

IAEA_CPPNM and Amendment_Nepal

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Hello, my name is Jonathan Herbach. I'm a legal officer with the Office of Legal Affairs at the International Atomic Energy Agency.

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It is a pleasure to be taking part in this event to talk about key international legal instruments in the area of nuclear security

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that will help ensure the benefits of nuclear science and technology.

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I would like to thank the Federal Parliament of Nepal Parliamentarians for Global Action, as well as the Government of Canada for inviting the International Atomic Energy Agency to participate in this session.

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Each and every day we see the benefits of the peaceful applications of nuclear science and technology.

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We see how nuclear medicine helps fight cancer, with nuclear imaging helping find tumours and measure the spread of cancer in the body. And radiotherapy being an essential tool in cancer treatment,

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we see how nuclear techniques are used to support crop yields and livestock production.

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We see how nuclear techniques strengthen food safety and help alleviate malnutrition,

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and we see how nuclear science supports water resource management,

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among other peaceful benefits of nuclear science and technology.

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As we continue to harness these peaceful uses of nuclear technology for the benefit of mankind, we must at the same time make sure that we recognise and address the threats posed by the potential misuse of nuclear materials and strengthen our ability to stop those that would seek to use these materials to cause harm.

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The Convention on the Physical Protection of Nuclear Material, The CPM and its 2005 amendments are important to this goal.

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The CPM has strengthened by its 2005 amendment adopted under the IAEA's auspices, is one of the main tools that we have to protect nuclear material and facilities from malicious acts.

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But that tool will not be as strong as it can be until all countries have signed on to the CPA and M as amended and are fully implementing it. Nepal is encouraged to take this important step.

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The CPM requires physical protection of nuclear material used for peaceful purposes in international transport

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as it concerns dealing with the threat of malicious acts perpetrated by non state actors.

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The CPM also sets out a number of offences involving nuclear material that parties must criminalise in their national jurisdictions,

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and it provides a basis for international cooperation and assistance

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for recovery and protection of material following the Commission of a crime.

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With regard to criminal proceedings and in connection with designing physical protection systems,

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the CPDM was a good start. However, in the following years it became evident that more needed to be done.

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We were confronted by devastating acts of international terrorism

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in particular, following the terrorist attacks in the United States on September 11th, 2001.

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It wasn't hard to imagine the death, destruction and panic that could be caused by an act of terrorism or other criminal act involving nuclear materials.

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The threat of nuclear terrorism or other malicious acts and the potential grave consequences could certainly not be contained within national borders.

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This is an issue that requires international, regional and national action.

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The developments of an amendment to strengthen the CPM was part of a push to strengthen the broader international legal framework aimed at preventing nuclear and other terrorism involving weapons of mass destruction.

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In 2004, the United Nations Security Council unanimously adopted Resolution 1540 requiring all UN member states to take measures to prevent malicious non state actors from developing, obtaining and using nuclear material, nuclear weapons, and other WMD.

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In 2005, the Convention for the Suppression of Acts of Nuclear Terrorism was negotiated and adopted in the UN and had entered into force Two years later

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and at the IAEA in 2005, we convened A diplomatic conference to consider and adopt proposed amendments to strengthen the CP and M

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The amendment that was adopted significantly strengthens the original CPM in a number of important ways.

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Instead of only requiring physical protection measures for nuclear material in international transport, the amendment extends the scope of the original treaty setting out obligations for parties to ensure physical protection of all nuclear material as well as nuclear facilities used for peaceful purposes under their jurisdictions.

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The amendments also adds to the list of criminal offences by covering nuclear material smuggling and sabotage of nuclear facilities.

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In fact, it is the first instrument to establish nuclear smuggling as a standalone offence,

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and the amendments provides for enhanced international cooperation, including assistance and information sharing in the event of sabotage.

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To this day, the CPM and its amendments remain the only internationally legally binding undertakings in the area of physical protection of nuclear material and nuclear facilities used for peaceful purposes.

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As such, the CPA and its amendments are crucial part of the broader international framework to ensure that everyone can benefit from the safe, secure and peaceful uses of nuclear technology.

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At this point, there are 164 parties to the CPM,

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of which 136 have also joined the amendment.

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That's good, but it isn't enough.

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Answering the call of our member states, the IAEA continues to encourage universal adherence to the CPM and its amendment.

