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International Convention for the Suppression of Acts of Nuclear Terrorism (ICSANT)



Ghada Waly, Executive Director,
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. 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. ”



ICSANT was adopted by the General Assembly in April 2005 and entered into force on 7 July 2007. Its depositary is the United Nations Secretary-General.

MAIN OBLIGATIONS

CRIMINALIZATION

ICSANT requires States Parties to criminalize, *inter alia*, the intentional and unlawful:

- possession of radioactive material with the intent to cause death or serious bodily injury, or substantial damage to property or the environment;
- use, or threat of use of radioactive material or device, or damage to nuclear facilities, with the intent to cause death or serious bodily injury, or substantial damage to property or the environment, or to compel a natural or legal person, an international organization or a State to do or refrain from doing an act.

States Parties shall also criminalize threats to commit any of the listed offences, as well as unlawful demands of radioactive material, devices or nuclear facilities by threat or use of force.

JURISDICTION

ICSANT requires States Parties to establish jurisdiction over the described offences under certain circumstances, in order to avoid the creation of safe havens which could be exploited by potential offenders.

EXTRADITION

The State Party in which the alleged perpetrator is present must either extradite or prosecute that person.

ICSANT requires that offences under the Convention are deemed as extraditable offences in any extradition treaty existing between any of the States Parties before the entry into force of the Convention, and provides that States Parties undertake to include such offences as extraditable offences in every extradition treaty to be subsequently concluded between them.

INTERNATIONAL COOPERATION

ICSANT requires States Parties to cooperate in order to:

- prevent and counter preparations for the commission of offences inside or outside of their territories;
- prevent, detect, suppress and investigate offences and institute criminal or extradition proceedings, including through exchange of information and provision of evidence;
- ensure the security and safety of the radioactive material, facilities or devices seized by States Parties following the commission of an offence.

ICSANT also obliges States Parties to designate national competent authorities and liaison points responsible for exchanging relevant information with other States Parties and international organizations.

BENEFITS OF JOINING ICSANT

- Adherence to ICSANT strengthens national, regional and global security.
- ICSANT has a deterrent effect and reduces the risk of impunity of offenders by denying them safe havens.
- ICSANT offers a common baseline and minimum standards for legal frameworks against nuclear terrorism.
- The Convention facilitates international cooperation in criminal matters, by facilitating extradition, mutual legal assistance and information exchange.
- ICSANT lays a basis for international cooperation for the secure and safe handling of radioactive material, facilities or devices which come under the control of States Parties after an offence is committed.
- Being party to, and implementing, ICSANT contributes to the State's compliance with relevant legally binding Security Council resolutions, including UNSCR 1373 (2001), 1540 (2004) and 2325 (2016).
- ICSANT is complementary to other legal instruments against nuclear terrorism, including the Convention on the Physical Protection of Nuclear Material (CPPNM) and its 2005 Amendment. ICSANT is broader in scope than these instruments, as:
 - it covers not only nuclear material, but also other radioactive material;
 - it applies to nuclear material and facilities used or retained for both military and peaceful purposes; and
 - it contains a broader definition of “nuclear facility”.

HOW TO JOIN ICSANT

States wishing to become party to the Convention shall deposit an instrument of ratification, acceptance, approval or accession with the depositary of the Convention. The instrument is to be signed by the Head of State, Head of Government or Minister for Foreign Affairs and must contain the following information:

- ICSANT full title, date and place of conclusion;
- the full name and title of the signatory, as well as the date of the signature;
- an unambiguous expression of the intent of the Government, on behalf of the State, to consider itself bound by ICSANT and to undertake faithfully to observe and implement its provisions;
- the date and place where the instrument was issued; and
- the signature.

The instrument should be sent to the Treaty Section of the United Nations Office of Legal Affairs, or to the United Nations Legal Counsel, or directly to the Secretary-General.

Model instruments of ratification, acceptance, approval or accession may be found on the Treaty Section's website.

UNODC ASSISTANCE WITH ADHERENCE TO AND IMPLEMENTATION OF ICSANT

- Outreach activities aimed at universalizing the Convention:
 - expert missions
 - national, regional and international workshops
- Assistance with implementation:
 - The UNODC ICSANT website (www.unodc.org/icsant) – the leading, comprehensive resource for information, tools and updates on the Convention
 - capacity-building (workshops, mock trials, eLearning modules and webinars)
 - technical assistance tools (a legal training curriculum module, a manual of fictional cases, a self-assessment questionnaire and a repository of national laws that implement criminalization provisions of ICSANT)
 - legislative assistance