

The international legal framework against nuclear terrorism and UNODC's role

WINS Online workshop: The central role of nuclear operators in implementing national obligations under the CPPNM and its Amendment

13 March 2024

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United Nations Office on Drugs and Crime

International legal framework against terrorism

- 19 international legal instruments against terrorism negotiated under the auspices of different organizations
- Common features:
 - ✓ Criminalization
 - ✓ Jurisdiction
 - ✓ Principle 'extradite or prosecute'
 - ✓ International cooperation



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- 1963 Convention on Offences and Certain Other Acts Committed on Board Aircraft
- 1970 Convention for the Suppression of Unlawful Seizure of Aircraft
- 1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation
- 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents
- 1979 International Convention against the Taking of Hostages
- 1980 Convention on the Physical Protection of Nuclear Material (CPPNM)
- 1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation
- 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation
- 1988 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf
- 1991 Convention on the Marking of Plastic Explosives for the Purpose of Detection
- 1997 International Convention for the Suppression of Terrorist Bombings
- 1999 International Convention for the Suppression of the Financing of Terrorism
- 2005 International Convention for the Suppression of Acts of Nuclear Terrorism
- 2005 Amendment to the CPPNM
- 2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation
- 2005 Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf
- 2010 Convention on the Suppression of Unlawful Acts relating to International Civil Aviation
- 2010 Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft
- 2014 Protocol to the Convention on Offences and Certain other Acts Committed on Board Aircraft

** International legal instruments against nuclear/radiological terrorism*



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Criminalization under CPPNM and A/CPPNM



Article 7: Offences involving **nuclear material** and **nuclear facilities** (in peaceful applications)

- Unauthorized receipt, use, transfer, alteration, disposal or dispersal
- Threat to use
- Theft or robbery
- Embezzlement or fraudulent obtaining
- Demand
- Smuggling
- Sabotage
- Attempt
- Participation
- Organization/direction of others



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Criminalization under ICSANT



Article 2: Offences involving **radioactive material, radioactive device, nuclear facilities** (in both military and peaceful applications)

- Possession
- Use / damage to nuclear facility
- Threat
- Demand
- Attempt
- Participation as accomplice
- Organization/direction of others
- Contribution in any other way



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Implementation of criminalization provisions

- Criminalization provisions are **not self-executing** → need to adopt national **implementing legislation**, harmonization of legislation
- States parties to make those offences punishable by appropriate **penalties** which take into account their grave nature
- Helpful to implement ICSANT, CPPNM and Amendment **in concert**
- Wide **discretion** of States Parties provides flexibility
- The instruments establish **minimum standards** → at the discretion of States parties to go beyond
- Joint work of **legal and technical** experts required

INFCIRC/924

5. There are **multiple ways to implement** ICSANT and the CPPNM and its Amendment and their **criminalization provisions** into domestic laws. **Models** provided by other countries may provide guidance for States signatories looking into the ratification and implementation process.

9. States parties should ensure that **criminalization penalties** for acts involving the willful, unauthorized acquisition, possession, use, transfer or transport of radioactive materials are appropriately encoded into national law and should create opportunities to exchange information with partner countries on this subject specifically.

INFCIRC/924

19. [...] States have important obligations under ICSANT, including the need to ensure its provisions are integrated into national legal codes, noting in particular the need **to integrate appropriate criminalization provisions** and the principle of extradition or prosecution into national legislation.



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A/CPPNM RevCon Outcome Document

30. The Conference highlighted the **importance of international cooperation** to strengthen the ability of Parties to implement the Convention as amended, including making resources and support available to Parties upon request that may assist them in implementing the Convention as amended, including those offered by the IAEA, by the **United Nations Office on Drugs and Crime (UNODC)**, INTERPOL, and other relevant international organizations and initiatives, as well as through regional and bilateral cooperation.



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A/CPPNM RevCon Outcome Document

34. During the Conference, experiences, lessons learned, good practices and implementation challenges regarding **criminalization provisions** under the Convention as amended were shared by Parties. The **role of** the IAEA, **UNODC** and INTERPOL in assisting Parties, upon their request, in implementing the Convention as amended was highlighted. The Conference also reaffirmed the importance of other relevant international legal instruments, such as the International Convention for the Suppression of Acts of Nuclear Terrorism (**ICSANT**).

