

## N – Physical Protection of Nuclear Material and Nuclear Terrorism

### Convention on the Physical Protection of Nuclear Material

[Signed at Vienna and New York on 3 March 1980, entered into force on 8 February 1987]

*The states parties to this convention,*

*Recognizing* the right of all States to develop and apply nuclear energy for peaceful purposes and their legitimate interests in the potential benefits to be derived from the peaceful application of nuclear energy,

*Convinced* of the need for facilitating international co-operation in the peaceful application of nuclear energy,

*Desiring* to avert the potential dangers posed by the unlawful taking and use of nuclear material,

*Convinced* that offences relating to nuclear material are a matter of grave concern and that there is an urgent need to adopt appropriate and effective measures to ensure the prevention, detection and punishment of such offences,

*Aware of the need* for international co-operation to establish, in conformity with the national law of each State Party and with this Convention, effective measures for the physical protection of nuclear material,

*Convinced* that this Convention should facilitate the safe transfer of nuclear material,

*Stressing* also the importance of the physical protection of nuclear material in domestic use, storage and transport,

*Recognizing* the importance of effective physical protection of nuclear material used for military purposes, and understanding that such material is and will continue to be accorded stringent physical protection,

*Have agreed* as follows:

#### Article 1

For the purposes of this Convention:

(a) 'nuclear material' means plutonium except that with isotopic concentration exceeding 80% in plutonium-238; uranium-233; uranium enriched in the isotope 235 or 233; uranium containing the mixture of isotopes as occurring in nature other than in the form of ore or ore-residue; any material containing one or more of the foregoing;

(b) 'uranium enriched in the isotope 235 or 233' means uranium containing the isotope 235 or 233 or both in an amount such that the abundance ratio of the sum of these isotopes to the isotope 238 is greater than the ratio of the isotope 235 to the isotope 238 occurring in nature;

(c) 'international nuclear transport' means the carriage of a consignment of nuclear material by any means of transportation intended to go beyond the territory of the State where the shipment originates beginning with the departure from a facility of the shipper in that State and ending with the arrival at a facility of the receiver within the State of ultimate destination.

#### Article 2

1. This Convention shall apply to nuclear material used for peaceful purposes while in international nuclear transport.
2. With the exception of articles 3 and 4 and paragraph 3 of article 5, this Convention shall also apply to nuclear material used for peaceful purposes while in domestic use, storage and transport.
3. Apart from the commitments expressly undertaken by States Parties in the articles covered by paragraph 2 with respect to nuclear material used for peaceful purposes while in domestic use, storage and transport, nothing in this Convention shall be interpreted as affecting the sovereign rights of a State regarding the domestic use, storage and transport of such nuclear material.

#### Article 3

Each State Party shall take appropriate steps within the framework of its national law and consistent with international law to ensure as far as practicable that, during international nuclear transport, nuclear material within its territory, or on board a ship or aircraft under its jurisdiction insofar as such ship or aircraft is engaged in the transport to or from the State, is protected at the levels described in Annex I.

#### Article 4

1. Each State Party shall not export or authorize the export of nuclear material unless the State Party has received assurances that such material will be protected during the international nuclear transport at the levels described in Annex I.
2. Each State Party shall not import or authorize the import of nuclear material from a State not party to this Convention unless the State Party has received assurances that such material will during the international nuclear transport be protected at the levels described in Annex I.
3. A State Party shall not allow the transit through its territory by land or internal waterways or through its airports or seaports of nuclear material between States that are not parties to this Convention unless the State Party has received assurances as far as practicable that this nuclear material will be protected during international nuclear transport at the levels described in Annex I.
4. Each State Party shall apply within the framework of its national law the levels of physical protection described in Annex I to nuclear material being transported from a part of that State to another part of the same State through international waters or airspace.
5. The State Party responsible for receiving assurances that the nuclear material will be protected at the levels described in Annex I according to paragraphs 1 to 3 shall identify and inform in advance States which the nuclear material is expected to transit by land or international waterways, or whose airports or seaports it is expected to enter.
6. The responsibility for obtaining assurances referred to in paragraph 1 may be transferred, by mutual agreement, to the State Party involved in the transport as the importing State.
7. Nothing in this article shall be interpreted as in any way affecting the territorial sovereignty and jurisdiction of a State, including that over its airspace and territorial sea.

#### Article 5

1. States Parties shall identify and make known to each other directly or through the International Atomic Energy Agency their central authority and point of contact having responsibility for physical protection of nuclear material and for co-ordinating recovery and response operations in the event of any unauthorized removal, use or alteration of nuclear material or in the event of credible threat thereof.
2. In the case of theft, robbery or any other unlawful taking of nuclear material or of credible threat thereof, States Parties shall, in accordance with their national law, provide co-operation and assistance to the maximum feasible extent in the recovery and protection of such material to any State that so requests. In particular:
  - (a) a State Party shall take appropriate steps to inform as soon as possible other States, which appear to it to be concerned, of any theft, robbery or other unlawful taking of nuclear material or credible threat thereof and to inform, where appropriate, international organizations;
  - (b) as appropriate, the States Parties concerned shall exchange information with each other or international organizations with a view to protecting threatened nuclear material, verifying the integrity of the shipping container, or recovering unlawfully taken nuclear material and shall:
    - (i) co-ordinate their efforts through diplomatic and other agreed channels;
    - (ii) render assistance, if requested;
    - (iii) ensure the return of nuclear material stolen or missing as a consequence of the above-mentioned events.
 The means of implementation of this co-operation shall be determined by the States Parties concerned.
3. States Parties shall co-operate and consult as appropriate, with each other directly or through international organizations, with a view to obtaining guidance on the design, maintenance and improvement of systems of physical protection of nuclear material in international transport.

#### Article 6

1. States Parties shall take appropriate measures consistent with their national law to protect the confidentiality of any information

which they receive in confidence by virtue of the provisions of this Convention from another State Party or through participation in an activity carried out for the implementation of this Convention. If States Parties provide information to international organizations in confidence, steps shall be taken to ensure that the confidentiality of such information is protected.

2. States Parties shall not be required by this Convention to provide any information which they are not permitted to communicate pursuant to national law or which would jeopardize the security of the State concerned or the physical protection of nuclear material.

#### Article 7

1. The intentional commission of:

- (a) an act without lawful authority which constitutes the receipt, possession, use, transfer, alteration, disposal or dispersal of nuclear material and which causes or is likely to cause death or serious injury to any person or substantial damage to property;
- (b) a theft or robbery of nuclear material;
- (c) an embezzlement or fraudulent obtaining of nuclear material;
- (d) an act constituting a demand for nuclear material by threat or use of force or by any other form of intimidation;
- (e) a threat:
  - (i) to use nuclear material to cause death or serious injury to any person or substantial property damage, or
  - (ii) to commit an offence described in sub-paragraph (b) in order to compel a natural or legal person, international organization or State to do or to refrain from doing any act;
- (f) an attempt to commit any offence described in paragraphs (a), (b) or (c); and
- (g) an act which constitutes participation in any offence described in paragraphs (a) to (f) shall be made a punishable offence by each State Party under its national law.

2. Each State Party shall make the offences described in this article punishable by appropriate penalties which take into account their grave nature.

#### Article 8

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 7 in the following cases:

- (a) when the offence is committed in the territory of that State or on board a ship or aircraft registered in that State;
  - (b) when the alleged offender is a national of that State.
2. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over these offences in cases where the alleged offender is present in its territory and it does not extradite him pursuant to article 11 to any of the States mentioned in paragraph 1.
3. This Convention does not exclude any criminal jurisdiction exercised in accordance with national law.
4. In addition to the States Parties mentioned in paragraphs 1 and 2, each State Party may, consistent with international law, establish its jurisdiction over the offences set forth in article 7 when it is involved in international nuclear transport as the exporting or importing state.

#### Article 9

Upon being satisfied that the circumstances so warrant, the State Party in whose territory the alleged offender is present shall take appropriate measures, including detention, under its national law to ensure his presence for the purpose of prosecution or extradition. Measures taken according to this article shall be notified without delay to the States required to establish jurisdiction pursuant to article 8, and where appropriate, all other States concerned.

#### Article 10

The State Party in whose territory the alleged offender is present shall, if it does not extradite him, submit, without exception whatsoever and without undue delay, the case to its competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of that State.

#### Article 11

1. The offences in article 7 shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties. States Parties undertake to include those offences as extraditable offences in every future extradition treaty to be

concluded between them.

2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may at its option consider this Convention as the legal basis for extradition in respect of those offences. Extradition shall be subject to the other conditions provided by the law of the requested State.

3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize those offences as extraditable offences between themselves subject to the conditions provided by the law of the requested State.

4. Each of the offences shall be treated, for the purpose of extradition between States Parties, as if it had been committed not only in the place in which it occurred but also in the territories of the States Parties required to establish their jurisdiction in accordance with paragraph 1 of article 8.

#### Article 12

Any person regarding whom proceedings are being carried out in connection with any of the offences set forth in article 7 shall be guaranteed fair treatment at all stages of the proceedings.

#### Article 13

1. States Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of the offences set forth in article 7, including the supply of evidence at their disposal necessary for the proceedings. The law of the State requested shall apply in all cases.

2. The provisions of paragraph 1 shall not affect obligations under any other treaty, bilateral or multilateral, which governs or will govern, in whole or in part, mutual assistance in criminal matters.

