



**UNODC**

United Nations Office on Drugs and Crime

# Introduction to the International Convention for the Suppression of Acts of Nuclear Terrorism and UNODC's related assistance

PGA Webinar “Promoting Nuclear and Radiological Security in Africa”

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# Adoption and entry into force

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- Ad hoc committee established by General Assembly Resolution 51/210 (17 Dec 1996)
- Draft presented by the Russian Federation
- Adopted in 2005
- Entered into force in 2007
- 117 States Parties



Countries	Signature	Approval (AA), Acceptance (A), Accession (a), Ratification
Algeria		03/03/2011 (a)
Angola		
Benin	15/09/2005	02/11/2017
Botswana		
Burkina Faso	21/09/2005	
Burundi	29/03/2006	24/09/2008
Cabo Verde		
Cameroon		
Central African Republic		19/02/2008 (a)
Chad		
Comoros		12/03/2007 (a)
Congo		
Côte d'Ivoire		12/03/2012 (a)
Democratic Republic of the Congo		23/09/2010 (a)
Djibouti	14/06/2006	25/04/2014
Egypt	20/09/2005	
Equatorial Guinea		
Eritrea		

Countries	Signature	Approval (AA), Acceptance (A), Accession (a), Ratification
Eswatini	15/09/2005	
Ethiopia		
Gabon	15/09/2005	01/10/2007
Gambia (Republic of the)		
Ghana	06/11/2006	
Guinea	16/09/2005	
Guinea-Bissau		06/08/2008 (a)
Kenya	15/09/2005	13/04/2006
Lesotho	16/09/2005	22/09/2010
Liberia	16/09/2005	
Libya	16/09/2005	22/12/2008
Madagascar	15/09/2005	15/02/2017
Malawi		07/10/2009 (a)
Mali		05/11/2009 (a)
Mauritania		28/04/2008 (a)
Mauritius	14/09/2005	
Morocco	19/04/2006	31/03/2010
Mozambique	01/05/2006	

Countries	Signature	Approval (AA), Acceptance (A), Accession (a), Ratification
Namibia		02/09/2016 (a)
Niger		02/07/2008 (a)
Nigeria		25/09/2012 (a)
Rwanda	06/03/2006	
Sao Tome and Principe	19/12/2005	
Senegal	21/09/2005	
Seychelles	07/10/2005	
Sierra Leone	14/09/2005	
Somalia		
South Africa	14/09/2005	09/05/2007
South Sudan		
Sudan		
Togo	15/09/2005	
Tunisia		28/09/2010 (a)
Uganda		
United Republic of Tanzania		
Zambia		07/04/2017 (a)
Zimbabwe		



# Criminalization

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1. Any person commits an offence within the meaning of this Convention if that person unlawfully and intentionally:
  - (a) **Possesses** radioactive material or makes or possesses a device:
    - (i) With the intent to cause death or serious bodily injury; or
    - (ii) With the intent to cause substantial damage to property or to the environment;

# Criminalization (cont'd)

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- (b) **Uses** in any way radioactive material or a device, or uses or **damages** a nuclear facility in a manner which releases or risks the release of radioactive material:
- (i) With the intent to cause death or serious bodily injury; or
  - (ii) With the intent to cause substantial damage to property or to the environment; or
  - (iii) With the intent to compel a natural or legal person, an international organization or a State to do or refrain from doing an act.



# Criminalization (cont'd)

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2. Any person also commits an offence if that person:

**(a) Threatens**, under circumstances which indicate the credibility of the threat, to commit an offence as set forth in paragraph 1 (b) of the present article; or

**(b) Demands** unlawfully and intentionally radioactive material, a device or a nuclear facility by threat, under circumstances which indicate the credibility of the threat, or by use of force.

3. Any person also commits an offence if that person **attempts** to commit an offence as set forth in paragraph 1 of the present article.

# Criminalization (cont'd)

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4. Any person also commits an offence if that person:

- (a) **Participates as an accomplice** in an offence as set forth in paragraph 1, 2 or 3 of the present article; or
- (b) **Organizes or directs others** to commit an offence as set forth in paragraph 1, 2 or 3 of the present article; or
- (c) In any other way **contributes** to the commission of one or more offences as set forth in paragraph 1, 2 or 3 of the present article by a group of persons acting with a common purpose; such contribution shall be intentional and either be made with the aim of furthering the general criminal activity or purpose of the group or be made in the knowledge of the intention of the group to commit the offence or offences concerned.

