

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

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*“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
- 122 Parties (as of November 2023)
- 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

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

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?

- **Instrument deposited with** the Treaty Section of the UN Office of Legal Affairs
- **Model instruments** available on the Treaty section's website (<https://treaties.un.org>)



UNODC's projects on nuclear security

Canada



- Canada's Contribution to UNODC to Support the Universalization of International Legal Frameworks related to Nuclear Security Phase III (2023-2026)
- 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 (2023-2026)

Canada

UNODC's technical and legal assistance

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

- Outreach and **awareness-raising**
- 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)
- **Table-top exercises** (TTX) and **mock trials**
- Counter-terrorism legislation **database**
- Manuals and other **training tools**

Workshops and country visits



- **National, regional and international workshops** for criminal justice practitioners and policy-makers
- **Country visits and expert missions**
- **High-level briefings**



Webinars

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



UNODC ICSANT Website



ICSANT Website:
www.unodc.org/icsant

Repository of all resources on
ICSANT


Available in all six UN official
languages

Regularly updated





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 your national language upon request



Repository of National Legislation for
Implementing the Criminalization Provisions of
ICSANT, CPPNM & ACPPNM

Fully integrated within  SHARING ELECTRONIC RESOURCES
AND LAWS ON CRIME



UNODC
United Nations Office on Drugs and Crime

**MODEL PROVISIONS ON
NUCLEAR SECURITY, PHYSICAL
PROTECTION AND ILLICIT
TRAFFICKING**

The model criminal provisions set out in this document cover the offences set forth in the International Convention for the Suppression of Acts of Nuclear Terrorism (ICSANT) and in the Convention on the Physical Protection of Nuclear Material (CPPNM) and the Amendment thereto, and as such were prepared jointly with the International Atomic Energy Agency.

The rationale for the merger is that the offences to be found in these Conventions deal with the same offences to a great extent. This document addresses them in an integrated and coordinated manner.

General suggestions for legal drafters

1. Definitions should be set out in the first part of the respective national law.
2. Ancillary offences such as attempt, participation, contribution and other ancillary conduct should also be incorporated in the relevant offences.
3. The following acts may be criminalized by referring to either radioactive or nuclear material, taking into consideration:
 - That the definition of "radioactive material" in the ICSANT includes "nuclear material";
 - That the CPPNM only requires States Parties to establish as offences acts committed in relation to "nuclear material used for peaceful purposes", whereas the ICSANT has an expanded scope of application covering "radioactive material" in general.
4. Whoever demands radioactive/nuclear material or a device by threat, or by use of force, or by any other form of intimidation, under circumstances which indicate the credibility of the threat shall be punished with penalties which take into account the grave nature of those offences.

Article 10. Handling of Radioactive/Nuclear Material and Devices

(1) Whoever, without lawful authority, receives, possesses, transfers, alters, or disposes of radioactive/nuclear material or possesses a device:

(a) with the intent to cause:
(i) death or serious bodily injury; or
(ii) substantial damage to property or to the environment; or
(b) which causes or is likely to cause death or serious injury to any person or substantial damage to property or to the environment shall be punished with penalties which take into account the grave nature of those offences.

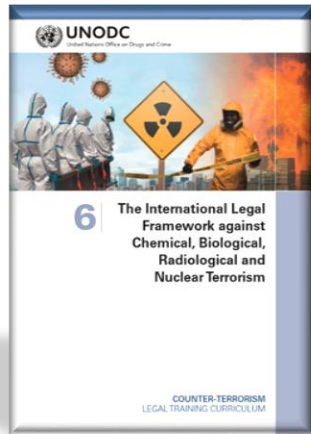
(2) Whoever commits:
(a) a theft or robbery of radioactive/nuclear material;
(b) an embezzlement or fraudulent obtaining of radioactive/nuclear material;
(c) an act which constitutes the carrying, sending, or moving of radioactive material into or out of a State without lawful authority shall be punished with penalties which take into account the grave nature of those offences.

(3) Whoever threatens to commit an offence as set forth in para. 2(a) of this Article in order to compel a natural or legal person, international organization or State to do or to refrain from doing any act shall be punished with penalties which take into account the grave nature of those offences.

(4) Whoever demands radioactive/nuclear material or a device by threat, or by use of force, or by any other form of intimidation, under circumstances which indicate the credibility of the threat shall be punished with penalties which take into account the grave nature of those offences.

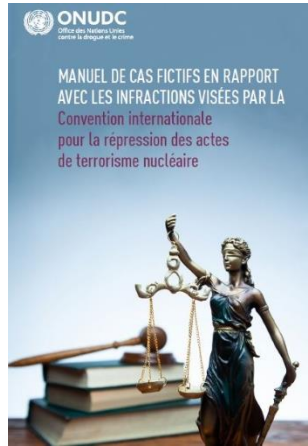
NOTE: The specific intention to "cause death or serious bodily injury", etc., contained in para. 1(a), reflects language used in the ICSANT. Such intention is not found in the CPPNM, which requires, instead, that the acts in question "cause or are likely to cause" such death, injury or damage. The intent language used by the CPPNM is reflected in para. 1(b). States that are Parties to both ICSANT and the CPPNM are advised to adopt both paras 1(a) and 1(b) for full consistency with their overall treaty obligations.

Manuals and training tools



Module 6 of Counter-Terrorism legal training curriculum

- All six UN official languages



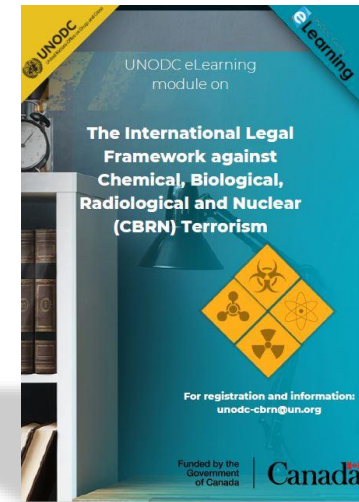
Manual of fictional case studies on ICSANT (focus on criminalization provisions)

- All 6 six official languages + Portuguese

eLearning modules

eLearning 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

eLearning module on ICSANT, available in six UN official languages + Portuguese



15th Anniversary of ICSANT's entry into force



High-level event, Vienna, 12 Dec 2022
100+ participants from Member States



Thank You/Merci Beaucoup !

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