

The International Convention for the Suppression of Acts of Nuclear Terrorism (ICSANT): key provisions, synergies with other nuclear security instruments, UNODC assistance

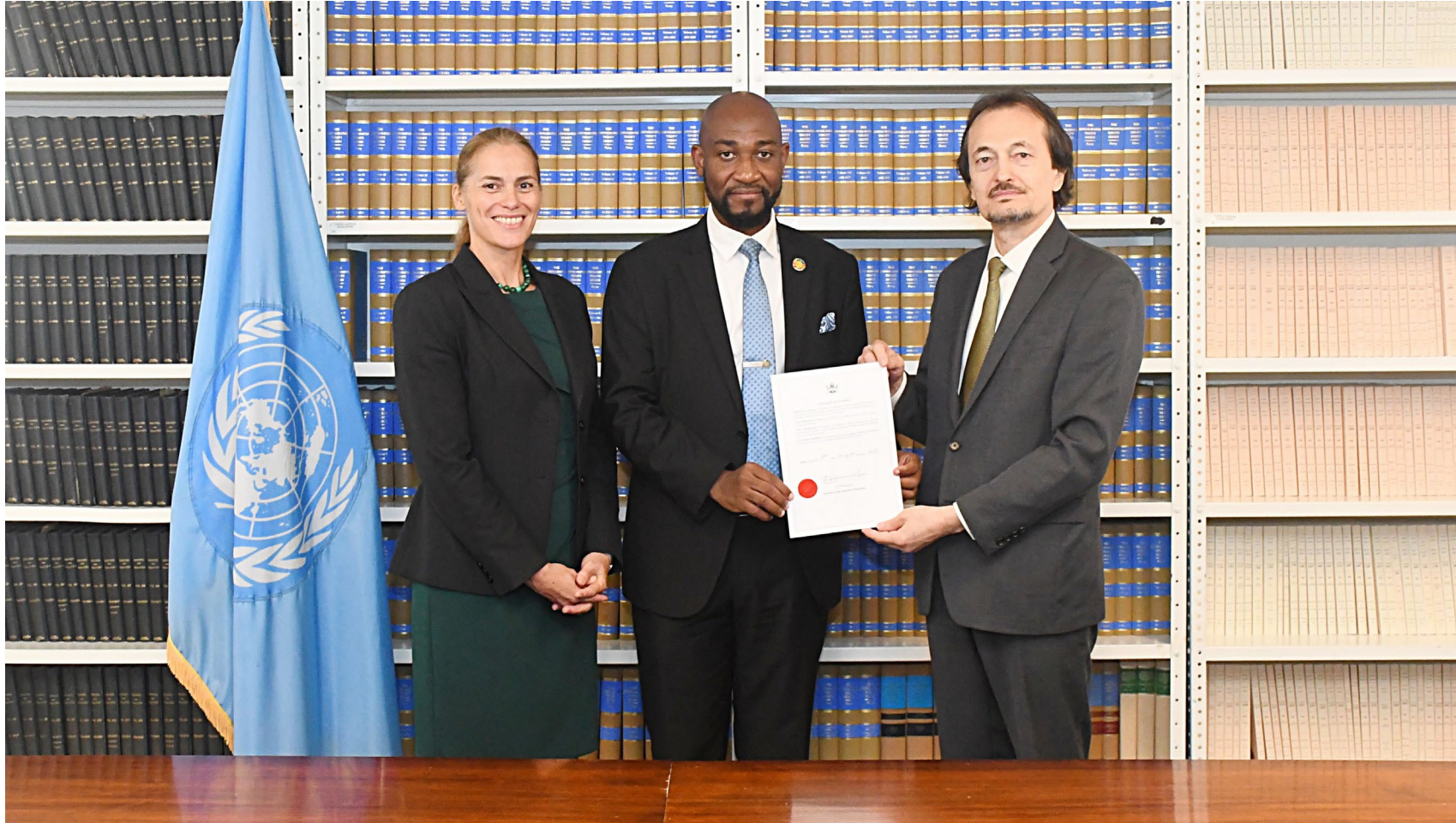
National Parliamentary Session on Nuclear and Radiological Security

12 February 2024
Harare, Zimbabwe

Mr Artem Lazarev, Programme Officer



Zimbabwe – 122nd State party to ICSANT (28 October 2023)



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“The impetus on the part of Zimbabwe was our continued commitment to the achievement of and maintenance of worldwide effective physical protection of nuclear material and nuclear facilities for peaceful purposes.