#### Article 14

1. Each State Party shall inform the depositary of its laws and regulations which give effect to this Convention. The depositary shall communicate such information periodically to all States Parties.

2. The State Party where an alleged offender is prosecuted shall, wherever practicable, first communicate the final outcome of the proceedings to the States directly concerned. The State Party shall also communicate the final outcome to the depositary who shall inform all States.

3. Where an offence involves nuclear material used for peaceful purposes in domestic use, storage or transport, and both the alleged offender and the nuclear material remain in the territory of the State Party in which the offence was committed, nothing in this Convention shall be interpreted as requiring that State Party to provide information concerning criminal proceedings arising out of such an offence.

#### Article 15

The Annexes constitute an integral part of this Convention.

#### Article 16

1. A conference of States Parties shall be convened by the depositary five years after the entry into force of this Convention to review the implementation of the Convention and its adequacy as concerns the preamble, the whole of the operative part and the annexes in the light of the then prevailing situation.

2. At intervals of not less than five years thereafter, the majority of States Parties may obtain, by submitting a proposal to this effect to the depositary, the convening of further conferences with the same objective.

#### Article 17

1. In the event of a dispute between two or more States Parties concerning the interpretation or application of this Convention, such States Parties shall consult with a view to the settlement of the dispute by negotiation, or by any other peaceful means of settling disputes acceptable to all parties to the dispute.

2. Any dispute of this character which cannot be settled in the manner prescribed in paragraph 1 shall, at the request of any party to such dispute, be submitted to arbitration or referred to the International Court of Justice for decision. Where a dispute is submitted to arbitration, if, within six months from the date of the request, the parties to the dispute are unable to agree on the organization of the arbitration, a party may request the President of the International Court of Justice or the Secretary-General of the

United Nations to appoint one or more arbitrators. In case of conflicting requests by the parties to the dispute, the request to the Secretary-General of the United Nations shall have priority.

3. Each State Party may at the time of signature, ratification, acceptance or approval of this Convention or accession thereto declare that it does not consider itself bound by either or both of the dispute settlement procedures provided for in paragraph 2. The other States Parties shall not be bound by a dispute settlement procedure provided for in paragraph 2, with respect to a State Party which has made a reservation to that procedure.

4. Any State Party which has made a reservation in accordance with paragraph 3 may at any time withdraw that reservation by notification to the depositary.

#### Article 18

1. This Convention shall be open for signature by all States at the Headquarters of the International Atomic Energy Agency in Vienna and at the Headquarters of the United Nations in New York from 3 March 1980 until its entry into force.

2. This Convention is subject to ratification, acceptance or approval by the signatory States.

3. After its entry into force, this Convention will be open for accession by all States.

4. (a) This Convention shall be open for signature or accession by international organizations and regional organizations of an integrated or other nature, provided that any such organization is constituted by sovereign States and has competence in respect of the negotiation, conclusion and application of international agreements in matters covered by this Convention.

(b) In matters within their competence, such organizations shall, on their own behalf, exercise the rights and fulfil the responsibilities which this Convention attributes to States Parties.

(c) When becoming party to this Convention such an organization shall communicate to the depositary a declaration indicating which States are members thereof and which articles of this Convention do not apply to it.

(d) Such an organization shall not hold any vote additional to those of its Member States.

5. Instruments of ratification, acceptance, approval or accession shall be deposited with the depositary.

#### Article 19

1. This Convention shall enter into force on the thirtieth day following the date of deposit of the twenty-first instrument of ratification, acceptance or approval with the depositary.

2. For each State ratifying, accepting, approving or acceding to the Convention after the date of deposit of the twenty-first instrument of ratification, acceptance or approval, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification, acceptance, approval or accession.

#### Article 20

1. Without prejudice to article 16 a State Party may propose amendments to this Convention. The proposed amendment shall be submitted to the depositary who shall circulate it immediately to all States Parties. If a majority of States Parties request the depositary to convene a conference to consider the proposed amendments, the depositary shall invite all States Parties to attend such a conference to begin not sooner than thirty days after the invitations are issued. Any amendment adopted at the conference by a two-thirds majority of all States Parties shall be promptly circulated by the depositary to all States Parties.

2. The amendment shall enter into force for each State Party that deposits its instrument of ratification, acceptance or approval of the amendment on the thirtieth day after the date on which two thirds of the States Parties have deposited their instruments of ratification, acceptance or approval with the depositary. Thereafter, the amendment shall enter into force for any other State Party on the day on which that State Party deposits its instrument of ratification, acceptance or approval of the amendment.

#### Article 21

1. Any State Party may denounce this Convention by written notification to the depositary.

2. Denunciation shall take effect one hundred and eighty days following the date on which notification is received by the depositary.

#### Article 22

The depositary shall promptly notify all States of:

- (a) each signature of this Convention;
- (b) each deposit of an instrument of ratification, acceptance, approval or accession;
- (c) any reservation or withdrawal in accordance with article 17.
- (d) any communication made by an organization in accordance with paragraph 4 (c) of article 18;
- (e) the entry into force of this Convention;
- (f) the entry into force of any amendment to this Convention; and
- (g) any denunciation made under article 21.

#### Article 23

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Director General of the International Atomic Energy Agency who shall send certified copies thereof to all States.

#### ANNEX 1

1. Levels of physical protection to be applied to international transport of nuclear material as categorized in Annex II.

(a) For category III materials, storage within an area to which access is controlled;

(b) For Category II materials, storage within an area under constant surveillance by guards or electronic devices, surrounded by a physical barrier with a limited number of points of entry under appropriate control or any area with an equivalent level of physical protection;

(c) For Category I material, storage within a protected area as defined for Category II above, to which, in addition, access is restricted to persons whose trustworthiness has been determined, and which is under surveillance by guards who are in close communication with appropriate response forces. Specific measures taken in this context should have as their object the detection and prevention of any assault, unauthorized access or unauthorized removal of material.

2. Levels of physical protection for nuclear material during international transport include:

(a) For Category I I and I II materials, transportation shall take place under special precautions including prior arrangements among sender, receiver, and carrier, and prior agreement between natural or legal persons subject to the jurisdiction and regulation of exporting and importing States, specifying time, place and procedures for transferring transport responsibility;

(b) For Category I materials, transportation shall take place under special precautions identified above for transportation of Category II and III materials, and in addition, under constant surveillance by escorts and under conditions which assure close communication with appropriate response forces.

(c) For natural uranium other than in the form of ore or ore-residue, transportation protection for quantities exceeding 500 kilograms uranium shall include advance notification of shipment specifying mode of transport, expected time of arrival and confirmation of receipt of shipment.

### Status of the Convention on the Physical Protection of Nuclear Material

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Notes: The Convention entered into force on 8 February 1987, i.e. on the thirtieth day following the deposit of the twenty-first instrument of ratification, acceptance or approval with the Director General pursuant to Article 19, paragraph 1.

Last change of status: 7 September 2009  
Parties: 142 (*subject to entry into force date*)  
Signatories: 45