# Jurisdiction

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- States Parties to establish jurisdiction over Convention offences
- Extradite or prosecute (no safe haven for terrorists)



## **Mandatory jurisdiction:**

- (a) The offence is committed in the territory of that State; or
- (b) The offence is committed on board a vessel flying the flag of that State or an aircraft which is registered under the laws of that State at the time the offence is committed; or
- (c) The offence is committed by a national of that State.

# Jurisdiction (cont'd)

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## Optional jurisdiction:

- (a) The offence is committed against a national of that State; or
- (b) The offence is committed against a State or government facility of that State abroad, including an embassy or other diplomatic or consular premises of that State; or
- (c) The offence is committed by a stateless person who has his or her habitual residence in the territory of that State; or
- (d) The offence is committed in an attempt to compel that State to do or abstain from doing any act; or
- (e) The offence is committed on board an aircraft which is operated by the Government of that State.

# International cooperation

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✓ Extradition

✓ Mutual legal assistance

✓ Information exchange

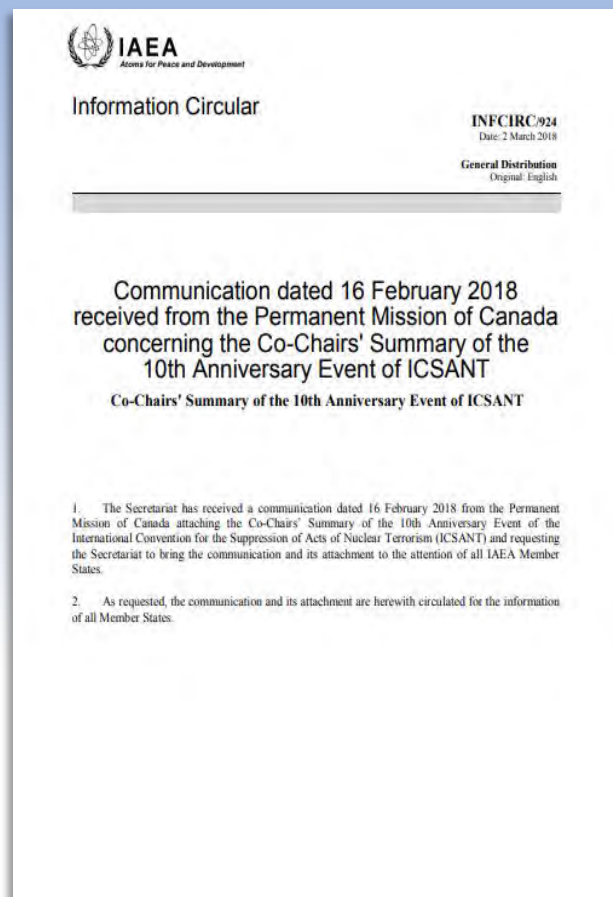


✓ Competent authorities / liaison points

✓ Preventive measures

✓ Post-crisis situations

# INFCIRC/924



- 10<sup>th</sup> anniversary of ICSANT
- Event Co-Chaired by Canada and UNODC (Vienna, 5 Dec 2017)
- 100 delegates, 47 countries
- Sharing of information on national models for **implementation**, challenges and lessons learned, **synergies** and differences vis à vis CPPNM and CPPNM/A, efforts towards **universalization**
- Key findings in IAEA INFCIRC/924

# INFCIRC/924 (cont'd)

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*"In light of the persistent and evolving worldwide threat of nuclear terrorism, mutually reinforcing national and international initiatives have been major priorities in the effort to enhance global nuclear security, given its trans-border nature. One such area of work includes **strengthening legal frameworks** that underpin and sustain a nation's nuclear security architecture. As a **key legal element of the international nuclear security architecture**, **universal adherence to ICSANT remains an important goal.**"*

# Benefits of joining ICSANT

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- ✓ Complementary to other legal instruments
- ✓ Larger scope of application
- ✓ Facilitates international cooperation
- ✓ Establishes common definitions and minimum standards in the field of nuclear security
- ✓ Contributes to reduce risk of impunity
- ✓ Deterrent effect
- ✓ May contribute to States' compliance with obligations deriving from relevant UNSC resolutions





# Relevance to UNSC resolution 1540 (2004)

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**OP 2:** “...all States ... shall **adopt and enforce appropriate effective laws** which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them.”