This enabled us to overcome the challenges faced with ratification of instruments that are of a nuclear security nature as they take long to conclude through engaging with decision makers and key institutions.”



Main provisions of ICSANT



*“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** [...]. We stand ready to continue to provide tailor-made technical and legal assistance towards these aims.”*

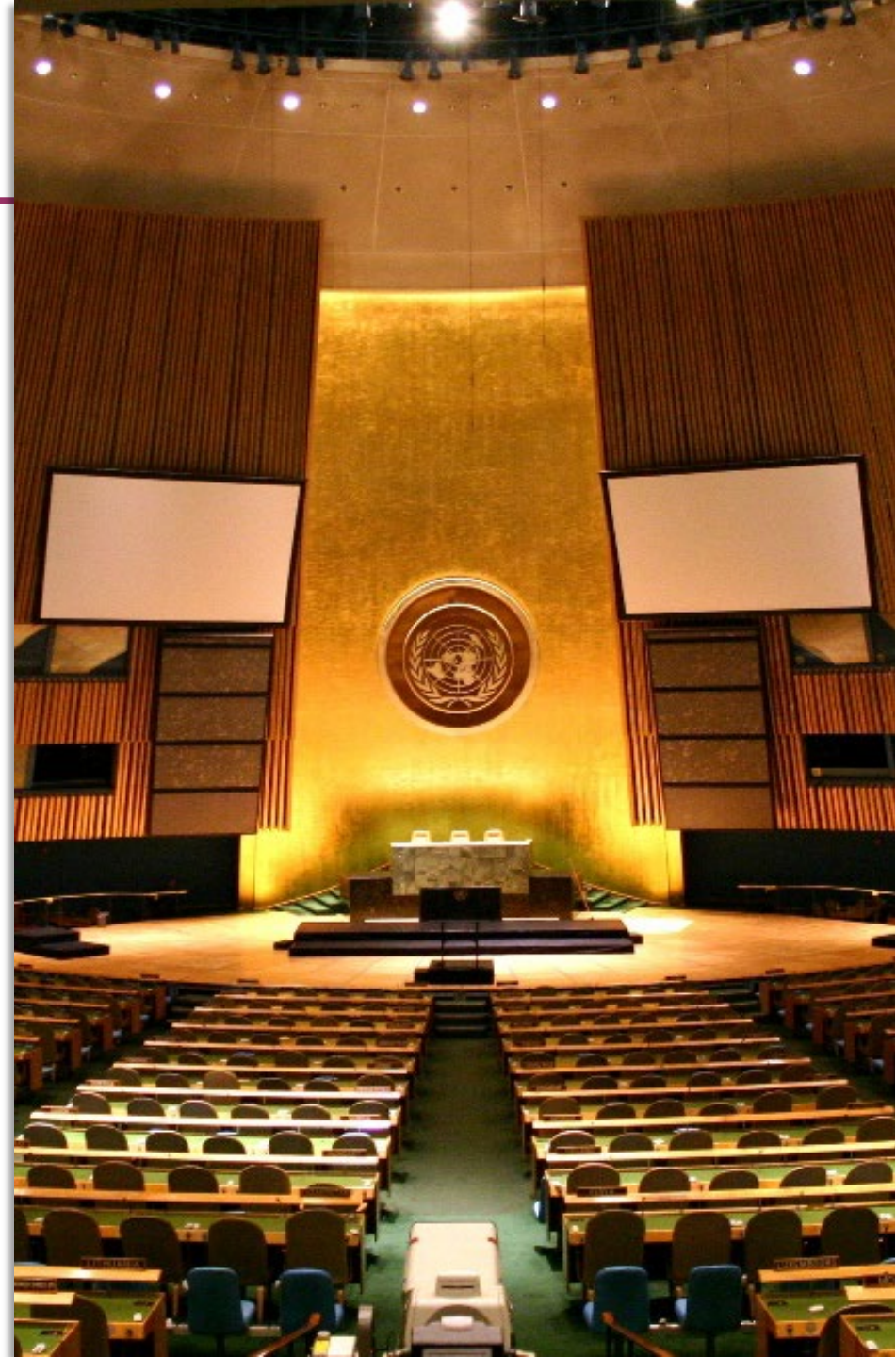
Ghada Waly
Executive Director, United Nations Office on Drugs and Crime

