permanent Representative of Canada to the United Nations, John McNee, delivered Canada’s statement to the 2009 Comprehensive Review of the Status of Implementation of UNSCR 1540. Among his key points, Ambassador McNee underscored that through our 2010 G8 presidency, Canada intends to deepen the dialogue between the 1540 Committee and G8 on how the two can collaborate to ensure that states have the capacity to implement UNSCR 1540. The Chair of the 2010 G8 Non-Proliferation Directors’

Group (NPDG), André François Giroux, was pleased to exchange views with the 1540 Committee Chair, Ambassador Claude Heller, in April 2010. Ambassador Heller has accepted Canada's invitation to the fall NPDG meeting which will provide an excellent opportunity to continue exploring ways to enhance cooperation between the G8 and the 1540 Committee, in line with the outcome of the Comprehensive Review of the Status of the Implementation of the resolution.

G8

As part of its 2010 G8 presidency, Canada will lead a démarche to the 27 states which have not yet filed a first report on how they are implementing UNSCR 1540. We recognize that reporting is a first step to assessing gaps in legislation, regulations, and enforcement, and then taking measures to address these gaps. Canada will inform the Chair of the 1540 Committee and the Committee experts of the results of the démarche.

Proliferation Security Initiative / Global Initiative to Combat Nuclear Terrorism

Canada continues to support key voluntary non-proliferation mechanisms, such as the Proliferation Security Initiative (PSI) and the Global Initiative to Combat Nuclear Terrorism (GICNT). OP10 of UNSCR 1540 "calls upon all States, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical, or biological weapons, their means of delivery, and related materials." Among their contributions, the PSI and GICNT play a vital role in sharing information among experts and conducting exercises with the aim of reducing proliferation risks. Canada notes U.S. President Obama's declaration in his speech in Prague on April 5, 2009 that the PSI and GICNT should become "durable international institutions." Going forward, Canada will continue to highlight how these fora help to contribute to the implementation of UNSCR 1540, and promote participation in them. We also intend to plan a GICNT activity in the fall of 2011.

Canadian capacity-building projects in support of UNSCR 1540

As part of its international capacity building on UNSCR 1540 and in co-operation with international partners, Canada funded an awareness-building workshop in Santo Domingo, Dominican Republic, in February 2008. Officials took part from the following states: Barbados; the Dominican Republic; Haiti; Jamaica; St. Kitts and Nevis; and Trinidad and Tobago. As follow-up, Canada supported a subsequent workshop on export controls and maritime security in Kingston, Jamaica, in June 2009. Officials attended from the following states: Antigua and Barbuda; Barbados; Belize; Dominican Republic; Haiti; Jamaica; St. Kitts and Nevis; St. Lucia; and St. Vincent and the Grenadines. We are pleased that the agenda for this workshop moved beyond the vital first step of awareness building to focus on specific requirements of the Resolution. We are also pleased that a baseline of 1540 reporting has been conducted by most Caribbean states.

Canada appreciates the summaries of the 1540 assistance requests which have been prepared by the 1540 Committee experts. We have conducted our own evaluation of the requests and will share an analysis with G8 colleagues.

Possible opportunities for future Canadian capacity-building in support of UNSCR 1540

In August 2009, Canada submitted updated information on possibilities for direct assistance and assistance through international organizations, which was posted on the 1540 Committee website. In this summary action plan, Canada reiterates its willingness to consider requests for assistance. The key provisions of OP3 of UNSCR 1540 are set out below, with details on potential Canadian expertise in bullet points:

OP3: 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 involving ...

(a) Accountancy and security of such items in production, use, storage, or transport

- Nuclear and biological material accountancy
- Transportation of dangerous goods, including nuclear materials

(b) Physical protection measures

- Physical security of nuclear and biological materials and facilities

(c) Border controls and law enforcement

- Customs and excise / law enforcement
- Export controls, border enforcement, export control/proliferation intelligence and enforcement

(d) National export and trans-shipment controls

- Licensing and enforcement of imports and exports of nuclear, missile, chemical and biological goods and technologies
- Licensing and control of imports and exports of nuclear and nuclear-related dual-use goods and technology
- Technical review and assessment of dual-use, military, nuclear, missile, chemical and biological goods and technologies under the Missile Technology Control Regime, Nuclear Suppliers Group, Australia Group and Wassenaar Arrangement

Other areas of Canadian expertise

- Flag state consent for interdictions

- ☐ Marine security policy and innovation
- ☐ International capacity-building on marine security issues
- ☐ Management of controlled goods programs

In terms of Canadian consideration of additional capacity-building activities, it should be noted that they would be contingent upon: a precise project proposal; a close match between the needs of the requesting state and the specific expertise a Canadian government department/agency could offer; and the identification of a source of funding.