Country/Organisation	Signature	Instrument	Date of deposit	Declaration etc. /Withdrawal		Entry into force
Afghanistan		accession	12 Sep 2003	<input type="checkbox"/>	<input type="checkbox"/>	12 Oct 2003
Albania		accession	05 Mar 2002	<input type="checkbox"/>	<input type="checkbox"/>	04 Apr 2002
Algeria		accession	30 Apr 2003	<input checked="" type="checkbox"/>	<input type="checkbox"/>	30 May 2003
Andorra		accession	27 Jun 2006	<input checked="" type="checkbox"/>	<input type="checkbox"/>	27 Jul 2006
Antigua and Barbuda		accession	04 Aug 1993	<input type="checkbox"/>	<input type="checkbox"/>	03 Sep 1993
Argentina	28 Feb 1986	ratification	06 Apr 1989	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06 May 1989
Armenia		accession	24 Aug 1993	<input type="checkbox"/>	<input type="checkbox"/>	23 Sep 1993
Australia	22 Feb 1984	ratification	22 Sep 1987	<input type="checkbox"/>	<input type="checkbox"/>	22 Oct 1987
<sup>a</sup> Austria	03 Mar 1980	ratification	22 Dec 1988	<input checked="" type="checkbox"/>	<input type="checkbox"/>	21 Jan 1989
Azerbaijan		accession	19 Jan 2004	<input checked="" type="checkbox"/>	<input type="checkbox"/>	18 Feb 2004
Bahamas		accession	21 May 2008	<input checked="" type="checkbox"/>	<input type="checkbox"/>	20 Jun 2008
Bangladesh		accession	11 May 2005	<input type="checkbox"/>	<input type="checkbox"/>	10 Jun 2005
Belarus		succession	09 Sep 1993	<input checked="" type="checkbox"/>	<input type="checkbox"/>	14 Jun 1993
<sup>*, a</sup> Belgium	13 Jun 1980	ratification	06 Sep 1991	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06 Oct 1991
Bolivia		accession	24 Jan 2002	<input type="checkbox"/>	<input type="checkbox"/>	23 Feb 2002
Bosnia and Herzegovina		succession	30 Jun 1998	<input type="checkbox"/>	<input type="checkbox"/>	01 Mar 1992
Botswana		accession	19 Sep 2000	<input type="checkbox"/>	<input type="checkbox"/>	19 Oct 2000
Brazil	15 May 1981	ratification	17 Oct 1985	<input type="checkbox"/>	<input type="checkbox"/>	08 Feb 1987
Bulgaria	23 Jun 1981	ratification	10 Apr 1984	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	08 Feb 1987
Burkina Faso		accession	13 Jan 2004	<input type="checkbox"/>	<input type="checkbox"/>	12 Feb 2004
Cambodia		accession	04 Aug 2006	<input type="checkbox"/>	<input type="checkbox"/>	03 Sep 2006
Cameroon		accession	29 Jun 2004	<input type="checkbox"/>	<input type="checkbox"/>	29 Jul 2004
Canada	23 Sep 1980	ratification	21 Mar 1986	<input type="checkbox"/>	<input type="checkbox"/>	08 Feb 1987
Cape Verde		accession	23 Feb 2007	<input type="checkbox"/>	<input type="checkbox"/>	25 Mar 2007
Central African Republic		Accession	20 Feb 2008	<input type="checkbox"/>	<input type="checkbox"/>	21 Mar 2008
Chile		accession	27 Apr 1994	<input type="checkbox"/>	<input type="checkbox"/>	27 May 1994
China		accession	10 Jan 1989	<input checked="" type="checkbox"/>	<input type="checkbox"/>	09 Feb 1989
Colombia		accession	28 Mar 2003	<input type="checkbox"/>	<input type="checkbox"/>	27 Apr 2003
Comoros		Accession	18 May 2007	<input type="checkbox"/>	<input type="checkbox"/>	17 Jun 2007
Costa Rica		accession	02 May 2003	<input type="checkbox"/>	<input type="checkbox"/>	01 Jun 2003
Croatia		succession	29 Sep 1992	<input type="checkbox"/>	<input type="checkbox"/>	08 Oct 1991
Cuba		accession	26 Sep 1997	<input checked="" type="checkbox"/>	<input type="checkbox"/>	26 Oct 1997
Cyprus		accession	23 Jul 1998	<input checked="" type="checkbox"/>	<input type="checkbox"/>	22 Aug 1998
Czech Republic		succession	24 Mar 1993	<input type="checkbox"/>	<input type="checkbox"/>	01 Jan 1993
Democratic Rep. of the Congo		accession	21 Sep 2004	<input type="checkbox"/>	<input type="checkbox"/>	21 Oct 2004
<sup>*</sup> Denmark	13 Jun 1980	ratification	06 Sep 1991	<input type="checkbox"/>	<input type="checkbox"/>	06 Oct 1991
Djibouti		accession	22 Jun 2004	<input type="checkbox"/>	<input type="checkbox"/>	22 Jul 2004
Dominica		accession	08 Nov 2004	<input type="checkbox"/>	<input type="checkbox"/>	08 Dec 2004
Dominican Republic	03 Mar 1980	ratification	30 Apr 2009	<input type="checkbox"/>	<input type="checkbox"/>	30 May 2009
Ecuador	26 Jun 1986	ratification	17 Jan 1996	<input type="checkbox"/>	<input type="checkbox"/>	16 Feb 1996
El Salvador		accession	15 Dec 2006	<input checked="" type="checkbox"/>	<input type="checkbox"/>	14 Jan 2007
Equatorial Guinea		accession	24 Nov 2003	<input type="checkbox"/>	<input type="checkbox"/>	24 Dec 2003
Estonia		accession	09 May 1994	<input type="checkbox"/>	<input type="checkbox"/>	08 Jun 1994
Fiji		accession	23 May 2008	<input checked="" type="checkbox"/>	<input type="checkbox"/>	22 Jun 2008
<sup>a</sup> Finland	25 Jun 1981	acceptance	22 Sep 1989	<input checked="" type="checkbox"/>	<input type="checkbox"/>	22 Oct 1989
<sup>*, a</sup> France	13 Jun 1980	approval	06 Sep 1991	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06 Oct 1991
Gabon		Accession	19 Feb 2008	<input type="checkbox"/>	<input type="checkbox"/>	20 Mar 2008
Georgia		accession	07 Sep 2006	<input type="checkbox"/>	<input type="checkbox"/>	07 Oct 2006
<sup>*, a</sup> Germany	13 Jun 1980	ratification	06 Sep 1991	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06 Oct 1991
Ghana		accession	16 Oct 2002	<input type="checkbox"/>	<input type="checkbox"/>	15 Nov 2002
<sup>*, a</sup> Greece	03 Mar 1980	ratification	06 Sep 1991	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06 Oct 1991
Grenada		accession	09 Jan 2002	<input type="checkbox"/>	<input type="checkbox"/>	08 Feb 2002
Guatemala	12 Mar 1980	ratification	23 Apr 1985	<input checked="" type="checkbox"/>	<input type="checkbox"/>	08 Feb 1987
Guinea		accession	29 Nov 2005	<input type="checkbox"/>	<input type="checkbox"/>	29 Dec 2005
Guinea-Bissau		accession	08 Oct 2008	<input type="checkbox"/>	<input type="checkbox"/>	07 nov 2008
Guyana		accession	13 Sep 2007	<input type="checkbox"/>	<input type="checkbox"/>	13 Oct 2007
Haiti	09 Apr 1980			<input type="checkbox"/>	<input type="checkbox"/>	
Honduras		accession	28 Jan 2004	<input type="checkbox"/>	<input type="checkbox"/>	27 Feb 2004
Hungary	17 Jun 1980	ratification	04 May 1984	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	08 Feb 1987
Iceland		accession	18 Jun 2002	<input type="checkbox"/>	<input type="checkbox"/>	18 Jul 2002
India		accession	12 Mar 2002	<input checked="" type="checkbox"/>	<input type="checkbox"/>	11 Apr 2002
Indonesia	03 Jul 1986	ratification	05 Nov 1986	<input checked="" type="checkbox"/>	<input type="checkbox"/>	08 Feb 1987
<sup>*, a</sup> Ireland	13 Jun 1980	ratification	06 Sep 1991	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06 Oct 1991
Israel	17 Jun 1983	ratification	22 Jan 2002	<input checked="" type="checkbox"/>	<input type="checkbox"/>	21 Feb 2002
<sup>*, a</sup> Italy	13 Jun 1980	ratification	06 Sep 1991	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06 Oct 1991
Jamaica		accession	16 Aug 2005	<input type="checkbox"/>	<input type="checkbox"/>	15 Sep 2005
Japan		accession	28 Oct 1988	<input type="checkbox"/>	<input type="checkbox"/>	27 Nov 1988
Jordan		accession	07 Sep 2009	<input checked="" type="checkbox"/>	<input type="checkbox"/>	07 Oct 2009
Kazakhstan		accession	02 Sep 2005	<input type="checkbox"/>	<input type="checkbox"/>	02 Oct 2005
Kenya		accession	11 Feb 2002	<input type="checkbox"/>	<input type="checkbox"/>	13 Mar 2002
Korea, Republic of	29 Dec 1981	ratification	07 Apr 1982	<input checked="" type="checkbox"/>	<input type="checkbox"/>	08 Feb 1987
Kuwait		accession	23 Apr 2004	<input checked="" type="checkbox"/>	<input type="checkbox"/>	23 May 2004
Latvia		accession	06 Nov 2002	<input type="checkbox"/>	<input type="checkbox"/>	06 Dec 2002