Canada 

 **UNODC**
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
- 123 parties (124 on 18 Feb 2024)
- Depositary: UN Secretary-General



International legal framework against terrorism

ICSANT is one of the 19 international legal instruments against terrorism

Common elements:

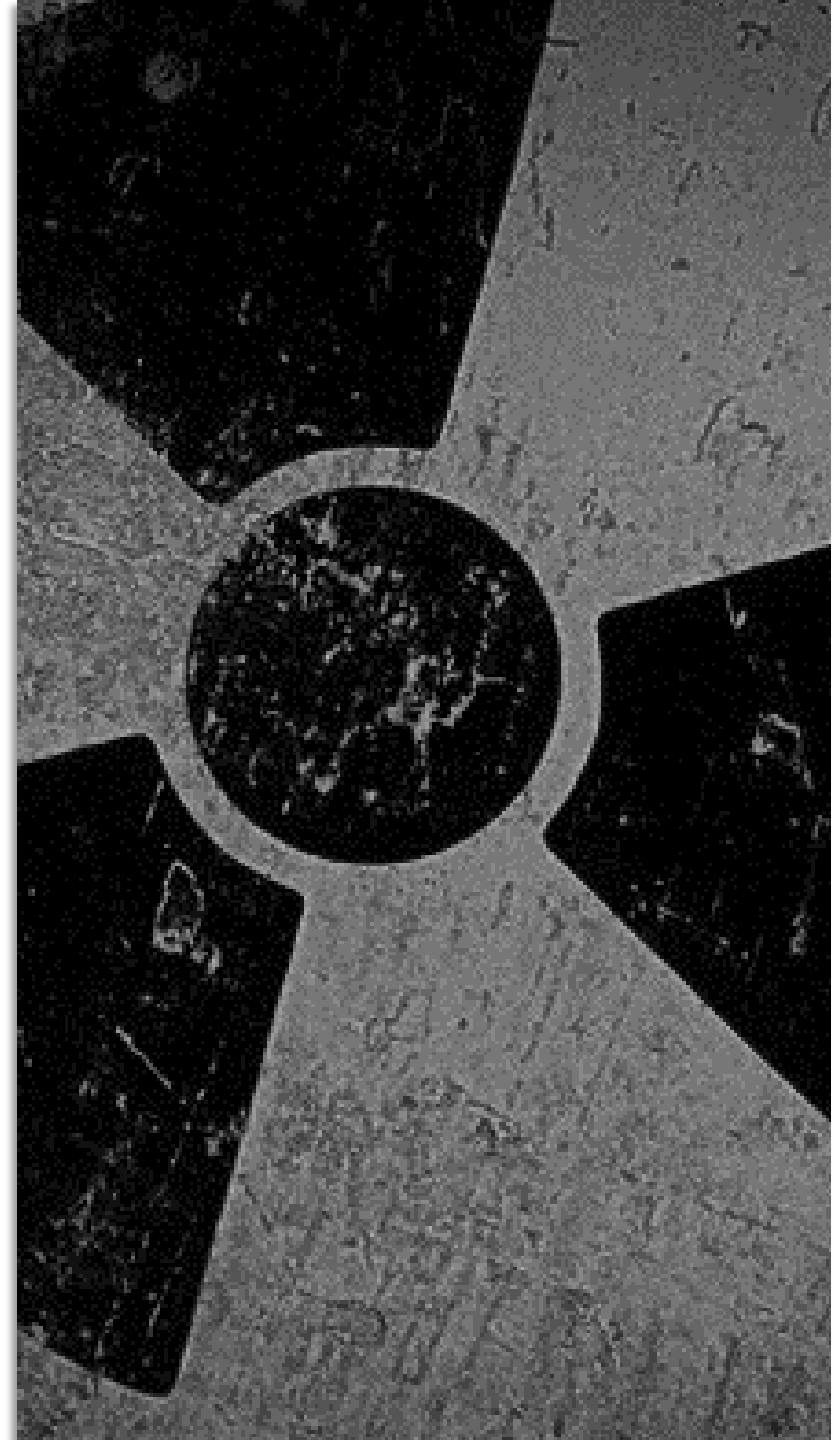
- ✓ Criminalization
- ✓ Jurisdiction
- ✓ Principle 'extradite or prosecute'
- ✓ International cooperation

