

Information Note¹

Events: Regional Workshop to Promote the Universalization of the Amendment to the Convention on the Physical Protection of Nuclear Material (CPPNM)

Organizers: Hosted by the International Atomic Energy Agency (IAEA)

Date and Venue: 4-7 October 2022, Hanoi, Viet Nam

Participants: *Government representatives from regional States:*
Bhutan, Brunei Darussalam, Cambodia, Lao People's Democratic Republic, Malaysia, Maldives, Mongolia, Myanmar, Nepal, Sri Lanka, Thailand, Tuvalu and Viet Nam

International representatives:
IAEA, United Nations Office on Drugs and Crime (UNODC), European Union Delegation to Viet Nam, Government of Canada
1540 Committee Expert

Background

In a letter dated 30 August 2022, the Director for the Division of Nuclear Security at the Department of Nuclear Safety and Security at the International Atomic Energy Agency (IAEA) informed the Chair of the Committee about a regional workshop that will be convened by the IAEA in Hanoi, Viet Nam, from 4 to 7 October 2022. The letter (see S/AC.44/2022/NOTE.96 of 8 September 2022) invited the Committee to nominate an Expert to participate in the workshop and deliver presentations on United Nations Security Council resolution 1540 (2004) and complementarities with the 2005 Amendment to the Convention on the Physical Protection of Nuclear Material (A/CPPNM) and the 1540 Committee's assistance mechanism, and to contribute to discussions during the workshop. While the event would focus on the universalisation and implementation of the A/CPPNM, the agenda also included presentations on resolution 1540 (2004) and the International Convention of the Suppression of Acts of Nuclear Terrorism (ICSANT).

This workshop was of relevance to resolution 1540 (2004) as follows:

- In its preamble, resolution 1540 (2004) recognizes that most States have undertaken binding legal obligations under treaties to which they are parties, or have made other commitments aimed at preventing the proliferation of nuclear, chemical or biological weapons, and have taken effective measures to account for, secure and physically protect sensitive materials, such as those required by the Convention on the Physical Protection of Nuclear Materials.
- Operative paragraph 1 of resolution 1540 (2004) requires States to refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery.

¹ For information – not an official report. The views expressed here do not necessarily represent those of the 1540 Committee or of the organizers or participants in the event.

- Under operative paragraph 2, States are obliged to adopt and enforce appropriate and effective laws prohibiting such activities by non-State actors on their territories.
- Operative paragraph 3 requires States to take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials. This includes measures to account for and secure such items in production, use, storage or transport; effective physical protection measures; effective border controls and law enforcement efforts; national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as end-user controls; and criminal or civil penalties for violations of such export control laws and regulations.
- The 1987 Convention on the Physical Protection of Nuclear Material (CPPNM), its 2005 Amendment, and the International Convention of the Suppression of Acts of Nuclear Terrorism (ICSANT) implement important elements of these operative paragraphs.
- Operative paragraph 12 of resolution 2325 (2016) decides that the 1540 Committee shall continue to intensify its efforts to promote full implementation of resolution 1540 (2004) and particularly notes the need for more attention, among others, on accounting for and securing related materials.
- Furthermore, operative paragraph 29 of resolution 2325 (2016) “requests the 1540 Committee to continue to organize and participate in outreach events on the implementation of resolution 1540 (2004) at the international, regional, sub-regional, and, as appropriate, national level ...”

Highlights

The Workshop was opened by Prof. Dr. Nguyen Tuan Khai, Director General of the Viet Nam Agency for Radiation and Nuclear Safety (VARANS) who welcomed participants from States in the Asia Pacific region and international experts. The programme covered the international legal framework for nuclear security, regional status and perspectives on adherence and implementation of the Convention on the Physical Protection of Nuclear Material and its 2005 Amendment (A/CPPNM), the importance and benefits of adherence to the A/CPPNM and other legal nuclear security instruments, national experiences on adherence and implementation, challenges faced and progress made, as well as legislative and technical assistance programmes.

Beyond providing a platform for in-depth discussions with regional States on adherence to the CPPNM and its Amendment, as well as the International Convention for Suppression of Acts of Nuclear Terrorism (ICSANT), the Workshop presented a valuable opportunity to enhance awareness of the obligations under resolution 1540 (2004), as well as the Committee’s assistance mechanism and other tools to support States in the implementation of their obligations. Discussions illustrated the differences in scope and objectives between the respective instruments, but also the complementary nature of resolution 1540 (2004) and overlaps with provisions under other international instruments, as well as the need for close co-ordination to deliver effective assistance to requesting States. Participants highlighted some of the challenges related to nuclear security instruments, including the lack of awareness about the relevance and potential benefits of

such instruments and their implementation, conflicting priorities and the lack human and financial resources.

Additional Comments

For further information, please contact the 1540 Committee experts by e-mail at 1540experts@un.org.