Lebanon		accession	16 Dec 1997	<input type="checkbox"/>	<input type="checkbox"/>	15 Jan 1998
Libyan Arab Jamahiriya		accession	18 Oct 2000	<input type="checkbox"/>	<input type="checkbox"/>	17 Nov 2000
Liechtenstein	13 Jan 1986	ratification	25 Nov 1986	<input type="checkbox"/>	<input type="checkbox"/>	08 Feb 1987
Lithuania		accession	07 Dec 1993	<input type="checkbox"/>	<input type="checkbox"/>	06 Jan 1994
* <sup>a</sup> Luxembourg	13 Jun 1980	ratification	06 Sep 1991	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06 Oct 1991
Madagascar		accession	28 Oct 2003	<input type="checkbox"/>	<input type="checkbox"/>	27 Nov 2003
Mali		accession	07 May 2002	<input type="checkbox"/>	<input type="checkbox"/>	06 Jun 2002
Malta		accession	16 Oct 2003	<input type="checkbox"/>	<input type="checkbox"/>	15 Nov 2003
Marshall Islands		accession	07 Feb 2003	<input type="checkbox"/>	<input type="checkbox"/>	09 Mar 2003
Mauritania		Accession	29 Jan 2008	<input type="checkbox"/>	<input type="checkbox"/>	28 Feb 2008
Mexico		accession	04 Apr 1988	<input type="checkbox"/>	<input type="checkbox"/>	04 May 1988
Monaco		accession	09 Aug 1996	<input type="checkbox"/>	<input type="checkbox"/>	08 Sep 1996
Mongolia	23 Jan 1986	ratification	28 May 1986	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	08 Feb 1987
Montenegro		succession	21 Mar 2007	<input type="checkbox"/>	<input type="checkbox"/>	03 Jun 2006
Morocco	25 Jul 1980	ratification	23 Aug 2002	<input type="checkbox"/>	<input type="checkbox"/>	22 Sep 2002
Mozambique		accession	03 Mar 2003	<input checked="" type="checkbox"/>	<input type="checkbox"/>	02 Apr 2003
Namibia		accession	02 Oct 2002	<input type="checkbox"/>	<input type="checkbox"/>	01 Nov 2002
Nauru		accession	12 Aug 2005	<input type="checkbox"/>	<input type="checkbox"/>	11 Sep 2005
* <sup>a</sup> Netherlands	13 Jun 1980	acceptance	06 Sep 1991	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06 Oct 1991
New Zealand		accession	19 Dec 2003	<input type="checkbox"/>	<input type="checkbox"/>	18 Jan 2004
Nicaragua		accession	10 Dec 2004	<input type="checkbox"/>	<input type="checkbox"/>	09 Jan 2005
Niger	07 Jan 1985	ratification	19 Aug 2004	<input type="checkbox"/>	<input type="checkbox"/>	18 Sep 2004
Nigeria		accession	04 Apr 2007	<input type="checkbox"/>	<input type="checkbox"/>	04 May 2007
Niue		accession	19 Jun 2009	<input type="checkbox"/>	<input type="checkbox"/>	19 Jul 2009
<sup>a</sup> Norway	26 Jan 1983	ratification	15 Aug 1985	<input checked="" type="checkbox"/>	<input type="checkbox"/>	08 Feb 1987
Oman		accession	11 Jun 2003	<input checked="" type="checkbox"/>	<input type="checkbox"/>	11 Jul 2003
Pakistan		accession	12 Sep 2000	<input checked="" type="checkbox"/>	<input type="checkbox"/>	12 Oct 2000
Palau		Accession	24 Apr 2007	<input type="checkbox"/>	<input type="checkbox"/>	24 May 2007
Panama	18 Mar 1980	ratification	01 Apr 1999	<input type="checkbox"/>	<input type="checkbox"/>	01 May 1999
Paraguay	21 May 1980	ratification	06 Feb 1985	<input type="checkbox"/>	<input type="checkbox"/>	08 Feb 1987
Peru		accession	11 Jan 1995	<input checked="" type="checkbox"/>	<input type="checkbox"/>	10 Feb 1995
Philippines	19 May 1980	ratification	22 Sep 1981	<input type="checkbox"/>	<input type="checkbox"/>	08 Feb 1987
Poland	06 Aug 1980	ratification	05 Oct 1983	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	08 Feb 1987
* <sup>a</sup> Portugal	19 Sep 1984	ratification	06 Sep 1991	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06 Oct 1991
Qatar		accession	09 Mar 2004	<input checked="" type="checkbox"/>	<input type="checkbox"/>	08 Apr 2004
Republic of Moldova		accession	07 May 1998	<input type="checkbox"/>	<input type="checkbox"/>	06 Jun 1998
Romania	15 Jan 1981	ratification	23 Nov 1993	<input checked="" type="checkbox"/>	<input type="checkbox"/>	23 Dec 1993
Russian Federation	22 May 1980	ratification	25 May 1983	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	08 Feb 1987
Rwanda		accession	28 Jun 2002	<input type="checkbox"/>	<input type="checkbox"/>	28 Jul 2002
Saint Kitts and Nevis		accession	29 Aug 2008	<input type="checkbox"/>	<input type="checkbox"/>	28 Sep 2008
Saudi Arabia		accession	07 Jan 2009	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06 Feb 2009
Senegal		accession	03 Nov 2003	<input type="checkbox"/>	<input type="checkbox"/>	03 Dec 2003
Serbia	15 Jul 1980	succession	05 Feb 2002	<input type="checkbox"/>	<input type="checkbox"/>	27 Apr 1992
Seychelles		accession	13 Aug 2003	<input type="checkbox"/>	<input type="checkbox"/>	12 Sep 2003
Slovakia		succession	10 Feb 1993	<input type="checkbox"/>	<input type="checkbox"/>	01 Jan 1993
Slovenia		succession	07 Jul 1992	<input type="checkbox"/>	<input type="checkbox"/>	25 Jun 1991
South Africa	18 May 1981	ratification	17 Sep 2007	<input checked="" type="checkbox"/>	<input type="checkbox"/>	17 Oct 2007
* <sup>a</sup> Spain	07 Apr 1986	ratification	06 Sep 1991	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06 Oct 1991
Sudan		accession	18 May 2000	<input type="checkbox"/>	<input type="checkbox"/>	17 Jun 2000
Swaziland		accession	17 Apr 2003	<input type="checkbox"/>	<input type="checkbox"/>	17 May 2003
<sup>a</sup> Sweden	02 Jul 1980	ratification	01 Aug 1980	<input checked="" type="checkbox"/>	<input type="checkbox"/>	08 Feb 1987
<sup>a</sup> Switzerland	09 Jan 1987	ratification	09 Jan 1987	<input checked="" type="checkbox"/>	<input type="checkbox"/>	08 Feb 1987
Tajikistan		accession	11 Jul 1996	<input type="checkbox"/>	<input type="checkbox"/>	10 Aug 1996
The Fmr.Yug.Rep. of Macedonia		succession	20 Sep 1996	<input type="checkbox"/>	<input type="checkbox"/>	17 Nov 1991
Togo		accession	07 Jun 2006	<input type="checkbox"/>	<input type="checkbox"/>	07 Jul 2006
Tonga		accession	24 Jan 2003	<input type="checkbox"/>	<input type="checkbox"/>	23 Feb 2003
Trinidad and Tobago		accession	25 Apr 2001	<input type="checkbox"/>	<input type="checkbox"/>	25 May 2001
Tunisia		accession	08 Apr 1993	<input type="checkbox"/>	<input type="checkbox"/>	08 May 1993
Turkey	23 Aug 1983	ratification	27 Feb 1985	<input checked="" type="checkbox"/>	<input type="checkbox"/>	08 Feb 1987
Turkmenistan		accession	07 Jan 2005	<input type="checkbox"/>	<input type="checkbox"/>	06 Feb 2005
Uganda		accession	10 Dec 2003	<input type="checkbox"/>	<input type="checkbox"/>	10 Jan 2004
Ukraine		accession	06 Jul 1993	<input type="checkbox"/>	<input type="checkbox"/>	05 Aug 1993
United Arab Emirates		accession	16 Oct 2003	<input type="checkbox"/>	<input type="checkbox"/>	15 Nov 2003
* <sup>a</sup> United Kingdom	13 Jun 1980	ratification	06 Sep 1991	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06 Oct 1991
United Republic of Tanzania		accession	24 May 2006	<input type="checkbox"/>	<input type="checkbox"/>	23 Jun 2006
United States of America	03 Mar 1980	ratification	13 Dec 1982	<input type="checkbox"/>	<input type="checkbox"/>	08 Feb 1987
Uruguay		accession	24 Oct 2003	<input type="checkbox"/>	<input type="checkbox"/>	23 Nov 2003
Uzbekistan		accession	09 Feb 1998	<input type="checkbox"/>	<input type="checkbox"/>	11 Mar 1998
Yemen		accession	31 May 2007	<input type="checkbox"/>	<input type="checkbox"/>	30 Jun 2007
<sup>a</sup> EURATOM	13 Jun 1980	confirmation	06 Sep 1991	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06 Oct 1991

\* signed/ratified as a EURATOM Member State  
<sup>a</sup> Deposited an objection to the declaration of Pakistan

## Amendment to the Convention on the Physical Protection of Nuclear Material

[Reproduced from GOV/INF/2005/10-GC(49)/INF/6,  
6 September 2005]

*Report by the Director General*

[Eds...]

### Amendment to the Convention on the Physical Protection of Nuclear Material

1. The Title of the Convention on the Physical Protection of Nuclear Material adopted on 26 October 1979 (hereinafter referred to as “the Convention”) is replaced by the following title:

CONVENTION ON THE PHYSICAL PROTECTION OF  
NUCLEAR MATERIAL AND NUCLEAR FACILITIES

2. The Preamble of the Convention is replaced by the following text:

THE STATES PARTIES TO THIS CONVENTION,

RECOGNIZING the right of all States to develop and apply nuclear energy for peaceful purposes and their legitimate interests in the potential benefits to be derived from the peaceful application of nuclear energy,

CONVINCED of the need to facilitate international co-operation and the transfer of nuclear technology for the peaceful application of nuclear energy,

BEARING IN MIND that physical protection is of vital importance for the protection of public health, safety, the environment and national and international security,

HAVING IN MIND the purposes and principles of the Charter of the United Nations concerning the maintenance of international peace and security and the promotion of good neighbourliness and friendly relations and co-operation among States,

CONSIDERING that under the terms of paragraph 4 of Article 2 of the Charter of the United Nations, “All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations,”

RECALLING the Declaration on Measures to Eliminate International Terrorism, annexed to General Assembly resolution 49/60 of 9 December 1994,

DESIRING to avert the potential dangers posed by illicit trafficking, the unlawful taking and use of nuclear material and the sabotage of nuclear material and nuclear facilities, and noting that physical protection against such acts has become a matter of increased national and international concern,

DEEPLY CONCERNED by the worldwide escalation of acts of terrorism in all its forms and manifestations, and by the threats posed by international terrorism and organized crime,

BELIEVING that physical protection plays an important role in supporting nuclear non-proliferation and counter-terrorism objectives,

DESIRING through this Convention to contribute to strengthening worldwide the physical protection of nuclear material and nuclear facilities used for peaceful purposes,

CONVINCED that offences relating to nuclear material and nuclear facilities are a matter of grave concern and that there is an urgent need to adopt appropriate and effective measures, or to strengthen existing measures, to ensure the prevention, detection and punishment of such offences,

DESIRING to strengthen further international co-operation to establish, in conformity with the national law of each State Party and with this Convention, effective measures for the physical protection of nuclear material and nuclear facilities,

CONVINCED that this Convention should complement the safe use, storage and transport of nuclear material and the safe operation of nuclear facilities,

RECOGNIZING that there are internationally formulated physical protection recommendations that are updated from time to time which can provide guidance on contemporary means of achieving effective levels of physical protection,

RECOGNIZING also that effective physical protection of nuclear material and nuclear facilities used for military purposes is a responsibility of the State possessing such nuclear material and nuclear facilities, and understanding that such material and facilities are and will continue to be accorded stringent physical protection,

HAVE AGREED as follows:

3. In Article 1 of the Convention, after paragraph (c), two new paragraphs are added as follows:

(d) “nuclear facility” means a facility (including associated buildings and equipment) in which nuclear material is produced, processed, used, handled, stored or disposed of, if damage to or interference with such facility could lead to the release of significant amounts of radiation or radioactive material;

(e) “sabotage” means any deliberate act directed against a nuclear facility or nuclear material in use, storage or transport which could directly or indirectly endanger the health and safety of personnel, the public or the environment by exposure to radiation or release of radioactive substances.

