

Information Note¹

- Event:** Workshop on the 2005 Amendment to the Convention on the Physical Protection of Nuclear Material and the 2005 International Convention for the Suppression of Acts of Nuclear Terrorism
- Organizers:** United Nations Office on Drugs and Crime (UNODC), with the financial support of the Government of the United Kingdom
- Date and Venue:** 5-6 June 2013, UNODC Regional Office, Dakar, Senegal
- Participants:** *States:* Burkina Faso, Cameroon, Cape Verde, Cote d'Ivoire, Equatorial Guinea, Guinea, Guinea-Bissau, Senegal, Togo, Netherlands, United Kingdom
- International, regional and subregional organizations:* African Union, International Atomic Energy Agency (IAEA), United Nations Office on Drugs and Crime, 1540 Committee group of experts
- Civil society:* Institute for Security Studies

1. **Objectives**

- Make a presentation highlighting the significance and importance of resolution 1540 (2004) in the context of the Convention on the Physical Protection of Nuclear Material (CPPNM) and its 2005 Amendment and the 2005 International Convention for the Suppression of Acts of Nuclear Terrorism (ICSANT);
- Inform the participants about the role of the 1540 Committee and its experts on matters related to assistance and capacity-building.
- Engage in bilateral discussion with States that have not submitted a report yet, with a view to provide them with all the explanations they would need, and to hear from them about possible difficulties they are facing to report, as well as to discuss the way forward.

2. Background

- Resolution 1977 (2011) urges the 1540 Committee to continue to engage actively with States and relevant international, regional and subregional organizations to promote the sharing of experience, lessons learned and effective practices, in the areas covered by resolution 1540 (2004).
- The preamble of 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 Material*”.
- The workshop was organized by the Terrorism Prevention Branch of UNODC. It aimed at raising awareness on the importance of the full implementation of the 2005 Amendment to the Convention on the Physical Protection of Nuclear Material and the ICSANT. The workshop also aimed at providing participants with a forum to discuss the benefits and challenges of becoming party to these instruments and incorporating their provisions into national legislation.

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

- Participating States from the region are States parties to the 1980 CPPNM that have not acceded to the 2005 Amendment yet.
- The workshop offered an opportunity to interact with four States that have not submitted a report to the 1540 Committee yet (Cape Verde, Equatorial Guinea, Guinea, Guinea-Bissau), and with two States that have submitted an assistance request to the 1540 Committee (Burkina Faso, Cote d'Ivoire).

3. Highlights

Opening session

The session was introduced by Mr. Damien Rey, as Officer in Charge of the UNODC Regional Office for West and Central Africa in Dakar.

Opening statements were delivered by the Ambassador of the United Kingdom to Senegal, H.E. Mr. John Marshall, and by the representative of UNODC headquarters, Ms. Maria Lorenzo Sobrado. Both highlighted the importance of combating terrorism, including nuclear terrorism, underlining the role of the CPPNM and its 2005 Amendment and of the ICSANT.

Discussions

The agenda was shaped to raise awareness of the international legal instruments against terrorism, in particular in the nuclear area, and to facilitate the sharing of national experiences. Discussions took place also on the situation in the West Africa region and on tools available to States to enhance their capabilities.

International instruments

A representative of UNODC (Dakar Regional Office) presented the context in which the efforts of the international community to combat terrorism take place. The presenter's knowledge of the region was essential to deliver tailored messages that addressed the concerns of the participants and met their expectations. The speaker described the main characteristics of terrorism, highlighting trends that have been reported, such as convergence with organized crime, and mentioning the activity in the region of entities such as AQIM (Al-Qaeda in the Islamic Maghreb) or MUJAO (Movement for Unity and Jihad in West Africa). The presenter briefed the participants on the overall international architecture against terrorism, underscoring the major responsibility of States to implement the relevant international instruments, including by criminalizing specific actions. Recalling that there is no universally agreed definition of terrorism, the speaker highlighted elements of a definition that can be found in the relevant international instruments. The UNODC representative also presented detailed information on the different counter-terrorism instruments, on the UN Global Strategy against terrorism and the role of the different UN bodies in this area, including the Counter Terrorism Implementation Task Force (CTITF), and the Committees established pursuant to resolutions 1267 (1999), 1989 (2011), 1373 (2001) and 1540 (2004). In his conclusion, the speaker encouraged States to ratify the relevant conventions, to incorporate provisions in the national legal systems, to train appropriate personnel in particular those in charge of implementing laws, and to strengthen international judicial cooperation.

A representative of UNODC (Vienna headquarters) made a presentation on the Convention on the Physical Protection of Nuclear Material (CPPNM) and its 2005 Amendment, highlighting the difference in scope of the two instruments. In this regard, the speaker underscored that the CPPNM provides in particular for the physical protection of nuclear material used for peaceful purposes during international transport, while the 2005 Amendment extends to the physical protection of nuclear material used for peaceful purposes in domestic use, storage and transport, and of nuclear facilities used for peaceful purposes. The UNODC representative described all relevant legal aspects of the two instruments,

focusing on their criminalization aspects and briefing participants also on the central importance of international cooperation in the context of those two instruments. The speaker underscored the importance of an early entry into force of the 2005 Amendment and described the legislative assistance that UNODC can offer to member States to this end.

