

The International Convention for the Suppression of Acts of Nuclear Terrorism (ICSANT): core provisions, benefits of adherence and UNODC's related assistance

National parliamentary session on nuclear security

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UNODC

United Nations Office on Drugs and Crime 

*“The risk of nuclear and other radioactive material falling into the wrong hands and being used for terrorist or other criminal purposes is one of the greatest challenges of our time. All States need to establish **robust and sustainable legal frameworks** to counter this threat.”*

*“For nearly two decades, UNODC has been at the forefront of efforts to **promote universalization and effective implementation of the counter-terrorism international legal instruments, including ICSANT**. We stand ready to continue to provide tailor-made technical and legal assistance towards these aims.”*



Ghada Waly
Executive Director
United Nations Office on Drugs and Crime



Adoption and entry into force

- Ad hoc committee established by General Assembly Resolution 51/210 (17 Dec 1996)
- Adopted in 2005
- Entered into force in 2007
- Depositary: UN Secretary-General



International legal framework against terrorism

- ICSANT is one of 19 international legal instruments against terrorism
- Similar structure to other counter-terrorism treaties:
 - ✓ Criminalization
 - ✓ Jurisdiction
 - ✓ Principle 'extradite or prosecute'
 - ✓ International cooperation



Criminalization

Article 2: **Offences** involving radioactive material, radioactive devices or nuclear facilities (committed unlawfully and intentionally)

- Possession
- Use / damage
- Threat
- Demand
- Attempt
- Participation as accomplice
- Organization/direction of others
- Contribution in any other way



ICSANT requires a specific intent for conduct to be criminalized

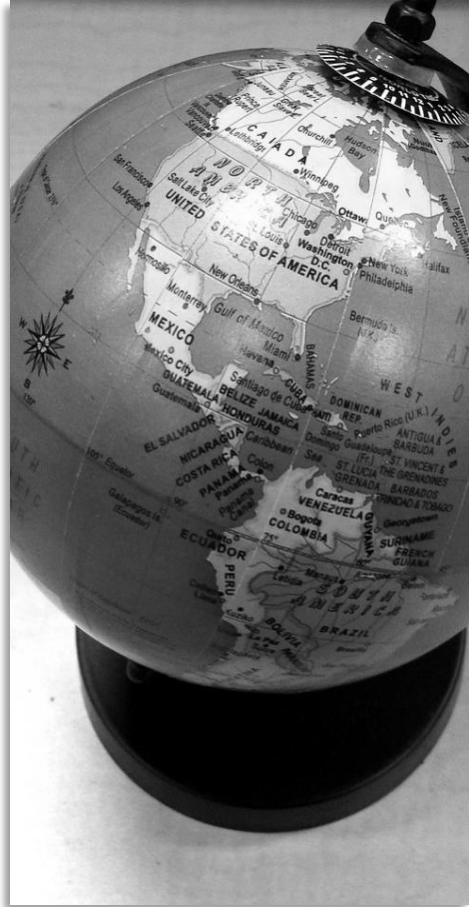


Jurisdiction

- States Parties to establish jurisdiction over Convention offences (article 9)
- Mandatory/optional jurisdiction
- Extradite or prosecute (no safe haven)



International cooperation



- ✓ Extradition
- ✓ Mutual legal assistance
- ✓ Information exchange
- ✓ Competent authorities / liaison points
- ✓ Preventive measures
- ✓ Post-crisis situations



Benefits of adherence

- ✓ 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 reducing risk of impunity
- ✓ Deterrent effect
- ✓ May contribute to States' compliance with obligations deriving from relevant UNSC resolutions



INFCIRC/924



Information Circular

INFCIRC/924
Date: 2 March 2018

General Distribution
Original: English

Communication dated 16 February 2018 received from the Permanent Mission of Canada concerning the Co-Chairs' Summary of the 10th Anniversary Event of ICSANT

Co-Chairs' Summary of the 10th Anniversary Event of ICSANT

1. The Secretariat has received a communication dated 16 February 2018 from the Permanent Mission of Canada attaching the Co-Chairs' Summary of the 10th Anniversary Event of the International Convention for the Suppression of Acts of Nuclear Terrorism (ICSANT) and requesting the Secretariat to bring the communication and its attachment to the attention of all IAEA Member States.

2. As requested, the communication and its attachment are herewith circulated for the information of all Member States.

- 10th 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

*"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.**"*



How to join ICSANT?

