

Convention on the Physical Protection of Nuclear Material (CPPNM) and its Amendment

PGA National Parliamentary Session in Suriname Promoting Nuclear and Radiological Security

27 October 2023

Jonathan Herbach
Legal Officer - Nuclear and Treaty Law Section
Office of Legal Affairs
J.D.Herbach@iaea.org



Peaceful Uses of Nuclear Science & Technology







CPPNM as Strengthened by its 2005 Amendment



 One of the main international tools to prevent and respond to malicious acts involving nuclear material and facilities

 Important to develop and maintain an adequate national legal framework to ensure the safe, secure and peaceful use of nuclear technology



Convention on the Physical Protection of Nuclear Material (CPPNM)



Convention
on the Physical Protection
of Nuclear Material

LEGAL SERIES No.12



In force since 8 February 1987

164 Parties

Scope: (threefold)

Physical protection → <u>nuclear material</u> during <u>international</u> transport

Criminalisation of <u>offences</u> (prosecution or extradition)

International co-operation and information exchange



Amendment to the CPPNM (A/CPPNM)



Amendment to the Convention on the Physical Protection of Nuclear Material

 The Title of the Convention on the Physical Protection of Nuclear Material adopted on 26 October 1979 (hereinafter referred to as "the Convention") is replaced by the following title:

CONVENTION ON THE PHYSICAL PROTECTION OF NUCLEAR MATERIAL AND NUCLEAR FACILITIES

The Preamble of the Convention is replaced by the following text:
 THE STATES PARTIES TO THIS CONVENTION.

RECOGNIZING the right of all States to develop and apply nuclear energy for peaceful purposes and their legitimate interests in the potential benefits to be derived from the peaceful application of nuclear energy,

CONVINCED of the need to facilitate international co-operation and the transfer of nuclear technology for the peaceful application of nuclear energy,

BEARING IN MIND that physical protection is of vital importance for the protection of public health, safety, the environment and national and international security,

HAVING IN MIND the purposes and principles of the Charter of the United Nations concerning the maintenance of international peace and security and the promotion of good-neighbourliness and friendly relations and cooperation among States,

CONSIDERING that under the terms of paragraph 4 of Article 2 of the Charter of the United Nations, "All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations,"

RECALLING the Declaration on Measures to Eliminate International Terrorism, annexed to General Assembly resolution 49/60 of 9 December 1994,

DESIRING to avert the potential dangers posed by illicit trafficking, the unlawful taking and use of nuclear material and the sabotage of nuclear material and nuclear facilities, and noting that physical protection against such acts has become a matter of increased national and international concern.

DEEPLY CONCERNED by the worldwide escalation of acts of terrorism in all its forms and manifestations, and by the threats posed by international terrorism and organized crime,

Adopted in July 2005
In force since 8 May 2016
134 Parties to the Amendment

Extended Scope:

Physical Protection \rightarrow nuclear facilities and nuclear material in <u>domestic</u> use, storage and transport

Criminalization \rightarrow <u>new offences</u> relating to nuclear smuggling/illicit trafficking and sabotage

Expanded co-operation among States regarding stolen or smuggled nuclear material, sabotage, and related offences



CPPNM and the A/CPPNM



Physical Protection

Offences

International Cooperation

P N M

M

Е

DM

Ε

Nuclear material in international transport Intentional unauthorised acts involving nuclear material

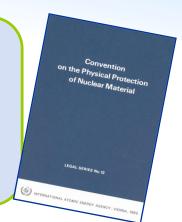
Threat to use nuclear material to cause harm

Theft or robbery of nuclear material

Ancillary offences (attempt to commit a listed offence and participation therein)

Cooperation and assistance in connection with criminal proceedings and physical protection systems,

Information exchange to protect or recover unlawfully taken material



in addition

in addition

Smuggling of nuclear material

Sabotage of nuclear facilities

Coverage of "substantial damage to the environment

New ancillary offences

in addition

Expanded cooperation assistance and information sharing in case of sabotage

Nuclear facilities, and nuclear material in domestic use, storage and

Physical protection regime (e.g. establishment of a legislative and regulatory framework, competent authority)

\Longrightarrow

Benefits of Joining CPPNM and A/CPPNM



- Enhances the national security of a State
- Facilitates international cooperation, assistance and information exchange
- Provides basis for ensuring that persons involved in terrorist and other criminal acts are brought to justice
- Harmonizes approaches to preventing and responding to unlawful acts involving nuclear material and facilities
- Contributes to further confidence building
- Contributes to the fulfilment of a State's obligations under Security Council Resolution 1540Part of the broader framework to combat terrorism and other criminal acts
- Part of the broader framework to combat terrorism and other criminal acts
- Security of one is security for all



IAEA Assistance



- Development and implementation of Integrated Nuclear Security Support Plans (INSSPs)
- Development of nuclear security guidance documents
- Advisory services such as International Physical Protection Advisory Service (IPPAS) and International Nuclear Security Advisory Service (INSServ)
- International seminars, regional and national workshops
- Bilateral legislative assistance in drafting and reviewing implementing legislation
- Awareness and training programs
- E-learning courses on nuclear security
- "Handbook on Nuclear Law" and supplemental "Handbook on Nuclear Law: Implementing Legislation"
- Facilitating Information exchange under the CPPNM and its Amendment through Nuclear Security Information Portal (NUSEC)



Universal adherence to and full implementation of the CPPNM and its Amendment, as well as ICSANT, will help enhance national, regional and international security by providing a strengthened framework for preventing and combating nuclear terrorism and other criminal acts.



Thank you!