4. After Article 1 of the Convention, a new Article 1A is added as follows:

#### Article 1A

The purposes of this Convention are to achieve and maintain worldwide effective physical protection of nuclear material used for peaceful purposes and of nuclear facilities used for peaceful purposes; to prevent and combat offences relating to such material and facilities worldwide; as well as to facilitate co-operation among States Parties to those ends.

5. Article 2 of the Convention is replaced by the following text:

1. This Convention shall apply to nuclear material used for peaceful purposes in use, storage and transport and to nuclear facilities used for peaceful purposes, provided, however, that articles 3 and 4 and paragraph 4 of article 5 of this Convention shall only apply to such nuclear material while in international nuclear transport.

2. The responsibility for the establishment, implementation and maintenance of a physical protection regime within a State Party rests entirely with that State.

3. Apart from the commitments expressly undertaken by States Parties under this Convention, nothing in this Convention shall be interpreted as affecting the sovereign rights of a State.

4. (a) Nothing in this Convention shall affect other rights, obligations and responsibilities of States Parties under international law, in particular the purposes and principles of the Charter of the United Nations and international humanitarian law.

(b) The activities of armed forces during an armed conflict, as those terms are understood under international humanitarian law, which are governed by that law, are not governed by this Convention, and the activities undertaken by the military forces of a State in the exercise of their official duties, inasmuch as they are governed by other rules of international law, are not governed by this Convention.

(c) Nothing in this Convention shall be construed as a lawful authorization to use or threaten to use force against nuclear material or nuclear facilities used for peaceful purposes.

(d) Nothing in this Convention condones or makes lawful otherwise unlawful acts, nor precludes prosecution under other laws.

5. This Convention shall not apply to nuclear material used or retained for military purposes or to a nuclear facility containing such material.

6. After Article 2 of the Convention, a new Article 2A is added as follows:

Article 2A

1. Each State Party shall establish, implement and maintain an appropriate physical protection regime applicable to nuclear material and nuclear facilities under its jurisdiction, with the aim of:

- (a) protecting against theft and other unlawful taking of nuclear material in use, storage and transport;
- (b) ensuring the implementation of rapid and comprehensive measures to locate and, where appropriate, recover missing or stolen nuclear material; when the material is located outside its territory, that State Party shall act in accordance with article 5;
- (c) protecting nuclear material and nuclear facilities against sabotage; and
- (d) mitigating or minimizing the radiological consequences of sabotage.

2. In implementing paragraph 1, each State Party shall:

- (a) establish and maintain a legislative and regulatory framework to govern physical protection;
- (b) establish or designate a competent authority or authorities responsible for the implementation of the legislative and regulatory framework; and
- (c) take other appropriate measures necessary for the physical protection of nuclear material and nuclear facilities.

3. In implementing the obligations under paragraphs 1 and 2, each State Party shall, without prejudice to any other provisions of this Convention, apply insofar as is reasonable and practicable the following Fundamental Principles of Physical Protection of Nuclear Material and Nuclear Facilities.

**FUNDAMENTAL PRINCIPLE A: *Responsibility of the State***

The responsibility for the establishment, implementation and maintenance of a physical protection regime within a State rests entirely with that State.

**FUNDAMENTAL PRINCIPLE B: *Responsibilities During International Transport***

The responsibility of a State for ensuring that nuclear material is adequately protected extends to the international transport thereof, until that responsibility is properly transferred to another State, as appropriate.

**FUNDAMENTAL PRINCIPLE C: *Legislative and Regulatory Framework***

The State is responsible for establishing and maintaining a legislative and regulatory framework to govern physical protection. This framework should provide for the establishment of applicable physical protection requirements and include a system of evaluation and licensing or other procedures to grant authorization. This framework should include a system of inspection of nuclear facilities and transport to verify compliance with applicable requirements and conditions of the license or other authorizing document, and to establish a means to enforce applicable requirements and conditions, including effective sanctions.

**FUNDAMENTAL PRINCIPLE D: *Competent Authority***

The State should establish or designate a competent authority which is responsible for the implementation of the legislative and regulatory framework, and is provided with adequate authority, competence and financial and human resources to fulfill its assigned responsibilities. The State should take steps to ensure an effective independence between the functions of the State's competent authority and those of any other body in charge of the promotion or utilization of nuclear energy.

**FUNDAMENTAL PRINCIPLE E: *Responsibility of the License Holders***

The responsibilities for implementing the various elements of physical protection within a State should be clearly identified. The State should ensure that the prime responsibility for the implementation of physical protection of nuclear material or of nuclear facilities rests with the holders of the relevant licenses or of other authorizing documents (e.g., operators or shippers).

**FUNDAMENTAL PRINCIPLE F: *Security Culture***

All organizations involved in implementing physical protection should give due priority to the security culture, to its development and maintenance necessary to ensure its effective implementation in the entire organization.

**FUNDAMENTAL PRINCIPLE G: *Threat***

The State's physical protection should be based on the State's current evaluation of the threat.

**FUNDAMENTAL PRINCIPLE H: *Graded Approach***

Physical protection requirements should be based on a graded approach, taking into account the current evaluation of the threat, the relative attractiveness, the nature of the material and potential consequences associated with the unauthorized removal of nuclear material and with the sabotage against nuclear material or nuclear facilities.

**FUNDAMENTAL PRINCIPLE I: *Defence in Depth***

The State's requirements for physical protection should reflect a concept of several layers and methods of protection (structural or other technical, personnel and organizational) that have to be overcome or circumvented by an adversary in order to achieve his objectives.

**FUNDAMENTAL PRINCIPLE J: *Quality Assurance***

A quality assurance policy and quality assurance programmes should be established and implemented with a view to providing confidence that specified requirements for all activities important to physical protection are satisfied.

**FUNDAMENTAL PRINCIPLE K: *Contingency Plans***

Contingency (emergency) plans to respond to unauthorized removal of nuclear material or sabotage of nuclear facilities or nuclear material, or attempts thereof, should be prepared and appropriately exercised by all license holders and authorities concerned.

**FUNDAMENTAL PRINCIPLE L: *Confidentiality***

The State should establish requirements for protecting the confidentiality of information, the unauthorized disclosure of which could compromise the physical protection of nuclear material and nuclear facilities.

4. (a) The provisions of this article shall not apply to any nuclear material which the State Party reasonably decides does not need to be subject to the physical protection regime established pursuant to paragraph 1, taking into account the nature of the material, its quantity and relative attractiveness and the potential radiological and other consequences associated with any unauthorized act directed against it and the current evaluation of the threat against it.

(b) Nuclear material which is not subject to the provisions of this article pursuant to subparagraph (a) should be protected in accordance with prudent management practice.

7. Article 5 of the Convention is replaced by the following text:

1. States Parties shall identify and make known to each other directly or through the International Atomic Energy Agency their point of contact in relation to matters within the scope of this Convention.

2. In the case of theft, robbery or any other unlawful taking of nuclear material or credible threat thereof, States Parties shall, in accordance with their national law, provide co-operation and assistance to the maximum feasible extent in the recovery and protection of such material to any State that so requests. In particular:

(a) a State Party shall take appropriate steps to inform as soon as possible other States, which appear to it to be concerned, of any theft, robbery or other unlawful taking of nuclear material or credible threat thereof, and to inform, where appropriate, the International Atomic Energy Agency and other relevant international organizations;

(b) in doing so, as appropriate, the States Parties concerned shall exchange information with each other, the

International Atomic Energy Agency and other relevant international organizations with a view to protecting threatened nuclear material, verifying the integrity of the shipping container or recovering unlawfully taken nuclear material and shall:

- (i) co-ordinate their efforts through diplomatic and other agreed channels;
- (ii) render assistance, if requested;
- (iii) ensure the return of recovered nuclear material stolen or missing as a consequence of the above-mentioned events.

The means of implementation of this co-operation shall be determined by the States Parties concerned.