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

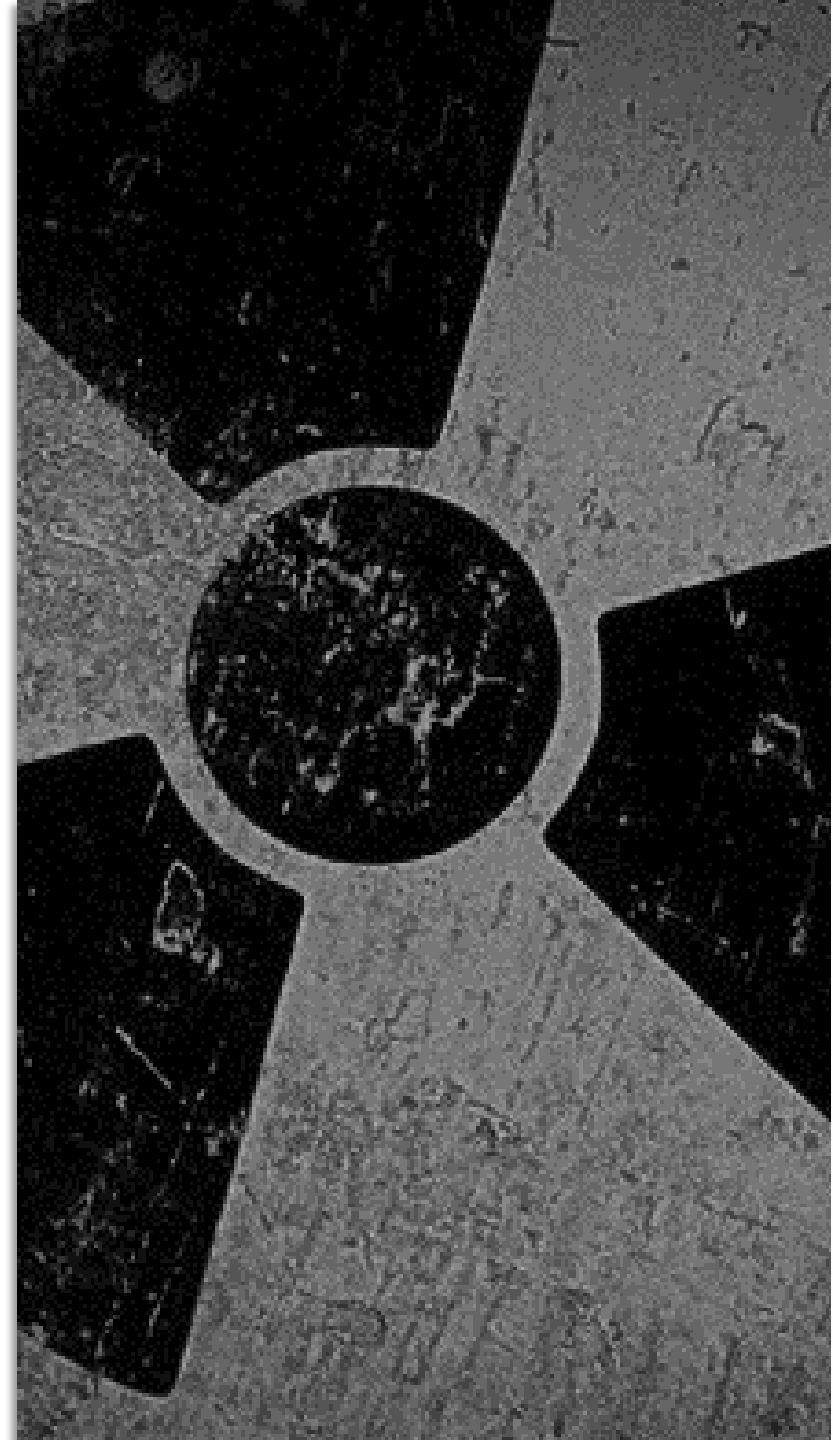
ICSANT requires a specific intent for a conduct to be criminalized