Expressions of interest in possible Canadian assistance should be directed to Nicholas Brousseau, Senior Policy Officer, Non-Proliferation and Disarmament Division, Department of Foreign Affairs and International Trade (nicholas.brousseau@international.gc.ca) and Chantale Walker, First Secretary (Political) at the Permanent Mission of Canada to the United Nations (chantale.walker@international.gc.ca).

Path forward: 1540 Committee renewal

OP6 of UNSCR 1810 (2008) extended the mandate of the 1540 Committee for three years, until April 25, 2011. As the Committee approaches the final phase of its current mandate and in anticipation of discussions about an extension, Canada believes that it is opportune to reflect on the structure and working methods of the Committee.

In particular, Canada notes that a challenge in moving forward is advancing beyond the awareness-building stage towards detailed implementation of the specific provisions of the Resolution. While recognizing that four working groups have already been established, Canada submits that effective implementation will require specialized expertise in each of key paragraphs of the Resolution: 1, 2, and 3(a)-(d). One possibility that could be considered is the establishment of informal groups of non-proliferation experts for each of these provisions. The knowledge required to implement accountability and security of nuclear, chemical, and biological weapons and their means of delivery is likely to differ significantly from, for example, border controls and law enforcement efforts to detect, deter, prevent, and combat the illicit trafficking and brokering in such materials. Experts from governments, non-governmental organizations, think-tanks, and universities could be drawn upon to provide advice in each of the specialized areas.

Additionally, UN member states may wish to reflect on the organizational support required to secure UNSCR 1540 implementation. While the idea of regional 1540 coordinators has taken root, UNSCR 1540, as a United Nations Resolution, still requires central direction. One possibility in moving forward would be the consideration of a New York-based facilitator who could provide the knowledge, advice, leadership and vision necessary to advance this highly complex and important Resolution.

Conclusion

The preparation of this summary action plan has provided an opportunity for Canadian government departments and agencies to both confer on their wide-ranging 1540-related

activities and to share these with the international community. Canada encourages other UN member-states to consider the preparation of such plans as a means of deepening dialogue domestically and internationally and strengthening the tangible implementation of the Resolution.

Appendix I Canadian actions in support of UNSCR 1540

While Canada has supported several activities to directly advance 1540 implementation, as outlined above, it should be underscored that there are other initiatives that do not have a 1540 “label” on them, but nonetheless support one or more of the provisions of the Resolution.

In terms of Canada’s overall legislative/regulatory framework and its implementation, particular actions have been taken and will be taken regarding domestic controls to prevent the proliferation of biological and chemical weapons. For example:

- On June 23, 2009, *The Human Pathogens and Toxins Act* (HPTA) received Royal Assent. The Act is designed to protect the health and safety of the public in Canada against the risks posed by human pathogens and toxins, while allowing science and research to progress. The HPTA establishes legal prohibitions and authorities to govern human pathogens and toxins in Canada, and brings into legal force a number of obligations, including the requirement for those responsible for activities involving certain human pathogens or toxins to provide basic information to the Public Health Agency of Canada.
- On March 11, 2010, the *Declarations Regulations (Chemical Weapons Convention)* pursuant to the *Chemical Weapons Convention Implementation Act* came into force. These regulations impose an obligation on persons who is involved in the production, possession, consumption, export or import of certain chemicals. These persons must provide the Canadian National Authority with prescribed information in the prescribed manner and at the prescribed time. They must also keep and maintain the prescribed documents in Canada, and, on request, provide these proposed documents to the National Authority. These new regulations allow the Government of Canada to submit annual declarations to the Organization for the Prohibition of Chemical Weapons (OPCW) regarding national activities involving chemicals listed in the CWC.

In terms of nuclear, it should be reiterated that Canada is a Non-Nuclear Weapons State under the Treaty on the Non-Proliferation of Nuclear Weapons. In other nuclear dimensions, Canadian government department and agencies have indicated they are taking and intend to take key steps, especially in relation to OP3 of UNSCR 1540. The four key provisions of OP3 are set out below in italics, with bullet points referencing key actions.