INFCIRC/924 – Note from the UN Office of Legal Affairs on procedures for adherence to ICSANT

A note on procedures for ratification of ICSANT from the UN Office of Legal Affairs

As of the date of this meeting, December 5, 2017, ICSANT has 115 signatories and 112 Parties. The UN Secretary-General is the depositary of ICSANT, along with more than 560 multilateral treaties concluded in the framework of the UN. The Treaty Section of the UN Office of Legal Affairs, located in New York, is the sole office that discharges the depositary functions of the Secretary-General. This means that any instrument of ratification, acceptance, approval or accession must be sent to the Treaty Section (or the UN Legal Counsel or the Secretary-General himself) for its deposit with the Secretary-General. No other office may accept such instruments in deposit on behalf of the Secretary-General. The date of deposit, which will determine the entry into force of the Convention for the State, is the date of receipt by the Treaty Section (or the Legal Counsel or the Secretary-General). The Treaty Section website (<https://treaties.un.org>) also contains more general information on all the depositary functions of the Secretary-General.

As per the law of treaties, instruments of ratification, acceptance, approval or accession must be signed by the Head of State, Head of Government or Minister for Foreign Affairs, and must include the following: (a) the title, date and place of conclusion of the treaty concerned; (b) the full name and title of the signatory; (c) an unambiguous expression of the intent of the Government, on behalf of the State, to consider itself bound by the treaty and to undertake faithfully to observe and implement its provisions; (d) the date and place where the instrument was issued; and (e) the signature.

Model instruments of ratification, acceptance, approval or accession may be found on the Treaty Section's website at:
https://treaties.un.org/Pages/Resource.aspx?path=Publication/ModelInstruments/Page1_en.xml

Information concerning the status of the Convention, including the list of Parties, texts of declarations, reservations and objections, as well as the electronic certified true copy of the Convention, also may be found on the website of the UN Office of Legal Affairs, Treaty Section, at:
https://treaties.un.org/Pages/ViewDetailsIII.aspx?src=TREATY&mtdsg_no=XVIII-15&chapter=18&Temp=mtdsg3&clang=en



How to join ICSANT?

- Instrument of **ratification, acceptance, approval** or **accession** deposited with the UNSG
- **Signed** by the Head of State, Head of Government or Minister for Foreign Affairs
- Contain the following **information**:
 - ✓ Full title, date and place of conclusion of the treaty in question
 - ✓ Full name and title of the signatory
 - ✓ Date of signature
 - ✓ Unambiguous expression of the intent of the Government to consider itself bound by the convention and to undertake faithfully to observe and implement its provisions
 - ✓ Date and place where the instrument was issued
 - ✓ Signature



How to join ICSANT?

- **Instrument sent** to the Treaty Section of the UN Office of Legal Affairs, or to the UN Legal Counsel, or directly to the UN Secretary-General
- **Model instruments** available on the Treaty section's website (<https://treaties.un.org>)



UNODC's mandate to counter nuclear terrorism

CCPCJ 32nd session resolution on technical assistance provided by UNODC related to counter-terrorism



Para 24: *“Requests the United Nations Office on Drugs and Crime to continue, within its mandate, to develop its specialized knowledge of the **international legal framework against chemical, biological, radiological and nuclear terrorism** as enshrined in the relevant conventions and protocols in order to continue to provide assistance to requesting Member States in the effective legal, operational and technical implementation of these instruments, including through capacity-building.”*



UNODC's Terrorism Prevention Branch



Promote adherence to 19 international legal instruments against terrorism (including ICSANT)



Assist MS in bringing their CT legislation in line with these instruments



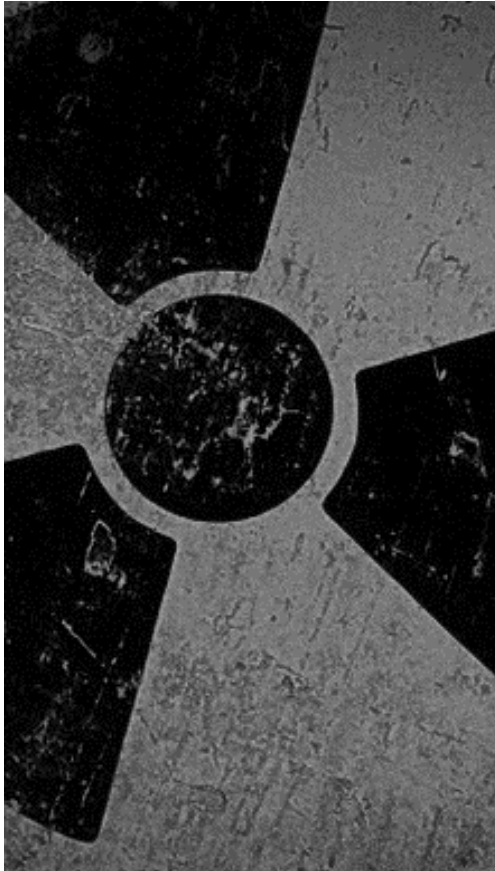
Build the capacity of criminal justice officials to prevent and combat terrorism (including nuclear terrorism)