Criminalization (Zimbabwe)

? Criminal Law (Codification and Reform) Act

? Radiation Protection Act (Chap 15:15) of 2004, Section 20 (2) and regulations





Jurisdiction

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

(Zimbabwe): Information on optional jurisdiction to be submitted to the UN Secretary-General (Article 9.3 ICSANT)

International cooperation

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

(Zimbabwe): Information on national competent authorities / liaison points to be submitted to UNODC (Article 7.4 ICSANT)



Synergies with some other instruments

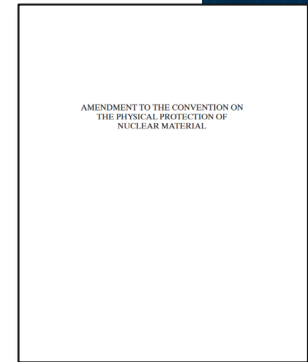
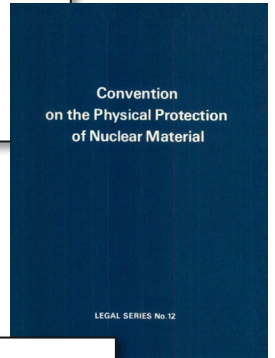
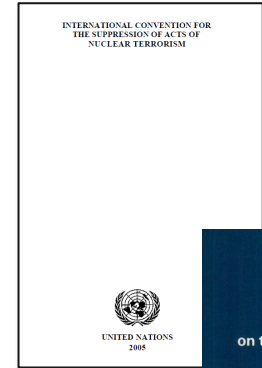
1. Convention on the Physical Protection of Nuclear Material and its 2005 Amendment

Mutually reinforcing

Complementary provisions (references to CPPNM and IAEA)

Larger scope of application of ICSANT

- Covers all radioactive material (not only nuclear material) – almost all countries have radioactive sources
- Military and peaceful purposes
- Broader definition of ‘nuclear facility’



Incorporation of ICSANT's criminalization requirements into national legislation as a way to fulfil obligations under UNSCR 1373 (2001) and UNSCR 1540 (2004)



OP 2: “...all States ... shall **deny safe haven** to those who finance, plan, support, or commit terrorist acts, or provide safe havens; [...] ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is **brought to justice** and ensure that [...] such terrorist acts are established as **serious criminal offences in domestic laws and regulations** and that the punishment duly reflects the seriousness of such terrorist acts [...].”

United Nations
Security Council
resolution 1373 (2001)
on threats to
international peace
and security caused by
terrorist acts

OP 2: “...all States ... shall ***adopt and enforce appropriate effective laws*** which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them.”