3. In the case of a credible threat of sabotage of nuclear material or a nuclear facility or in the case of sabotage thereof, States Parties shall, to the maximum feasible extent, in accordance with their national law and consistent with their relevant obligations under international law, cooperate as follows:

- (a) if a State Party has knowledge of a credible threat of sabotage of nuclear material or a nuclear facility in another State, the former shall decide on appropriate steps to be taken in order to inform that State as soon as possible and, where appropriate, the International Atomic Energy Agency and other relevant international organizations of that threat, with a view to preventing the sabotage;
- (b) in the case of sabotage of nuclear material or a nuclear facility in a State Party and if in its view other States are likely to be radiologically affected, the former, without prejudice to its other obligations under international law, shall take appropriate steps to inform as soon as possible the State or the States which are likely to be radiologically affected and to inform, where appropriate, the International Atomic Energy Agency and other relevant international organizations, with a view to minimizing or mitigating the radiological consequences thereof;
- (c) if in the context of sub-paragraphs (a) and (b), a State Party requests assistance, each State Party to which a request for assistance is directed shall promptly decide and notify the requesting State Party, directly or through the International Atomic Energy Agency, whether it is in a position to render the assistance requested and the scope and terms of the assistance that may be rendered;
- (d) co-ordination of the co-operation under sub-paragraphs (a) to (c) shall be through diplomatic or other agreed channels. The means of implementation of this cooperation shall be determined bilaterally or multilaterally by the States Parties concerned.

4. States Parties shall co-operate and consult, as appropriate, with each other directly or through the International Atomic Energy Agency and other relevant international organizations, with a view to obtaining guidance on the design, maintenance and improvement of systems of physical protection of nuclear material in international transport.

5. A State Party may consult and co-operate, as appropriate, with other States Parties directly or through the International Atomic Energy Agency and other relevant international organizations, with a view to obtaining their guidance on the design, maintenance and improvement of its national system of physical protection of nuclear material in domestic use, storage and transport and of nuclear facilities.

8. Article 6 of the Convention is replaced by the following text:

1. States Parties shall take appropriate measures consistent with their national law to protect the confidentiality of any information which they receive in confidence by virtue of the provisions of this Convention from another State Party or through participation in an activity carried out for the implementation of this Convention. If States Parties provide information to international organizations or to States that are not parties to this Convention in confidence, steps shall be taken to ensure that the confidentiality of such information is

protected. A State Party that has received information in confidence from another State Party may provide this information to third parties only with the consent of that other State Party.

2. States Parties shall not be required by this Convention to provide any information which they are not permitted to communicate pursuant to national law or which would jeopardize the security of the State concerned or the physical protection of nuclear material or nuclear facilities.

9. Paragraph 1 of Article 7 of the Convention is replaced by the following text:

1. The intentional commission of:

- (a) an act without lawful authority which constitutes the receipt, possession, use, transfer, alteration, disposal or dispersal of nuclear material and which causes or is likely to cause death or serious injury to any person or substantial damage to property or to the environment;
- (b) a theft or robbery of nuclear material;
- (c) an embezzlement or fraudulent obtaining of nuclear material;
- (d) an act which constitutes the carrying, sending, or moving of nuclear material into or out of a State without lawful authority;
- (e) an act directed against a nuclear facility, or an act interfering with the operation of a nuclear facility, where the offender intentionally causes, or where he knows that the act is likely to cause, death or serious injury to any person or substantial damage to property or to the environment by exposure to radiation or release of radioactive substances, unless the act is undertaken in conformity with the national law of the State Party in the territory of which the nuclear facility is situated;
- (f) an act constituting a demand for nuclear material by threat or use of force or by any other form of intimidation;
- (g) a threat:
  - (i) to use nuclear material to cause death or serious injury to any person or substantial damage to property or to the environment or to commit the offence described in sub-paragraph (e), or
  - (ii) to commit an offence described in sub-paragraphs (b) and (e) in order to compel a natural or legal person, international organization or State to do or to refrain from doing any act;
- (h) an attempt to commit any offence described in sub-paragraphs (a) to (e);
- (i) an act which constitutes participation in any offence described in sub-paragraphs (a) to (h);
- (j) an act of any person who organizes or directs others to commit an offence described in sub-paragraphs (a) to (h); and
- (k) an act which contributes to the commission of any offence described in sub-paragraphs (a) to (h) by a group of persons acting with a common purpose; such act shall be intentional and shall either:
  - (i) be made with the aim of furthering the criminal activity or criminal purpose of the group, where such activity or purpose involves the commission of an offence described in sub-paragraphs (a) to (g), or
  - (ii) be made in the knowledge of the intention of the group to commit an offence described in sub-paragraphs (a) to (g)

shall be made a punishable offence by each State Party under its national law.

10. After Article 11 of the Convention, two new articles, Article 11A and Article 11B, are added as follows:

Article 11A

None of the offences set forth in article 7 shall be regarded for the purposes of extradition or mutual legal assistance, as a

political offence or as an offence connected with a political offence or as an offence inspired by political motives. Accordingly, a request for extradition or for mutual legal assistance based on such an offence may not be refused on the sole ground that it concerns a political offence or an offence connected with a political offence or an offence inspired by political motives.

#### Article 11B

Nothing in this Convention shall be interpreted as imposing an obligation to extradite or to afford mutual legal assistance, if the requested State Party has substantial grounds for believing that the request for extradition for offences set forth in article 7 or for mutual legal assistance with respect to such offences has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin or political opinion or that compliance with the request would cause prejudice to that person's position for any of these reasons.

11. After Article 13 of the Convention, a new Article 13A is added as follows:

#### Article 13A

Nothing in this Convention shall affect the transfer of nuclear technology for peaceful purposes that is undertaken to strengthen the physical protection of nuclear material and nuclear facilities.

12. Paragraph 3 of Article 14 of the Convention is replaced by the following text:

3. Where an offence involves nuclear material in domestic use, storage or transport, and both the alleged offender and the nuclear material remain in the territory of the State Party in which the offence was committed, or where an offence

involves a nuclear facility and the alleged offender remains in the territory of the State Party in which the offence was committed, nothing in this Convention shall be interpreted as requiring that State Party to provide information concerning criminal proceedings arising out of such an offence.

13. Article 16 of the Convention is replaced by the following text:

1. A conference of States Parties shall be convened by the depositary five years after the entry into force of the Amendment adopted on 8 July 2005 to review the implementation of this Convention and its adequacy as concerns the preamble, the whole of the operative part and the annexes in the light of the then prevailing situation.

2. At intervals of not less than five years thereafter, the majority of States Parties may obtain, by submitting a proposal to this effect to the depositary, the convening of further conferences with the same objective.

14. Footnote <sup>b</sup> of Annex II of the Convention is replaced by the following text:

<sup>b</sup> Material not irradiated in a reactor or material irradiated in a reactor but with a radiation level equal to or less than 1 gray/hour (100 rads/hour) at one metre unshielded.

15. Footnote <sup>e</sup> of Annex II of the Convention is replaced by the following text:

<sup>e</sup> Other fuel which by virtue of its original fissile material content is classified as Category and II before irradiation may be reduced one category level while the radiation level from the fuel exceeds 1 gray/hour (100 rads/hour) at one metre unshielded.

[Eds...]

## Status of Amendment to the Convention on the Physical Protection of Nuclear Material

[As at 17 February 2009]

Notes: Pursuant to Article 20, the amendment shall enter into force for each State Party that deposits its instrument of ratification, acceptance or approval of the amendment on

the thirtieth day after the date on which two thirds of the States Party have deposited their instruments of ratification, acceptance or approval with the depositary. International Atomic Energy Agency

Contracting States: 33

Last change of status: 10 January 2010

Country/Organization	Signature	Instrument	Date of deposit	Declaration etc. / Withdrawal		Entry into force
Algeria		ratification	25 Apr 2007	<input type="checkbox"/>	<input type="checkbox"/>	
Antigua and Barbuda		ratification	17 Dec 2009	<input type="checkbox"/>	<input type="checkbox"/>	
Australia		ratification	17 Jul 2008	<input type="checkbox"/>	<input type="checkbox"/>	
Austria		ratification	18 Sep 2006	<input type="checkbox"/>	<input type="checkbox"/>	
Bulgaria		ratification	17 Mar 2006	<input type="checkbox"/>	<input type="checkbox"/>	
Chile		acceptance	12 Mar 2009	<input type="checkbox"/>	<input type="checkbox"/>	
China		ratification	14 Sep 2009	<input type="checkbox"/>	<input type="checkbox"/>	
Croatia		approval	11 Sep 2006	<input type="checkbox"/>	<input type="checkbox"/>	
Estonia		ratification	24 Feb 2009	<input type="checkbox"/>	<input type="checkbox"/>	
Fiji		approval	22 Jun 2008	<input type="checkbox"/>	<input type="checkbox"/>	
Gabon		acceptance	20 Mar 2008	<input type="checkbox"/>	<input type="checkbox"/>	
Hungary		ratification	4 Dec 2008	<input type="checkbox"/>	<input type="checkbox"/>	
India		ratification	19 Sep 2007	<input type="checkbox"/>	<input type="checkbox"/>	
Jordan		acceptance	7 Oct 2009	<input type="checkbox"/>	<input type="checkbox"/>	
Kenya		acceptance	1 Aug 2007	<input type="checkbox"/>	<input type="checkbox"/>	
Libyan Arab Jamahiriya		ratification	19 Jul 2006	<input type="checkbox"/>	<input type="checkbox"/>	
Liechtenstein		ratification	13 Oct 2009	<input type="checkbox"/>	<input type="checkbox"/>	
Lithuania		ratification	19 May 2009	<input type="checkbox"/>	<input type="checkbox"/>	
Mali		acceptance	27 Jan 2010	<input type="checkbox"/>	<input type="checkbox"/>	
Mauritania		ratification	28 Feb 2008	<input type="checkbox"/>	<input type="checkbox"/>	
Niger		ratification	28 May 2009	<input type="checkbox"/>	<input type="checkbox"/>	
Nigeria		ratification	4 May 2007	<input type="checkbox"/>	<input type="checkbox"/>	
Norway		approval	20 Aug 2009	<input type="checkbox"/>	<input type="checkbox"/>	
Poland		ratification	1 Jun 2007	<input type="checkbox"/>	<input type="checkbox"/>	
Rep. of Moldova		ratification	22 Dec 2008	<input type="checkbox"/>	<input type="checkbox"/>	
Romania		ratification	6 Feb 2007	<input type="checkbox"/>	<input type="checkbox"/>	
Russian Federation		acceptance	19 Sep 2008	<input type="checkbox"/>	<input type="checkbox"/>	
Seychelles		acceptance	9 Jan 2006	<input type="checkbox"/>	<input type="checkbox"/>	
Slovenia		acceptance	1 Sep 2009	<input type="checkbox"/>	<input type="checkbox"/>	
Spain		acceptance	9 Nov 2007	<input type="checkbox"/>	<input type="checkbox"/>	