Strengthen international cooperation in criminal matters



UNODC's projects on nuclear security



- Canada's Contribution to UNODC to Support the Universalization of International Legal Frameworks related to Nuclear Security
- Repository of National Legislation for Implementing the Criminalization Provisions of ICSANT, CPPNM and A/CPPNM
- Union Support for the Universalization and Effective Implementation of the International Convention for the Suppression of Acts of Nuclear Terrorism

Canada

Canada

UNODC's technical and legal assistance

UNODC delivers legal technical assistance and tailored capacity-building to requesting Member States through:

- National, regional, international **workshops** and **webinars** for criminal justice officials
- Expert **missions**
- **Legislative assistance** (model legislative provisions, assistance in the drafting/review of national CT legislation)
- Outreach and **awareness-raising**
- **Table-top exercises** (TTX) and **mock trials**
- Counter-terrorism legislation **database**
- Manuals & other **training tools**



Workshops and country visits

National, regional and international workshops
for criminal justice practitioners and policy-makers

Country visits and expert missions



Webinars

- 2020-2021
- 13 webinars
- Multi-language (EN, FR, SP)
- On UNODC's Counter-terrorism Learning Platform (CTLP)
- UNODC and other experts
- 350+ participants from 60+ MS



UNODC ICSANT Website

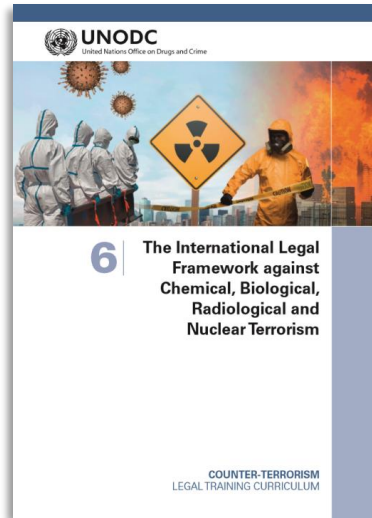
The screenshot shows the UNODC ICSANT website homepage. At the top left is the United Nations logo and the text "United Nations Office on Drugs and Crime". A navigation menu includes "Home", "Convention", "Legislation", "Resources", "Events", "EJ/ICSANT Project", "CBRN Terrorism Prevention", and "Role of the IAEA". The main banner features a golden statue of Lady Justice and the text: "THE INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF ACTS OF NUCLEAR TERRORISM ICSANT". Below this is a photo of Ghada Waly, Executive Director, with a quote: "The risk of nuclear and other radioactive material falling into the wrong hands and being used for terrorist or other criminal purposes is one of the greatest challenges of our time. All States need to establish robust and sustainable legal frameworks to counter this threat. ICSANT is an essential tool at the disposal of UN Member States to strengthen their criminal justice systems, and effectively prevent and combat acts of nuclear terrorism." Below the quote is another quote: "For nearly two decades, UNODC has been at the forefront of efforts to promote universalization and effective implementation of the counter-terrorism international legal instruments, including ICSANT. We stand ready to continue to provide tailor-made technical and legal assistance towards these aims." Below the quotes is a link: "Watch Ms. Waly's video message on ICSANT here." The section "Main Features of the Convention" lists "STATES PARTIES: 120". At the bottom are three sections: "STATUS" with a photo of a courtroom, "LEGISLATION" with a photo of three people in a meeting, and "WEBINARS" with a graphic titled "COUNTERING CHEMICAL, BIOLOGICAL, RADIOLOGICAL AND NUCLEAR TERRORISM INTERNATIONAL LEGAL APPROACHES AND CRIMINAL JUSTICE RESPONSES A SERIES OF WEBINARS (2020-2021)".