35. The Conference reiterated that **offences related to nuclear material and nuclear facilities** are a matter of grave concern and that States Parties should continue to strengthen measures to address such offences in their national law as appropriate in accordance with the Convention as amended.

*“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

UNODC's mandate to counter nuclear and radiological terrorism

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 [...]”*

UNODC's Terrorism Prevention Branch



Promote adherence to 19 international legal instruments against terrorism (including ICSANT, CPPNM and A/CPPNM)



Assist Member States in bringing their counter-terrorism legislation in line with these instruments



Build the capacity of criminal justice officials and other relevant stakeholders to prevent and combat terrorism (including nuclear terrorism)



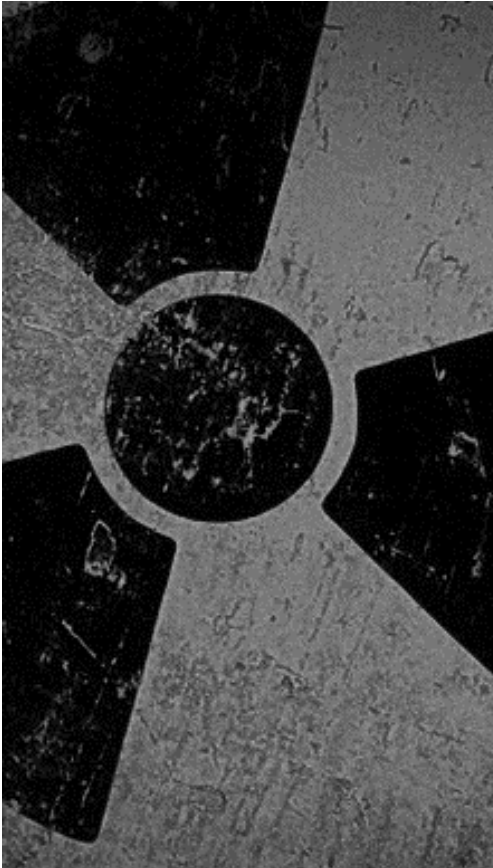
Strengthen international cooperation in criminal matters



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UNODC's projects on nuclear security



- Strengthening the Global Fight Against CBRN Terrorism Through Raising Awareness and Promoting Adherence to and Implementation of International Legal Frameworks related to Nuclear Security
- Union Support for the Universalization and Effective Implementation of the International Convention for the Suppression of Acts of Nuclear Terrorism (jointly with UNOCT/UNCCT)

Canada 



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UNODC's technical and legal assistance



- **Outreach and awareness raising** (workshops, seminars, visits)



- **Capacity building activities** for criminal justice officials (workshops, webinars, mock trials, table-top exercises)



- **Capacity building tools** (manuals, eLearning modules)

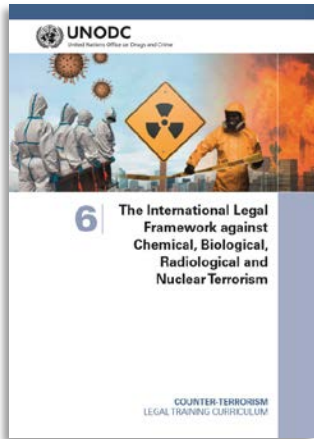


- **Legislative assistance** and related tools

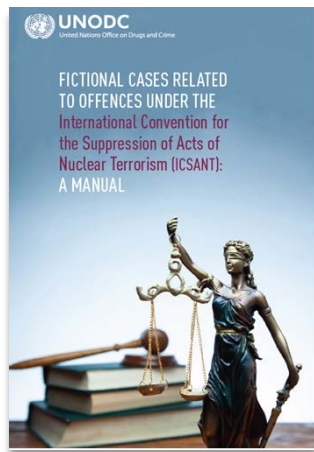


- **Other tools**

Capacity-building tools



Module 6 of UNODC Counter-terrorism legal training curriculum - international legal instruments against CBRN terrorism, available in all six UN official languages