(a) Accountancy and security of such items in production, use, storage, or transport

- In terms of the domestic dimension, Canada will implement by January 1, 2011 the updated regulatory requirements on licensees to report on holdings of uranium, plutonium and thorium.
- With regard to international engagements, to date, Canada's Global Partnership Program has spent more than C\$122M on nuclear and radiological security in Russia and countries of the Former Soviet Union, and continues to make concrete contributions to improve the security of nuclear material - in storage as well as transport - across the region.
- Canada has contributed approximately C\$12M through the International Atomic Energy Agency's (IAEA) Nuclear Security Fund (NSF) to strengthen nuclear security in various countries of the Former Soviet Union, making Canada the third largest country donor to the IAEA NSF.
- Canada's Global Partnership Program has contributed over C\$10 million towards the securing and removal of 59 highly radioactive sources used to power lighthouses (radioisotope thermoelectric generators or RTGs) from the Northern Sea Route and the Far East region in Russia, as well as funding for the development of a RTG strategic Master Plan and the provision of security shielding containers.
- Canada has committed over C\$200 million towards the construction of two Chemical Weapon Destruction Facilities in Russia. For both sites, Shchuch'ye and Kizner, Canada is providing or has already provided essential equipment for the Main Destruction Buildings. The Canadian contribution to Shchuch'ye, through the United Kingdom's bilateral assistance program with Russia, also included the construction of a railroad for transferring 1.9 million chemical agent filled shells from the storage location to the destruction site. This facility, which began operation in early 2009, played a critical role in helping Russia destroy nearly 48% of its chemical weapons stockpiles as of June 2010 and continues to help Russia in fulfilling its obligations, under the Chemical Weapons Convention, to destroy its entire stockpile by the end of April 2012.
- Canada, in cooperation with the United States, is introducing the Pathogen Asset Control System (PACS) to the laboratory network of the Kyrgyz Republic, to assist with the tracking and accounting of dangerous pathogenic material.

(b) Physical protection measures

- At the Nuclear Security Summit, held from on April 12-13, 2010, Canada's Prime Minister, Stephen Harper, announced that Canada will work with the United States, Mexico, and the IAEA to convert Mexico's research reactor to enable it to use low-enriched uranium instead of highly-enriched uranium. This will enable the elimination of all the remaining highly enriched uranium from Mexico and enhance its nuclear security.

- Prime Minister Harper further announced at this Summit that Canada will work with the United States and Vietnam to convert Vietnam's Dalat reactor to enable it to use low-enriched uranium instead of highly-enriched uranium. This will enable the elimination of all the remaining highly enriched uranium from Vietnam and enhance its nuclear security.
- Canada has provided bilateral funding for the improvement of physical security at ten nuclear facilities in Russia.
- As part of its comprehensive C\$45 million biosafety and biosecurity enhancement program in the Kyrgyz Republic, Canada is constructing a new BSL-3 biocontainment facility in Bishkek, to consolidate that country's collection of dangerous pathogens in a secure and safe facility.

(c) Border controls and law enforcement

- Canada has helped enhance border security in Ukraine to prevent the illicit trafficking of nuclear materials through US Department of Energy (US DoE) Second Line of Defense program. Canada has contributed approximately C\$10M to help the US DoE provide radiological detection and communication equipment and to train Ukrainian border guards at various sites, including the Boryspil International Airport in Kyiv, vehicle border crossings, the Odessa airport and seaport, and the Illichevsk seaport.
- As part of its approximate C\$12 million contribution to the IAEA NSF, Canada has also contributed C\$2M to help strengthen Ukrainian nuclear security. This includes the purchase of equipment used by the Ukrainian Border Guard Service including four portal radiation monitors, four radioisotope identification devices, 320 personal radiation devices, and one train monitor.
- Canada is providing funding, in cooperation with the United Kingdom, to the London-based non-governmental organization Verification Research, Training and Information Centre (VERTIC) for its National Implementation Measures (NIM) programme. This initiative provides interested States with expert assistance in the development of national legislation required under Article VII of the CWC (national implementation measures) and Article IV (development, production, stockpiling, acquisition, or retention of the agents, toxins, weapons, equipment and means of delivery) of the BTWC.

(d) National export and trans-shipment controls

- At the domestic level, Canada will implement new end-user (catch-all) control found in amended *Nuclear Non-proliferation Import and Export Control Regulations*
- At the international level, Canada will participate in relevant activities in the Nuclear Suppliers Group and Zangger Committee including the Nuclear Suppliers Group list review and ongoing work to establish best practices and guidelines for export controls.

- 7. Canada has helped strengthen the security of nuclear material during transport in Russia, including the provision of 6 specialized cargo trucks and 5 special railcars to the Russian State Atomic Energy Corporation (Rosatom).
- 8. As part of its comprehensive biosafety and biosecurity enhancement program in the Kyrgyz Republic, Canada has provided three dedicated TDG vehicles to the Kyrgyz government, to be shared between the Ministries of Health and Agriculture. Canada continues to facilitate the provision of expert advice and support on the transportation of dangerous goods.