www.unodc.org/icsant

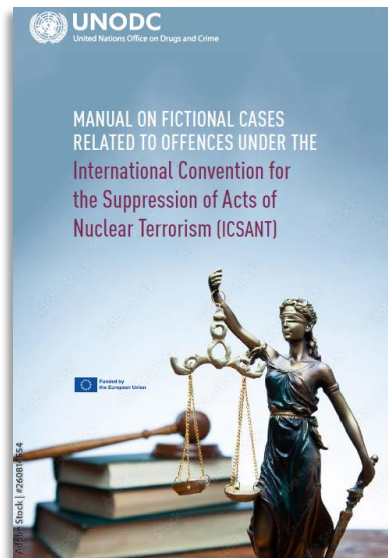
Repository of all resources on ICSANT
Available in all six UN official languages
Regularly updated
Funded by the EU



Manuals and training tools



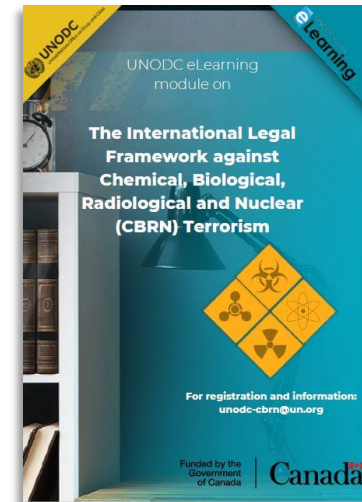
Module 6 of Counter-Terrorism legal training curriculum - international legal instruments against CBRN terrorism, available in all six UN official languages



Manual of fictional case studies on ICSANT (focus on criminalization provisions) - available in all six UN official languages + Portuguese

E-learning modules

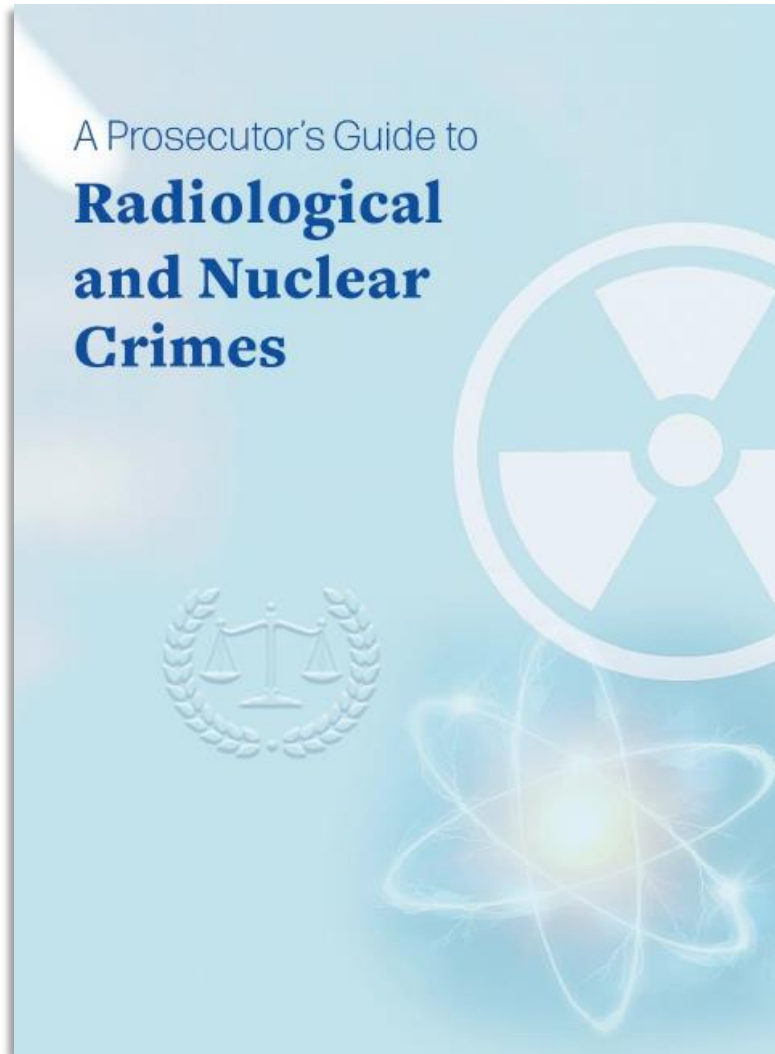
e-learning module on the international legal instruments against CBRN terrorism: completed by over 2,300 practitioners from 120+ MS, available in six UN official languages + Portuguese



e-learning module on ICSANT, available in six UN official languages + Portuguese



Prosecutor's Guide on Radiological and Nuclear Crimes (upcoming)