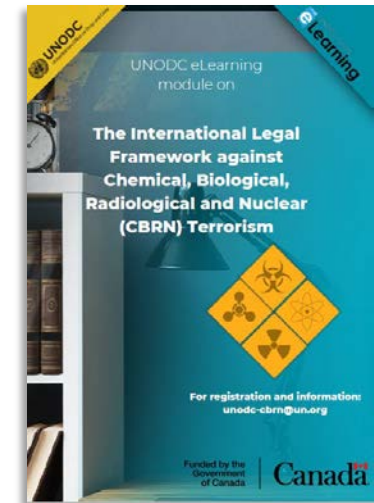


Manual of fictional case studies on ICSANT (focus on criminalization provisions), available in all six UN official languages and Portuguese

Capacity-building tools

eLearning module on the international legal instruments against CBRN terrorism

- 2,600+ practitioners from 120+ States
- available in all six UN official languages + Portuguese

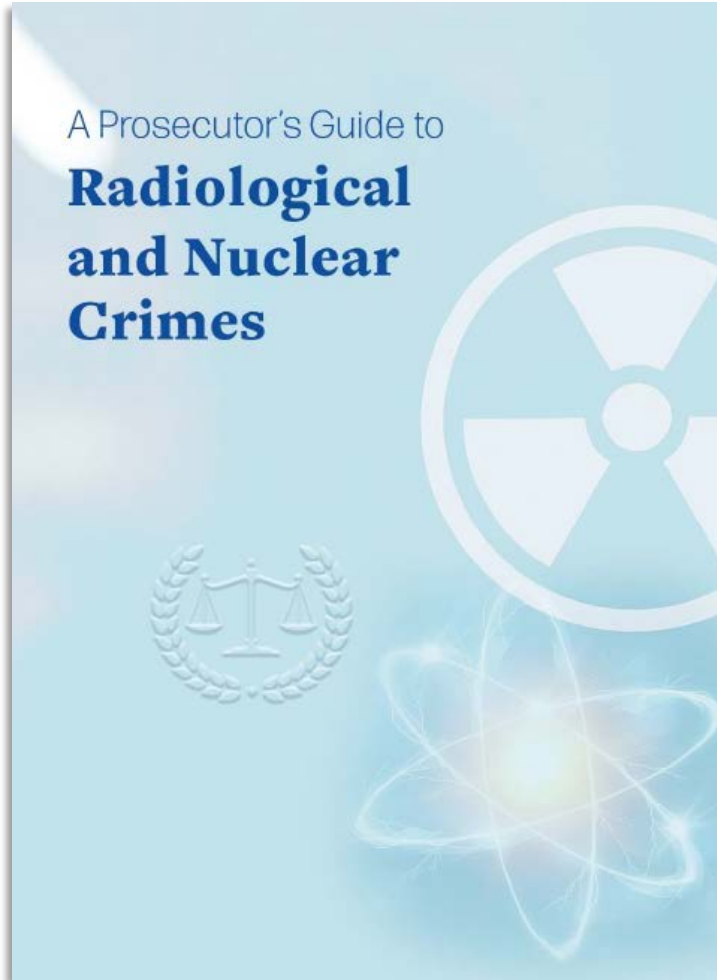


eLearning module on ICSANT

- available in all six UN official languages + Portuguese



Capacity-building tools



- 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

Other tools



The screenshot shows the homepage of the ICSANT website. At the top left is the United Nations logo and the text "United Nations Office on Drugs and Crime". A navigation bar includes links for Home, Convention, Legislation, Resources, Events, EU ICSANT Project, CSRN Terrorism Prevention, and Role of the IAEA. The main banner features a statue of Lady Justice and the text "THE INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF ACTS OF NUCLEAR TERRORISM ICSANT". Below this is a video message from the Executive Director, Gracia Waly, with a caption: "Watch Ms. Waly's video message on ICSANT here." The section "Main Features of the Convention" lists "STATES PARTIES: 120" and three categories: "STATUS" (with a photo of a meeting), "LEGISLATION" (with a photo of people in a meeting), and "WEBINARS" (with a poster for "COUNTERING CHEMICAL, BIOLOGICAL, RADIOLOGICAL AND NUCLEAR TERRORISM INTERNATIONAL LEGAL APPROACHES AND CRIMINAL JUSTICE RESPONSES A SERIES OF WEBINARS (2020-2021)").

