Madam Chairperson,
Ladies and gentlemen,
Distinguished Colleagues

Let me first thank you again, Madam Chairperson, for the organization of this second session of informal consultative meeting of the High-Level Fissile Material Cut-Off Treaty (FMCT) Expert Preparatory Group, and for the remarkable way in which you are leading our work.

The stimulating debates we had yesterday reflected the importance and the relevancy of an FMCT as a necessary step in pursuing our nuclear disarmament commitments regarding the NPT, and I am pleased to have the opportunity to continue this excellent work today.

In this regard, I’d like to thank you for inviting me to speak on the issue of institutional and legal arrangements, which are the backbone of a future FMCT.

Madam Chairperson, distinguished colleagues,

Our work on institutional and legal arrangements aims at defining the features of the bodies which will be in charge of implementing and enforcing the future Treaty.
We have identified three fundamental principles: the **fair representation** of States parties, the **efficiency of the decision-making** process, and the **financial sustainability** of the regime.

We must also **establish fundamental legal rules** that will form the framework of the Treaty, notably concerning its entry into force, amendments, the settlement of disputes, and the exercise of the right to withdraw from the Treaty.

It is particularly important to ensure the credibility of the Treaty, its efficacy and to preserve each State party supreme interests.

Madam Chairperson, distinguished colleagues,

1/ **Let me first address the issue of the institutional arrangements of a future FMCT**

In our views, the Treaty should **establish an Organization** to ensure the respect of the engagements taken by States within the frame of an FMCT.

**Synergies could be sought with the IAEA, based on its experience and its human and technical resources.** We should specify the links between the IAEA and the FMCT-Organization, in accordance with the governance structure and the mandate of each organization, for example through a cooperation agreement.

Independently of the appointed body (IAEA or body created by the Treaty), we consider that it is necessary for the FMCT to have a **governance structure that represents all States Parties** and which ensures the implementation of the provisions of the Treaty.

Therefore France recommends the establishment of:

- A **governing body**, or a Conference of States Parties, that should be made up of representatives of all States Parties to the FMCT. As the main body of the Treaty, it would aim at reviewing its implementation;

- An **executive body**, or executive Council, acting in compliance with the decisions of the Conference of State Parties. The limited number of States sitting on the Executive Council should be determined in accordance with the principle of rotation and on the basis of an equitable geographical distribution;

- A **technical body**, or technical Secretariat, designed to assist the States Parties and the other bodies created by the Treaty in implementing the provisions of the Treaty.
Financing could be provided from contributions of States Parties, based on the UN Scale of Assessments, adjusted in relation to the difference in the number of States Parties.

It is however important, as already mentioned in my introduction, that the financial effort required from States Parties remains sustainable. As we discussed yesterday, we must be careful about the fact that an overly extensive approach to verification might induce an exponential increase in the budget that will be necessary for its implementation.

Madam Chairperson, distinguished colleagues,

2/ Let me now address the issue of the legal arrangements for a future FMCT.

A/ Let me first recall some general ideas

The objective of the FMCT should be the same for all States Parties, irrespective of their status, namely a ban of the production of fissile material for nuclear weapons or other nuclear explosive devices.

The drafting of the treaty should preserve the universal nature of the provisions, as recommended in document CD/1299, reflecting the example of the CTBT.

The principle of non-discrimination is obviously without prejudice to the non-proliferation obligations under Articles I and II of the NPT.

B/ Once these principles are set, in practical terms:

In order to assess the credibility and the efficiency of the Treaty, it is in our views necessary to combine three elements:

1. simple conditions for entry into force
2. indefinite duration,
3. a ratification by the main countries concerned by the production of fissile material for nuclear weapons

Lessons must indeed be learned from the non-entry into force of the CTBT, so as to avoid conditions for entry into force that would be too restrictive and beyond the key purpose of the Treaty.
Having said that, it is however important to take into account the fact that the Treaty will have to be ratified by the main countries concerned by the production of fissile material for nuclear weapons, so as to guarantee its effectiveness.

With the same objective of credibility of the treaty, France recommends an FMCT of an indefinite duration which would preserve the irreversibility of the measures adopted within the framework of this instrument.

As established by the Vienna Convention on the Law of Treaties (1969), each party to the FMCT shall have the right to withdraw, in conformity with the provisions of the treaty, if it decides that extraordinary events related to the subject matter of the Treaty have jeopardized its supreme interests. Such a right to withdraw should however strictly be framed by a clearly defined procedure in order to avoid any abusive exercise of this right. The Treaty may also include a clause stating that the withdrawing State shall continue to be liable for any violation of the Treaty committed prior to its withdrawal.

Lastly, the FMCT could also provide for the possibility for any States Parties to submit amendments, as well as to have recourse to dispute settlement mechanisms. These procedures will have to be framed by specific modalities to be defined.

I thank you./.