# Relevance to UNSC resolution 1540 (2004)

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**OP 8:** *[The Security Council] calls upon all States:*

- (a) To promote the **universal adoption and full implementation**, and, where necessary, strengthening **of multilateral treaties** to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons;*
- (b) To adopt **national rules and regulations** [...] to ensure compliance with their commitments under the key multilateral non-proliferation treaties;*
- (c) To renew and fulfil their commitment to **multilateral cooperation** [...]*

# Relevance to UNSC resolution 2325 (2016)

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**OP 15:** *[The Security Council] recalls its decision that all States, in accordance with their national procedures, shall **adopt and enforce appropriate effective laws** for the prohibition of activities under paragraph 2 of resolution 1540 (2004) [...]*

Key role of Parliamentarians highlighted in Preamble:

*“ [...] acknowledging that **parliamentarians** have a key role in enacting the necessary legislation to implement the obligations of the resolution.”*

# Terrorism Prevention Branch

Expertise and specialized knowledge

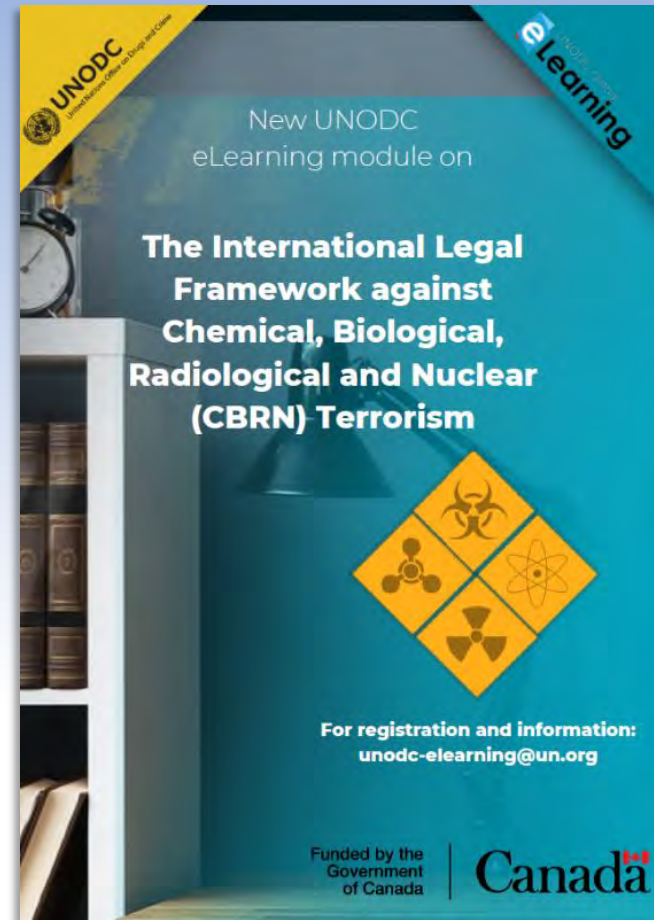
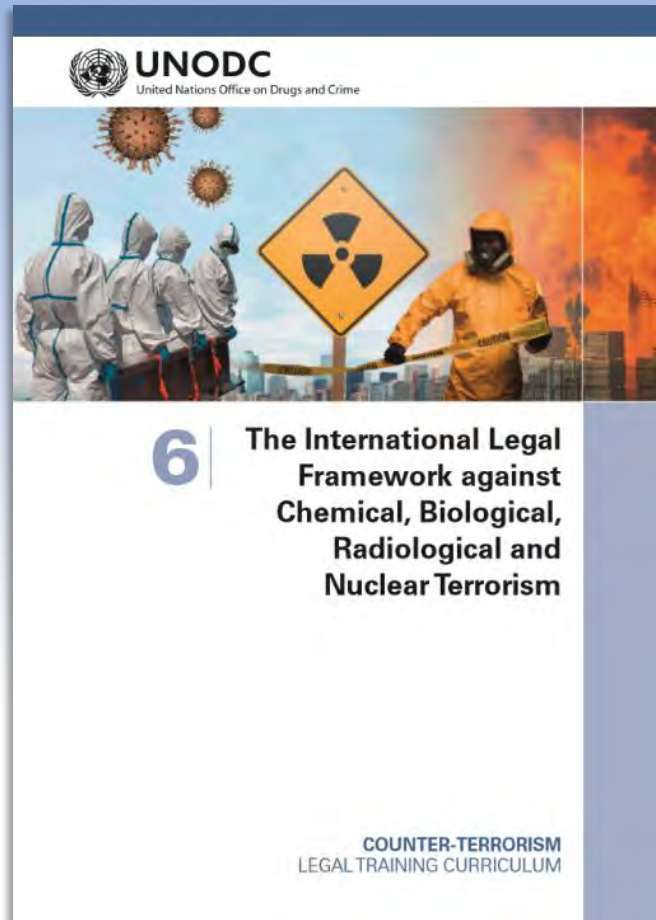
Mandated to provide **technical legal assistance** to UN Member States in the fight against terrorism



## Mission



# Development of training tools





*Thank you for your attention!*

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