ICSANT Website:
www.unodc.org/icsant



Repository of all resources on ICSANT
Available in all six UN official languages
Regularly updated

Newsletter



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HIGHLIGHTS 2023

UNODC CBRN Terrorism Prevention Programme, Terrorism Prevention Branch



With a mandate from the United Nations General Assembly, UNODC's [CBRN Terrorism Prevention Programme](#) assists Member States with:

Awareness raising on the importance and benefits of adhering to and fully implementing the international legal instruments against chemical, biological, radiological and nuclear (CBRN) terrorism;

Legislative assistance to national policy-makers and legislators in drafting and reviewing CBRN legislation upon request;

Capacity-building of criminal justice officials to ensure effective investigation, prosecution and adjudication of CBRN-related terrorism offences;

Training tools; and

International cooperation in criminal matters related to CBRN terrorism.



UNODC strives to mainstream human rights, gender equality, disability inclusion and prioritizes leaving no one behind.

Projects

Funded by the Government of Canada: Strengthening the Global Fight Against CBRN Terrorism Through Raising Awareness and Promoting Adherence and Implementation of International Legal Frameworks Related to Nuclear Security, Phase III (2023-2026).



Funded by the European Union: Union Support for the Universalisation and Effective Implementation of the International Convention for the Suppression of Acts of Nuclear Terrorism (2023-2026) (with UNOCT).



Cooperation and partnerships

International and regional organizations: 1540 Committee and its Group of Experts; ASEAN Regional Forum; AU; CARICOM; EU CBRN CoE; EU JRC; IAEA; ICAO; IMO; INTERPOL; OECD-NEA; OPCW; OSCE; UNICRI; UNOCT; UNODA

Civil society: African Center for Science and International Security (AFRISIS); International Association of Prosecutors; James Martin Center for Nonproliferation Studies; Nuclear Threat Initiative; Parliamentarians for Global Action (PGA); Stimson Center; Vienna Center for Disarmament and Non-Proliferation

Initiatives: Global Partnership Against the Spread of Weapons and Materials of Mass Destruction, and others



UNGA resolution [A/RES/78/226](#):

"The General Assembly [...] 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."

International legal instruments against CBRN terrorism:

1980 Convention on the Physical Protection of Nuclear Material ([CPPNM](#))

1997 International Convention for the Suppression of Terrorist Bombings ([Terrorist Bombings Convention](#))

2005 International Convention for the Suppression of Acts of Nuclear Terrorism ([ICSANT](#))

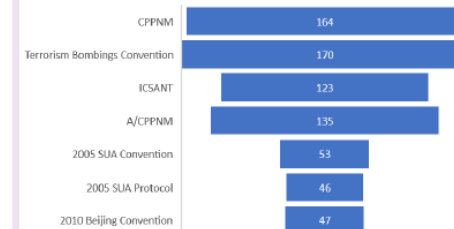
2005 Amendment to the Convention on the Physical Protection of Nuclear Material ([A/CPPNM](#))

2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation ([2005 SUA Convention](#))

2005 Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf ([2005 SUA Protocol](#))

2010 Convention on the Suppression of Unlawful Acts relating to International Civil Aviation ([2010 Beijing Convention](#))

Status of adherence as of 31 December 2023



First issue: UNODC CBRN work in 2023 (highlights)

<https://bit.ly/UNODC-CBRN>

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unodc-cbrn@un.org



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Newsletter

HIGHLIGHTS 2023

☰ Universalization of CBRN instruments

Country visits: UNODC promoted adherence to ICSANT through country visits to [Brunei Darussalam](#), [Cameroon](#), [Maldives](#), [Mauritius](#), [Sierra Leone](#), [Togo](#) and [Zimbabwe](#).