Switzerland	ratification	15 Oct 2008	<input type="checkbox"/>	<input type="checkbox"/>	
Turkmenistan	acceptance	22 Sep 2005	<input type="checkbox"/>	<input type="checkbox"/>	
Ukraine	ratification	24 Dec 2008	<input type="checkbox"/>	<input type="checkbox"/>	
United Arab Emirates	acceptance	31 Jul 2009	<input type="checkbox"/>	<input type="checkbox"/>	

### UN Security Council Resolution 1540

[Reproduced from S/RES/1540,  
adopted on 28 April 2004]

#### *The Security Council,*

*Affirming* that proliferation of nuclear, chemical and biological weapons, as well as their means of delivery,\* constitutes a threat to international peace and security,

*Reaffirming*, in this context, the Statement of its President adopted at the Council's meeting at the level of Heads of State and Government on 31 January 1992 (S/23500), including the need for all Member States to fulfil their obligations in relation to arms control and disarmament and to prevent proliferation in all its aspects of all weapons of mass destruction,

*Recalling also* that the Statement underlined the need for all Member States to resolve peacefully in accordance with the Charter any problems in that context threatening or disrupting the maintenance of regional and global stability,

*Affirming* its resolve to take appropriate and effective actions against any threat to international peace and security caused by the proliferation of nuclear, chemical and biological weapons and their means of delivery, in conformity with its primary responsibilities, as provided for in the United Nations Charter,

*Affirming* its support for the multilateral treaties whose aim is to eliminate or prevent the proliferation of nuclear, chemical or biological weapons and the importance for all States parties to these treaties to implement them fully in order to promote international stability,

*Welcoming* efforts in this context by multilateral arrangements which contribute to non-proliferation,

*Affirming* that prevention of proliferation of nuclear, chemical and biological weapons should not hamper international cooperation in materials, equipment and technology for peaceful purposes while goals of peaceful utilization should not be used as a cover for proliferation,

*Gravely concerned* by the threat of terrorism and the risk that non-State actors\* such as those identified in the United Nations list established and maintained by the Committee established under Security Council resolution 1267 and those to whom resolution 1373 applies, may acquire, develop, traffic in or use nuclear, chemical and biological weapons and their means of delivery,

*Gravely concerned* by the threat of illicit trafficking in nuclear, chemical, or biological weapons and their means of delivery, and related materials,\* which adds a new dimension to the issue of proliferation of such weapons and also poses a threat to international peace and security,

*Recognizing* the need to enhance coordination of efforts on national, subregional, regional and international levels in order to strengthen a global response to this serious challenge and threat to international security,

*Recognizing* 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 and those recommended by the IAEA Code of Conduct on the Safety and Security of Radioactive Sources,

*Recognizing further* the urgent need for all States to take additional effective measures to prevent the proliferation of nuclear, chemical or biological weapons and their means of delivery,

*Encouraging* all Member States to implement fully the disarmament treaties and agreements to which they are party,

*Reaffirming* the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts,

*Determined* to facilitate henceforth an effective response to global threats in the area of non-proliferation,

*Acting* under Chapter VII of the Charter of the United Nations,

1. *Decides that* all States shall 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;

2. *Decides also* that all States, in accordance with their national procedures, 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;

3. *Decides also* that all States shall 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 and to this end shall:

(a) Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport;

(b) Develop and maintain appropriate effective physical protection measures;

(c) Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;

(d) Establish, develop, review and maintain appropriate effective 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 establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations;

4. *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, for a period of no longer than two years, a Committee of the Security Council, consisting of all members of the Council, which will, calling as appropriate on other expertise, report to the Security Council for its examination, on the implementation of this resolution, and to this end calls upon States to present a first report no later than six months from the adoption of this resolution to the Committee on steps they have taken or intend to take to implement this resolution;

5. *Decides* that none of the obligations set forth in this resolution shall be interpreted so as to conflict with or alter the rights and obligations of State Parties to the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention or alter the responsibilities of the International Atomic Energy Agency or the Organization for the Prohibition of Chemical Weapons;

6. *Recognizes* the utility in implementing this resolution of effective national control lists and calls upon all Member States, when necessary, to pursue at the earliest opportunity the development of such lists;

7. *Recognizes* that some States may require assistance in implementing the provisions of this resolution within their territories and invites States in a position to do so to offer assistance as appropriate in response to specific requests to the States lacking the legal and regulatory infrastructure, implementation experience

and/or resources for fulfilling the above provisions;

8. *Calls upon* all States:

(a) To promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons;

(b) To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral nonproliferation treaties;

(c) To renew and fulfil their commitment to multilateral cooperation, in particular within the framework of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Biological and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes;

(d) To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws;

9. *Calls upon* all States to promote dialogue and cooperation on nonproliferation so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery;

10. Further to counter that threat, *calls upon* all States, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials;

11. *Expresses* its intention to monitor closely the implementation of this resolution and, at the appropriate level, to take further decisions which may be required to this end;

12. *Decides* to remain seized of the matter.

\* Definitions for the purpose of this resolution only:

– Means of delivery: missiles, rockets and other unmanned systems capable of delivering nuclear, chemical, or biological weapons, that are specially designed for such use.

– Non-State actor: individual or entity, not acting under the lawful authority of any State in conducting activities which come within the scope of this resolution.

– Related materials: materials, equipment and technology covered by relevant multilateral treaties and arrangements, or included on national control lists, which could be used for the design, development, production or use of nuclear, chemical and biological weapons and their means of delivery.

## International Convention for the Suppression of Acts of Nuclear Terrorism

[United Nations, 2005]

*The States Parties to this Convention,*

*(Eds.)[...]*

*Have agreed* as follows:

### Article 1

For the purposes of this Convention:

1. “Radioactive material” means nuclear material and other radioactive substances which contain nuclides which undergo spontaneous disintegration (a process accompanied by emission of one or more types of ionizing radiation, such as alpha-, beta-, neutron particles and gamma rays) and which may, owing to their radiological or fissile properties, cause death, serious bodily injury or substantial damage to property or to the environment.

2. “Nuclear material” means plutonium, except that with isotopic concentration exceeding 80 per cent in plutonium-238; uranium-233; uranium enriched in the isotope 235 or 233; uranium containing the mixture of isotopes as occurring in nature other than in the form of ore or ore residue; or any material containing one or more of the foregoing;

Whereby “uranium enriched in the isotope 235 or 233” means uranium containing the isotope 235 or 233 or both in an amount such that the abundance ratio of the sum of these isotopes to the

isotope 238 is greater than the ratio of the isotope 235 to the isotope 238 occurring in nature.

3. “Nuclear facility” means:

(a) Any nuclear reactor, including reactors installed on vessels, vehicles, aircraft or space objects for use as an energy source in order to propel such vessels, vehicles, aircraft or space objects or for any other purpose;

(b) Any plant or conveyance being used for the production, storage, processing or transport of radioactive material.

4. “Device” means:

(a) Any nuclear explosive device; or

(b) Any radioactive material dispersal or radiation-emitting device which may, owing to its radiological properties, cause death, serious bodily injury or substantial damage to property or to the environment.

5. “State or government facility” includes any permanent or temporary facility or conveyance that is used or occupied by representatives of a State, members of a Government, the legislature or the judiciary or by officials or employees of a State or any other public authority or entity or by employees or officials of an intergovernmental organization in connection with their official duties.

6. “Military forces of a State” means the armed forces of a State which are organized, trained and equipped under its internal law for the primary purpose of national defence or security and persons acting in support of those armed forces who are under their formal command, control and responsibility.

### Article 2

1. Any person commits an offence within the meaning of this Convention if that person unlawfully and intentionally:

(a) Possesses radioactive material or makes or possesses a device:

(i) With the intent to cause death or serious bodily injury; or

(ii) With the intent to cause substantial damage to property or to the environment;

(b) Uses in any way radioactive material or a device, or uses or damages a nuclear facility in a manner which releases or risks the release of radioactive material:

(i) With the intent to cause death or serious bodily injury; or

(ii) With the intent to cause substantial damage to property or to the environment; or

(iii) With the intent to compel a natural or legal person, an international organization or a State to do or refrain from doing an act.