- IAEA-UNICRI-IAP-JRC-UNODC initiative
- Guidance for prosecutors, investigators and law enforcement and judicial authorities to support the investigation, prosecution and adjudication of radiological/nuclear crimes



Legislative assistance

Available upon request, non-binding review

Model legislative provisions on the implementation of the criminalization provisions of ICSANT, CPPNM and its Amendment (jointly with IAEA)


ICSANT available in all national languages upon request




Repository of National Legislation for Implementing the Criminalization Provisions of ICSANT, CPPNM and A/CPPNM




Mock trial on ICSANT

 **UNODC**
United Nations Office on Drugs and Crime

 **Canada**

Mock Trial on the International
Convention for the Suppression of
Acts of Nuclear Terrorism



Funded by the
Government of Canada

Vienna, 29 Nov – 1 Dec 2022
15 participants from 8 SP



15th Anniversary of ICSANT's entry into force



High-level event, Vienna, 12 Dec 2022

100+ participants from MS

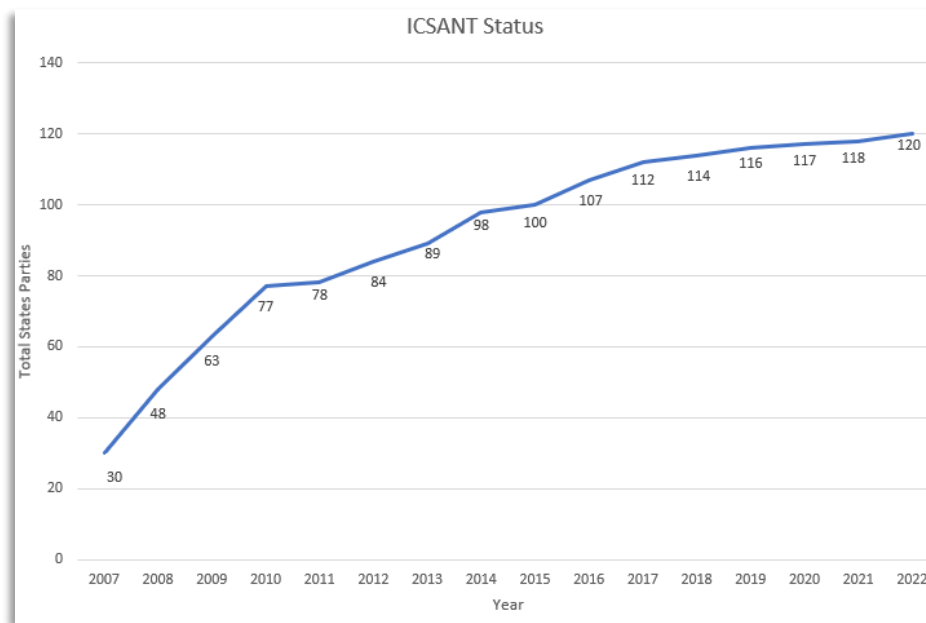


Partnerships

- **Cooperation with other IOs**, including: IAEA, Interpol, OPCW, UNICRI, UNOCT/UNCCT, UNODA, 1540 Committee
- **Cooperation with NGOs**, including: Nuclear Threat Initiative (NTI), Parliamentarians for Global Action (PGA), Stimson Center, Vienna Centre for Disarmament and Non-Proliferation (VCDNP)
- **Observer** to Global Partnership Against the Spread of Weapons and Materials of Mass Destruction (GP)
- **Member** of the Emerging Threats and Critical Infrastructure Protection Working Group of the UN Global Counter-Terrorism Coordination Compact
- **Corresponding organization** in the Inter-Agency Committee on Radiological and Nuclear Emergencies (IACRNE)

Impact

UNODC's outreach and technical assistance efforts in the past 15 years yielded tangible results (e.g. building the capacity of national criminal justice systems, increasing number of States Parties to ICSANT), contributing to strengthening the international nuclear security regime



Increase in the adherence rate to the International Convention for the Suppression of Acts of Nuclear Terrorism since its entry into force



Thank you for your attention!
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