Regional/global events:

- UNODC conducted two workshops on the universalization and effective implementation of ICSANT, CPPNM and A/CPPNM for [the Pacific](#) and [Southeast Asia](#).
- UNODC further promoted adherence to ICSANT via four online regional workshops for [English](#) and [French](#)-speaking African countries, [the Pacific](#) and [Southeast Asia](#).
- Together with the International Atomic Energy Agency (IAEA), UNODC co-hosted [a side event](#) during the 67th IAEA General Conference on strengthening nuclear security worldwide through ICSANT, CPPNM and A/CPPNM.



📄 Examples of contribution to partners' activities:

- AFRICISIS [high-level meeting for African countries](#) on facilitating adherence to the A/CPPNM in Africa.
- UNODA-Government of Kenya-IGAD workshop on UNSC resolution 1540 (2004) for [IGAD Member States](#) (Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan and Uganda).
- PGA event for national parliamentarians of [Cameroon](#) which focused on enhancing nuclear security measures in the pursuit of global peace, including through adhering to relevant international legal instruments.
- The first [European Union CBRN Centres of Excellence-African Union Forum](#) on mitigating risks related to CBRN materials, which was held by the United Nations Interregional Crime and Justice Research Institute.

📄 Capacity building



National: UNODC Seminar on the implementation of ICSANT for judges, prosecutors, inspectors, and other government officials of [Montenegro](#).

Regional/global: UNODC Regional workshop to support [South-Eastern European countries'](#) efforts in strengthening the capacities of their criminal justice systems for the effective implementation of ICSANT.



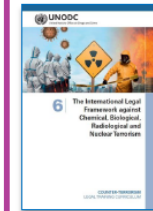
Cross-regional tabletop exercise "Snow Leopard" in Tajikistan aimed at identifying and demonstrating effective regional and international cooperation mechanisms (including ICSANT, CPPNM and A/CPPNM) for investigating and prosecuting radiological and nuclear crimes (UNODC together with the host country, the Netherlands, Romania, the United States of America, and UNOCT).

📄 Resources



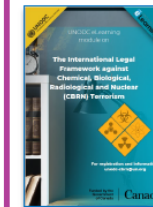
UNODC website on ICSANT: www.unodc.org/icsant. The leading, comprehensive resource for information, tools and updates on ICSANT – a key international legal instrument against nuclear terrorism.

Available in all six UN official languages: [Arabic](#), [Chinese](#), [English](#), [French](#), [Russian](#) and [Spanish](#).



UNODC training **Module** on *The International Legal Framework against CBRN Terrorism*. The module provides a thorough examination of the international legal framework against CBRN terrorism and aims at strengthening the capacity of national criminal justice officials to implement it.

Available in all six UN official languages.



UNODC eLearning **module** on *The International Legal Framework against CBRN Terrorism*. Building upon the above publication, this self-paced module promotes awareness of the need to adhere to the international legal instruments against CBRN terrorism and to incorporate their provisions into national legislation.

Upon successful completion, participants receive a personalized certificate.

Available in all six UN official languages and Portuguese.

Upcoming issues: on a quarterly basis

To subscribe: email unodc-cbrn@un.org

Partnerships

- **Cooperation with other IROs**, including: IAEA, ICAO, IMO, INTERPOL, UNICRI, UNOCT, UNODA, 1540 Committee, ARF, AU, CARICOM, OAS-CICTE, OSCE
- **Cooperation with NGOs**, including: Nuclear Threat Initiative (NTI), Parliamentarians for Global Action (PGA), Stimson Center, Vienna Centre for Disarmament and Non-Proliferation (VCDNP), WINS
- **Observer** to Global Partnership Against the Spread of Weapons and Materials of Mass Destruction (GP)
- **Member** of the Emerging Threats and Critical Infrastructure Protection Working Group of the UN Global Counter-Terrorism Coordination Compact
- **Corresponding organization** to the Inter-Agency Committee on Radiological and Nuclear Emergencies (IACRNE)

Thank you for your attention!
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