

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

# NATIONAL PARLIAMENTARY SESSION ON NUCLEAR AND RADIOLOGICAL SECURITY

**12 February 2024** 

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



## **Peaceful Uses of Nuclear Science & Technology**





### **Nuclear Law**



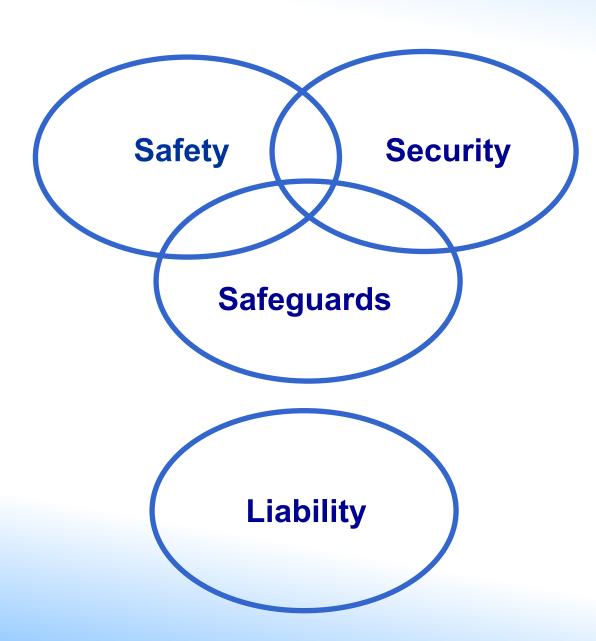
 The body of special legal norms created to regulate the conduct of legal or natural persons engaged in activities related to fissionable materials and ionizing radiation and exposure to natural sources of radiation

# **Objective**

 To provide a legal framework for conducting activities related to nuclear energy and ionizing radiation in a manner which adequately protects individuals, property and environment

### **Nuclear Law: What does it cover?**







# **IAEA Treaty Event 2023**







## **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



## **CPPNM** and the A/CPPNM



#### **Physical Protection**

#### Offences

# International Cooperation

C P P N

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

Smuggling of nuclear material

in addition

Sabotage of nuclear facilities

Coverage of "substantial damage to the environment

New ancillary offences (organisation or direction of others to commit a listed offence)

#### in addition

M

D

M

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

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

Expanded cooperation, assistance and information sharing in case of sabotage



## **Nuclear Law Components**



# International component



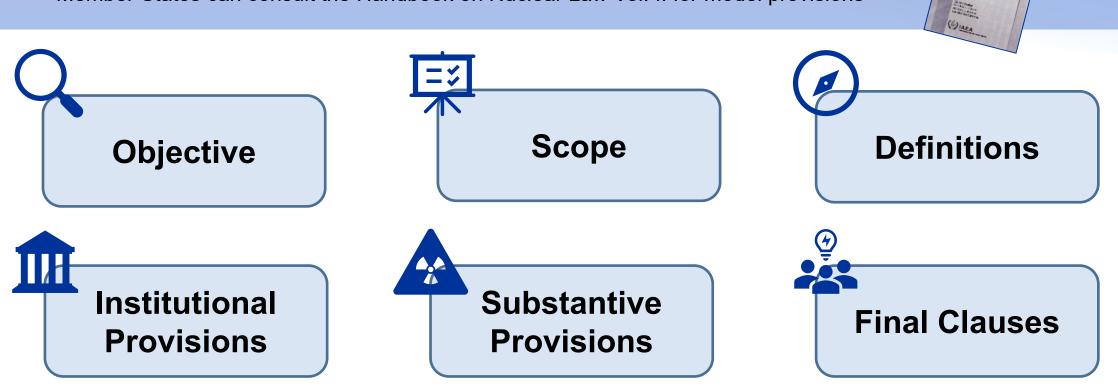
**National component** 



# Elements of a National Nuclear Law



Member States can consult the Handbook on Nuclear Law Vol. II for model provisions



## Basic elements of nuclear security legislation



- A physical protection regime for nuclear and other radioactive material and related facilities;
- Provisions regarding authorization (licensing), inspection and enforcement measures relevant to nuclear material and nuclear facilities (and other radioactive material);
- Measures for the prevention and detection of, and response to, incidents of theft or other unauthorized acquisition of or illicit trafficking in nuclear and other radioactive material or sabotage of related facilities;
- Criminal offences for violations of applicable laws and regulations, with stringent penalties, particularly for malicious acts;
- National arrangements necessary to implement international cooperation in protecting radioactive material, recovering stolen or lost material and dealing with offenders.



## **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!