An expert on nuclear security representing the IAEA completed the presentation of the CPPNM and its 2005 Amendment, by focusing in particular on the technical aspects and on the role of the IAEA. The speaker shared first-hand information on the process that led to the negotiation of the 2005 Amendment. The speaker highlighted fundamental principles of physical protection in the context of the 2005 Amendment: responsibility of the State; responsibilities during international transport; legislative and regulatory framework; competent authority; responsibility of the license holders; security culture; evaluation of the threat; graded approach; defense in depth; quality assurance; contingency plans; confidentiality. The presenter highlighted the importance of international cooperation, explaining how States can interact on matters within the scope of the convention, either directly or through the IAEA. The speaker highlighted that the implementation by States of the CPPNM and its 2005 Amendment contributes to the fulfillment of the 1540 obligations. The speaker presented guidance documents produced by the IAEA (Nuclear Safety Standards and Nuclear Security Series) that represent a global reference for high level of nuclear safety and security. He gave an overview of the technical assistance made available by the IAEA (advisory and peer review services; human resource development; upgrades of technical capabilities) and encouraged States that need assistance on nuclear security matters to request such assistance from the IAEA.

A representative of UNODC (Vienna headquarters) made a presentation on the International Convention for the Suppression of Acts of Nuclear Terrorism (ICSANT), which was drafted by the Russian Federation and adopted in 2005 under the auspices of the United Nations before entering into force in 2007. The speaker gave an overview of the provisions of the Convention.

The 1540 Committee expert presented resolution 1540 (2004) and the role of the 1540 Committee, including its clearinghouse function and its mandate to cooperate with international, regional and sub-regional organizations. The 1540 Committee expert described activities by the Committee and its experts to facilitate the implementation of resolution 1540 (2004) by States. The 1540 Committee expert relayed the objective of universality, recalling that States that have not submitted a report yet are encouraged to do it without delay. The 1540 Committee expert also highlighted converging objectives of resolution 1540 (2004) and CPPNM, its 2005 Amendment and ICSANT.

National experiences

Participating States from the region shared their national experiences in implementing relevant counter-terrorism instruments.

The United Kingdom shared its experience in ratifying and implementing the 2005 Amendment to the CPPNM and the ICSANT. The United Kingdom also shared its experience in the prevention, investigation and prosecution of acts related to the criminal use of nuclear or other radioactive material.

Assistance, capacity-building and tools available to States

Representatives of UNODC (Dakar Regional Office and Vienna headquarters) introduced the Model Legislative Provisions against Nuclear Terrorism, jointly developed by UNODC and the IAEA, as an attempt to merge the provisions contained in the relevant international instruments. Those model legislative provisions were made available to States to assist them in their efforts to incorporate, at the national level, obligations stemming from the international instruments they are Party to.

A roundtable was dedicated to the matter of capacity-building, offering the possibility to have more extensive, and practical, information on programmes available from/through the IAEA, UNODC, the African Union, the 1540 Committee and the Institute for Security Studies. The African Union mentioned it will continue to support Member States through sensitization and resource mobilization.

The situation in Africa

The African Union (AU) described its role in promoting the relevant legal instruments. The Common African Defense and Security Policy (CADSP), adopted by the 2nd Extraordinary Session to the Assembly of the Union held in February 2004, provides the framework for a comprehensive and collective security approach to traditional and emerging internal and external threats faced by AU Member States. It recognizes that the proliferation of nuclear, chemical and biological weapons and their means of delivery represents a threat to continental security. It also recognizes the importance of the regional and international arms control and disarmament regimes and entrusts the AU Peace and Security Council with the function of promoting their implementation. The speaker presented the different instruments adopted under the auspices of the AU, to address terrorism challenges, including the 1999 Convention on the Prevention and Combating Terrorism, and the 2004 Protocol to the Convention on the Prevention and Combating Terrorism. The speaker underscored the importance of the Pelindaba treaty establishing a nuclear-weapon-free-zone in Africa, and highlighted the role of the African Commission on Nuclear Energy. The AU Commission took the initiative of elaborating the African Model Law on Counter Terrorism, which was validated by Member States' experts in December 2010 and was endorsed by the Assembly in July 2011. The speaker highlighted that the African Union has designated a regional coordinator for resolution 1540 (2004) in August 2011. The speaker also mentioned the productive workshop held in November 2012 in Pretoria. The 20th Ordinary Session of the Assembly of the African Union, held in January 2013, requested the AU Commission to take all necessary steps, in collaboration with the 1540 Committee and the relevant partners, to implement the proposals and recommendations made at the workshop.

A senior researcher of the Institute for Security Studies gave an overview of frameworks for nuclear security in Africa, describing the various instruments in place and their ratification status and briefing participants on the Nuclear Security Summit process and its implications for African States.

4. Additional comments

More information on UNODC website, at: https://www.unodc.org/unodc/en/terrorism/latest-news/international_legal_framework_against_nuclear_terrorism_africa.html and by e-mail at nuclear-treaties@unodc.org

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