United Nations
Security Council
resolution 1540 (2004)
on non-proliferation of
weapons of mass
destruction

UNODC assistance

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 mandate

UN General Assembly A/RES/78/226 on technical assistance provided by UNODC related to counter-terrorism

(19 December 2023)

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 [...]”*

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UNODC's projects on nuclear terrorism

Canada 



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- Canada's Contribution to UNODC to Support the Universalization of International Legal Frameworks related to Nuclear Security Phase III (2023-2026), including the 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) (with UNOCT/UNCCT)

UNODC's technical and legal assistance to parties

- **Capacity building** of criminal justice officials: webinars; mock trials; national, regional, international workshops; table-top exercises
- Manuals and other **capacity building tools**
- **Legislative assistance and tools** (assistance in the drafting/review of national legislation; model legislative provisions, repository)
- Other **tools**



Capacity building activities

Webinar series on Countering CBRN terrorism

- 350+ participants from over 60 MS
- English, French, Spanish
- Recordings available

Series of webinars and virtual speaker series on ICSANT and nuclear terrorism 2024 – onwards



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Capacity building tools

Mock trials on ICSANT

First edition: Vienna, 29 Nov–1 Dec 2022

15 participants from eight States parties



Capacity building tools

**UNODC national seminars on ICSANT for
judicial and prosecution training centres**
11–12 December 2023, Montenegro

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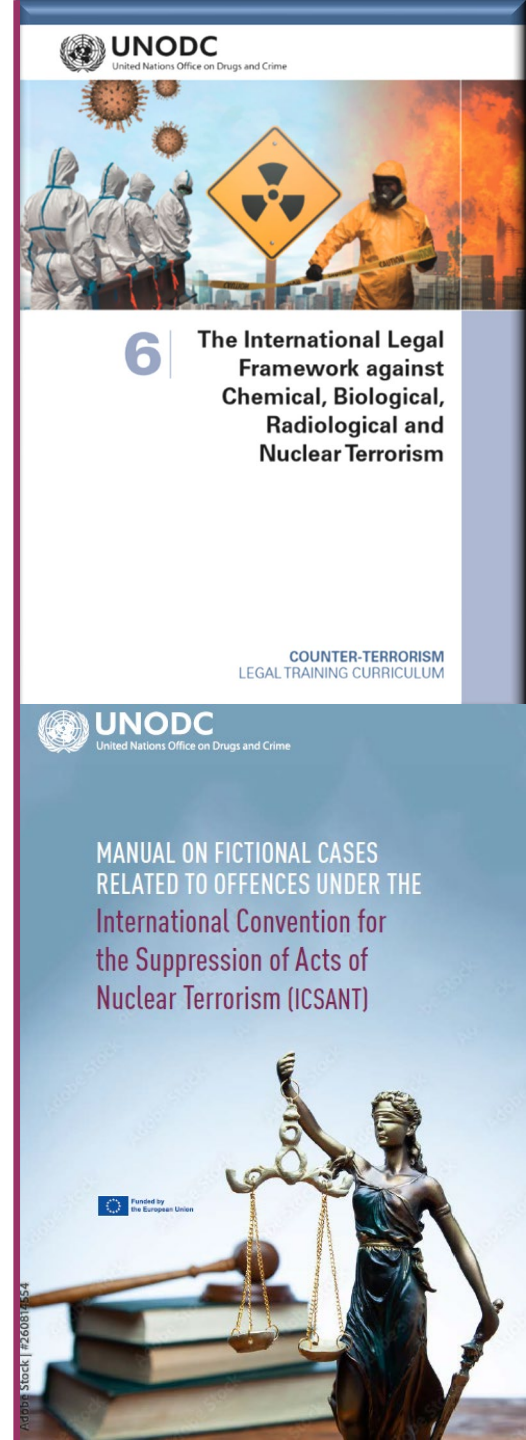
Capacity building tools

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 six UN official languages + Portuguese