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As our director General, Rafael Mariano Grossi has said, universal adherence to the CPM, as amended, is key to international efforts to prevent acts of nuclear terrorism, and it must be a priority. End Quote.

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This is because the CPM, as strengthened by its amendment, is beneficial for all countries, not just those with nuclear materials and nuclear facilities,

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especially in the case of Nepal with as its neighbours a number of countries that use nuclear power

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or countries embarking on nuclear power programmes.

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Now, I can list a wide range of benefits in becoming party to the CPM and its amendments,

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but, just to name a few,

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it strengthens. It provides rather a strengthened international framework for combating nuclear, terrorism and other criminal acts.

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This helps to reduce the likelihood of such malicious acts and thereby enhances the national security of each state.

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It facilitates international and regional cooperation, assistance and information exchange in this area

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becoming party to the CPM and its amendment further serve as a basis for ensuring that those involved in terrorist and other criminal acts involving nuclear material are brought to justice and are denied safe haven.

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It harmonises national approaches to preventing and responding to criminal and other unauthorised acts involving nuclear material and facilities.

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Therefore, universalization will help eliminate weak links in the international framework that can be exploited by criminals.

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Universal adherence will inspire confidence among states that all have taken the steps needed to prevent and respond to malicious acts involving nuclear material and facilities,

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as well as that the necessary mechanisms are in place to allow timely cooperation in the event of an offence being committed.

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Adherence to and full implementation of the CPP and its amendment will contribute to the fulfilment of a state's obligations under Security Council Resolution 1540, which is legally binding on all UN member states.

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Furthermore, the CPM and its amendments are an integral part of the broader legal framework to combat nuclear terrorism.

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Given the respective objectives and scopes, there are clear synergies between the CPM as amended, and other relevant instruments such as the International Convention for the Suppression of Acts of Nuclear Terrorism or EXACT.

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An act of nuclear terrorism perpetrated in one state would have consequences for all, regardless of the presence of nuclear material or facilities in your state. Each state plays a role in helping reduce the risk of malicious acts.

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In other words, security of one is the same as security for all.

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Becoming party to the CPM and its amendment, therefore, would not only enhance Nepal's security, but it would also demonstrate your commitment to strengthening, strengthening security globally.

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So how do we get there? How do we realise the goal of universal adherence to and full implementation of the CPM and its amendment?

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The IEA provides both legal and technical assistance to help States in becoming party to and in implementing the CPM and its amendments.

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Through our Legislative Assistance programme. We offer Member States bilateral assistance. We review and provide input on draught national legislation.

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We provide national, regional and international training, including our annual Nuclear Law Institute,

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and we conduct missions to raise awareness among senior officials and decision makers.

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We support states in joining the relevant instruments and in implementing obligations in national law.

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The Agency's legislative assistance activities in fact, promote A comprehensive approach covering all aspects of nuclear law, including nuclear security, as well as safety safeguards and liability for nuclear damage.

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These are all parts of developing and maintaining an adequate national legal framework to ensure safe, secure and peaceful uses of nuclear technology.

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I'm pleased to note that Nepal actually hosted awareness meetings at a National workshop on Nuclear Law in March of last year,

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and we and we as the agency stand ready to provide further support upon request.

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The IAEA also works with states to develop Integrated Nuclear Security Sustainability Plans that help review national nuclear security regimes and identify areas where they need to be strengthened.

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For DePaul, these illness's still need to be initiated.

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We further help support the adherence to and implementation of international legal instruments in the area of nuclear security through peer review missions such as International Physical Protection Advisory Service and International Nuclear Security Advisory Service missions conducted by international IAEA LED teams of experts.

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Such legislative and Technical Support is available upon request.

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Remember, we are here to help

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To conclude we continue to see how nuclear science and technology contribute to peace, health and prosperity.

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Accelerating and enlarging this contribution is an objective of the IAEA set out in the Agencies statute, and we want to ensure that all states can benefit from the peaceful uses of nuclear technology safely and securely.

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The foundation of all this is a solid and robust legal framework.

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Universal adherence to and full implementation of the CPM and its amendment, as well as exact,

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will help enhance national, regional and International Security by providing A strengthened framework for preventing and combating nuclear terrorism and other criminal acts.

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We look forward to working with you to make this a reality.

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With that, I thank you for your attention.