

## Information Note<sup>1</sup>

- 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:** 16-18 October 2013, Nairobi, Kenya
- Participants:** *States:* Argentina, Comoros, Djibouti, Kenya, Madagascar, Mozambique, Rwanda, Sudan, Swaziland, Tanzania, Uganda, United Kingdom
- International, regional and subregional organizations:* African Union (AU), International Atomic Energy Commission (IAEA), United Nations Office on Drugs and Crime (Nairobi regional office and Vienna headquarters), 1540 Committee group of experts
- Civil society:* Institute for Security Studies (ISS, South Africa)

### 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 yet, submitted a report with a view to providing them with any support needed, and to hear from them about possible difficulties they are facing in reporting, 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*”.

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<sup>1</sup> 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.

- The workshop was organized by the Terrorism Prevention Branch of UNODC (UNODC/TPB). 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 2005 International Convention for the Suppression of Acts of Nuclear Terrorism. 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.
- Participating States from the region were States parties to the 1980 CPPNM that have not adhered to the 2005 Amendment yet plus Kenya that has already adhered to the 2005 Amendment.
- Argentina was invited to share its experience as a country that has already adhered to the 2005 Amendment.
- The workshop offered an opportunity to interact with three States that have not yet submitted a report to the 1540 Committee (Comoros, Mozambique and Swaziland).

### 3. Highlights

#### *Opening session*

Opening statements were delivered by the UNODC Regional Representative, **Ms. Loide Lungameni**, and by a representative of the Ambassador of United Kingdom to Kenya, **H.E. Mr. John Murton**. Both highlighted the importance of combating nuclear terrorism, underlining the role of the CPPNM and its 2005 Amendment and of the ICSANT. The UNODC Regional Representative expressed appreciation for the financial support provided by the United Kingdom.

#### *Highlights*

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 East Africa and on tools available to States to enhance their capabilities.

#### International instruments

A representative of UNODC Kenya Office presented the context in which efforts of the international community to combat terrorism take place. Recalling that there is no universally agreed definition of terrorism, the speaker highlighted elements of 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 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 her conclusion, the speaker encouraged States to ratify the relevant conventions, to incorporate provisions in the national legal systems, to train appropriate persons in particular those in charge of implementing laws, and to strengthen the international judicial cooperation.

A representative of UNODC/TPB 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, briefing participants also on the central importance of international cooperation in the context of those two instruments.

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 highlighted fundamental principles of physical protection in the context of the 2005 Amendment, and 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 noted that the implementation by States of the CPPNM and its 2005 Amendment contributes to the fulfillment of several 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, and encouraged States that need assistance on nuclear security matters to request such assistance from the IAEA. The presenter highlighted that the CPPNM and its 2005 Amendment are compatible with development goals.

A representative of UNODC (Vienna headquarters) gave an overview of the provisions of the International Convention for the Suppression of Acts of Nuclear Terrorism (ICSANT).

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 and Argentina shared their national experiences in implementing relevant counter-terrorism instruments. .

#### The role of the African Union and overview of the framework for nuclear security on the continent

The African Union described its role in promoting the relevant legal instruments. The Common African Defense and Security Policy (CADSP), adopted by the 2<sup>nd</sup> 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. 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 African Union, 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 speaker recalled that the African Union has designated a regional coordinator for resolution 1540 (2004) in August 2011. The AU Representative also recalled the fruitful workshop held in November 2012 in Pretoria. The 20<sup>th</sup> 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. The AU representative highlighted that African States can benefit from support from UNODC and the AU to conduct gap analysis, and encouraged participants to consider this opportunity. She also underscored

synergies in implementing resolution 1540 (2004) and in developing capacities: “there are many ways in which countries can build up on resolution 1540 (2004)”.

A senior researcher of the Institute for Security Studies gave an overview of the framework for nuclear security in Africa, highlighting that African States are well aware of the potential dangers posed by the unregulated proliferation of nuclear material, and underscoring that the important role of African States in non-proliferation activities is thus recognized both internationally and continentally. In noting the importance of the CPPNM, its 2005 Amendment and the ICSANT, he also recalled that it is a fundamental responsibility of States, consistent with their respective national and international obligations, to maintain effective security of all nuclear materials and to prevent non-State actors from acquiring such materials.

#### Tools available to States, assistance and capacity-building

A representative of UNODC/TPB introduced the Joint UNODC/IAEA Model Legislative Provisions against Nuclear Terrorism, developed as an attempt to merge the criminalization 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. The speaker recalled that UNODC stands ready to provide assistance to States at their request.

A roundtable was dedicated to the matter of capacity-building, during which the AU, IAEA, UNODC and the 1540 Committee expert gave practical information on ways to request and receive assistance.

#### 4. Additional comments

More information on UNODC website is available at: [http://www.unodc.org/unodc/en/terrorism/latest-news/workshop\\_nuclear\\_terrorism.html](http://www.unodc.org/unodc/en/terrorism/latest-news/workshop_nuclear_terrorism.html) and by e-mail at [nuclear-treaties@unodc.org](mailto:nuclear-treaties@unodc.org)

For further information, please contact the 1540 Committee experts by e-mail at [1540experts@un.org](mailto:1540experts@un.org).