A Prosecutor's Guide to
**Radiological
and Nuclear
Crimes**



Capacity building tools

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

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Capacity building tools

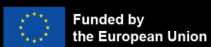
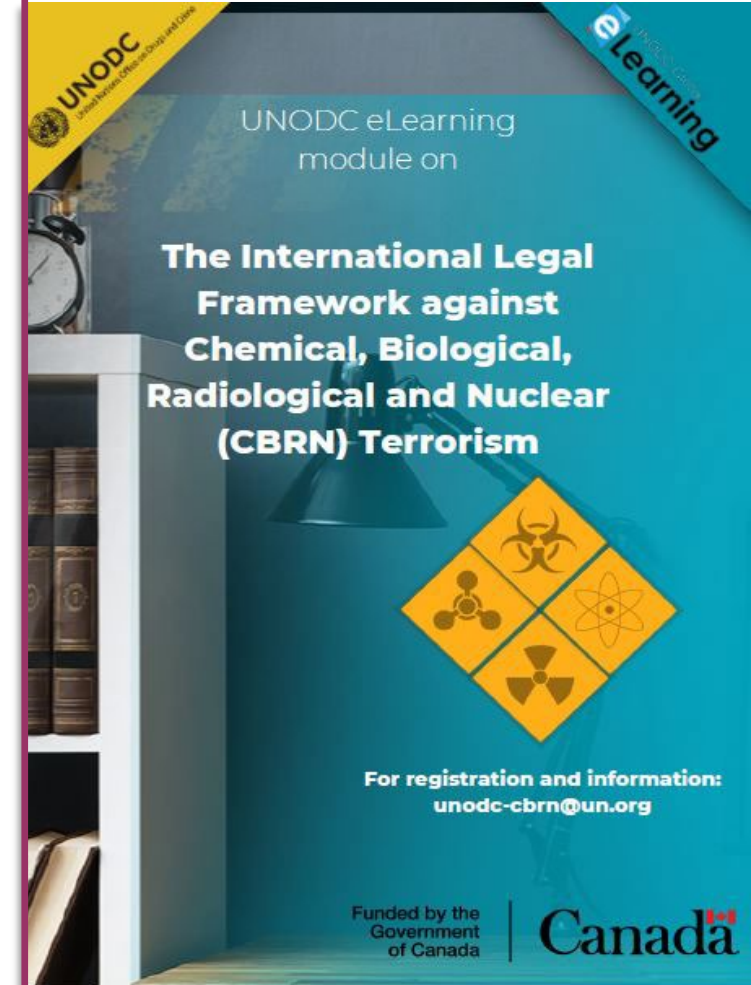
eLearning module on the international legal instruments against CBRN terrorism:

- 2,100+ practitioners from 100+ States
- available in six UN official languages + Portuguese

eLearning module on ICSANT:

- available in six UN official languages + Portuguese

New modules on specific ICSANT aspects (jurisdiction, human rights, implementing legislation; RDD and RED)



International
Convention for the
Suppression of
Acts of
Nuclear
Terrorism



**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.

Article ##. 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 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.

Legislative assistance tools

Legislative assistance

Available upon request

Model criminalization provisions

IAEA and UNODC jointly: model provisions on the implementation of the criminalization provisions of ICSANT, CPPNM and its Amendment (2009)



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

Fully integrated within  SHERLOC
SHARED HARMONIZED
LEGISLATION ONLINE

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United Nations Office on Drugs and Crime

Other tools

ICSANT Website:
www.unodc.org/icsant



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THE INTERNATIONAL CONVENTION
FOR THE SUPPRESSION OF
ACTS OF NUCLEAR TERRORISM
ICSANT



Ghada Waly
Executive Director
United Nations Office on Drugs and Crime

Watch Ms. Waly's video message on ICSANT [here](#).

"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.

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."

Other tools



Legislation Database, including >140 criminal codes



The image shows two screenshots of the SHERLQOC Database of Legislation interface. The top screenshot shows search results for Tuvalu, listing various laws such as the Counter Terrorism and Transnational Organised Crime Act 2009 and the Criminal Procedure Code. The bottom screenshot shows search results for Vanuatu, listing laws such as the Anti-Money Laundering and Counter-Terrorism Financing Act and the Financial Transactions Reporting Act (consolidated edition 2006). Both screenshots include a navigation menu, a search bar, and a list of filters on the left side.



Thank you for your attention!

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TERRORISM PREVENTION BRANCH
CBRN 
TERRORISM PREVENTION PROGRAMME



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