2. Any person also commits an offence if that person:

(a) Threatens, under circumstances which indicate the credibility of the threat, to commit an offence as set forth in paragraph 1 (b) of the present article; or

(b) Demands unlawfully and intentionally radioactive material, a device or a nuclear facility by threat, under circumstances which indicate the credibility of the threat, or by use of force.

3. Any person also commits an offence if that person attempts to commit an offence as set forth in paragraph 1 of the present article.

4. Any person also commits an offence if that person:

(a) Participates as an accomplice in an offence as set forth in paragraph 1, 2 or 3 of the present article; or

(b) Organizes or directs others to commit an offence as set forth in paragraph 1, 2 or 3 of the present article; or

(c) In any other way contributes to the commission of one or more offences as set forth in paragraph 1, 2 or 3 of the present article by a group of persons acting with a common purpose; such contribution shall be intentional and either be made with the aim of furthering the general criminal activity or purpose of the group or be made in the knowledge of the intention of the group to commit the offence or offences concerned.

### Article 3

This Convention shall not apply where the offence is committed within a single State, the alleged offender and the victims are nationals of that State, the alleged offender is found in the territory

of that State and no other State has a basis under article 9, paragraph 1 or 2, to exercise jurisdiction, except that the provisions of articles 7, 12, 14, 15, 16 and 17 shall, as appropriate, apply in those cases.

#### Article 4

1. Nothing in this Convention shall affect other rights, obligations and responsibilities of States and individuals under international law, in particular the purposes and principles of the Charter of the United Nations and international humanitarian law.

2. The activities of armed forces during an armed conflict, as those terms are understood under international humanitarian law, which are governed by that law are not governed by this Convention, and the activities undertaken by military forces of a State in the exercise of their official duties, inasmuch as they are governed by other rules of international law, are not governed by this Convention.

3. The provisions of paragraph 2 of the present article shall not be interpreted as condoning or making lawful otherwise unlawful acts, or precluding prosecution under other laws.

4. This Convention does not address, nor can it be interpreted as addressing, in any way, the issue of the legality of the use or threat of use of nuclear weapons by States.

#### Article 5

Each State Party shall adopt such measures as may be necessary:

(a) To establish as criminal offences under its national law the offences set forth in article 2;

(b) To make those offences punishable by appropriate penalties which take into account the grave nature of these offences.

#### Article 6

Each State Party shall adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of this Convention, in particular where they are intended or calculated to provoke a state of terror in the general public or in a group of persons or particular persons, are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature and are punished by penalties consistent with their grave nature.

#### Article 7

1. States Parties shall cooperate by:

(a) Taking all practicable measures, including, if necessary, adapting their national law, to prevent and counter preparations in their respective territories for the commission within or outside their territories of the offences set forth in article 2, including measures to prohibit in their territories illegal activities of persons, groups and organizations that encourage, instigate, organize, knowingly finance or knowingly provide technical assistance or information or engage in the perpetration of those offences;

(b) Exchanging accurate and verified information in accordance with their national law and in the manner and subject to the conditions specified herein, and coordinating administrative and other measures taken as appropriate to detect, prevent, suppress and investigate the offences set forth in article 2 and also in order to institute criminal proceedings against persons alleged to have committed those crimes. In particular, a State Party shall take appropriate measures in order to inform without delay the other States referred to in article 9 in respect of the commission of the offences set forth in article 2 as well as preparations to commit such offences about which it has learned, and also to inform, where appropriate, international organizations.

2. States Parties shall take appropriate measures consistent with their national law to protect the confidentiality of any information which they receive in confidence by virtue of the provisions of this Convention from another State Party or through participation in an activity carried out for the implementation of this Convention. If States Parties provide information to international organizations in confidence, steps shall be taken to ensure that the confidentiality of such information is protected.

3. States Parties shall not be required by this Convention to provide any information which they are not permitted to

communicate pursuant to national law or which would jeopardize the security of the State concerned or the physical protection of nuclear material.

4. States Parties shall inform the Secretary-General of the United Nations of their competent authorities and liaison points responsible for sending and receiving the information referred to in the present article. The Secretary-General of the United Nations shall communicate such information regarding competent authorities and liaison points to all States Parties and the International Atomic Energy Agency. Such authorities and liaison points must be accessible on a continuous basis.

#### Article 8

For purposes of preventing offences under this Convention, States Parties shall make every effort to adopt appropriate measures to ensure the protection of radioactive material, taking into account relevant recommendations and functions of the International Atomic Energy Agency.

#### Article 9

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 2 when:

- (a) The offence is committed in the territory of that State; or
- (b) The offence is committed on board a vessel flying the flag of that State or an aircraft which is registered under the laws of that State at the time the offence is committed; or
- (c) The offence is committed by a national of that State.

2. A State Party may also establish its jurisdiction over any such offence when:

(a) The offence is committed against a national of that State; or

(b) The offence is committed against a State or government facility of that State abroad, including an embassy or other diplomatic or consular premises of that State; or

(c) The offence is committed by a stateless person who has his or her habitual residence in the territory of that State; or

(d) The offence is committed in an attempt to compel that State to do or abstain from doing any act; or

(e) The offence is committed on board an aircraft which is operated by the Government of that State.

3. Upon ratifying, accepting, approving or acceding to this Convention, each State Party shall notify the Secretary-General of the United Nations of the jurisdiction it has established under its national law in accordance with paragraph 2 of the present article. Should any change take place, the State Party concerned shall immediately notify the Secretary-General.

4. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 2 in cases where the alleged offender is present in its territory and it does not extradite that person to any of the States Parties which have established their jurisdiction in accordance with paragraph 1 or 2 of the present article.

5. This Convention does not exclude the exercise of any criminal jurisdiction established by a State Party in accordance with its national law.

#### Article 10

1. Upon receiving information that an offence set forth in article 2 has been committed or is being committed in the territory of a State Party or that a person who has committed or who is alleged to have committed such an offence may be present in its territory, the State Party concerned shall take such measures as may be necessary under its national law to investigate the facts contained in the information.

2. Upon being satisfied that the circumstances so warrant, the State Party in whose territory the offender or alleged offender is present shall take the appropriate measures under its national law so as to ensure that person's presence for the purpose of prosecution or extradition.

3. Any person regarding whom the measures referred to in paragraph 2 of the present article are being taken shall be entitled:
 

- (a) To communicate without delay with the nearest appropriate representative of the State of which that person is a national or

which is otherwise entitled to protect that person's rights or, if that person is a stateless person, the State in the territory of which that person habitually resides;

(b) To be visited by a representative of that State;

(c) To be informed of that person's rights under subparagraphs (a) and (b).

4. The rights referred to in paragraph 3 of the present article shall be exercised in conformity with the laws and regulations of the State in the territory of which the offender or alleged offender is present, subject to the provision that the said laws and regulations must enable full effect to be given to the purposes for which the rights accorded under paragraph 3 are intended.

5. The provisions of paragraphs 3 and 4 of the present article shall be without prejudice to the right of any State Party having a claim to jurisdiction in accordance with article 9, paragraph 1 (c) or 2 (c), to invite the International Committee of the Red Cross to communicate with and visit the alleged offender.

6. When a State Party, pursuant to the present article, has taken a person into custody, it shall immediately notify, directly or through the Secretary-General of the United Nations, the States Parties which have established jurisdiction in accordance with article 9, paragraphs 1 and 2, and, if it considers it advisable, any other interested States Parties, of the fact that that person is in custody and of the circumstances which warrant that person's detention. The State which makes the investigation contemplated in paragraph 1 of the present article shall promptly inform the said States Parties of its findings and shall indicate whether it intends to exercise jurisdiction.

#### Article 11

1. The State Party in the territory of which the alleged offender is present shall, in cases to which article 9 applies, if it does not extradite that person, be obliged, without exception whatsoever and whether or not the offence was committed in its territory, to submit the case without undue delay to its competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of that State. Those authorities shall take their decision in the same manner as in the case of any other offence of a grave nature under the law of that State.

2. Whenever a State Party is permitted under its national law to extradite or otherwise surrender one of its nationals only upon the condition that the person will be returned to that State to serve the sentence imposed as a result of the trial or proceeding for which the extradition or surrender of the person was sought, and this State and the State seeking the extradition of the person agree with this option and other terms they may deem appropriate, such a conditional extradition or surrender shall be sufficient to discharge the obligation set forth in paragraph 1 of the present article.

#### Article 12

Any person who is taken into custody or regarding whom any other measures are taken or proceedings are carried out pursuant to this Convention shall be guaranteed fair treatment, including enjoyment of all rights and guarantees in conformity with the law of the State in the territory of which that person is present and applicable provisions of international law, including international law of human rights.

#### Article 13

1. The offences set forth in article 2 shall be deemed to be included as extraditable offences in any extradition treaty existing between any of the States Parties before the entry into force of this Convention. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be subsequently concluded between them.

2. When a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, the requested State Party may, at its option, consider this Convention as a legal basis for extradition in respect of the offences set forth in article 2. Extradition shall be subject to the other conditions provided by the law of the requested State.

3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize the offences set forth in article 2 as extraditable offences between themselves, subject to the

conditions provided by the law of the requested State.

4. If necessary, the offences set forth in article 2 shall be treated, for the purposes of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territory of the States that have established jurisdiction in accordance with article 9, paragraphs 1 and 2.

5. The provisions of all extradition treaties and arrangements between States Parties with regard to offences set forth in article 2 shall be deemed to be modified as between States Parties to the extent that they are incompatible with this Convention.

#### Article 14

1. States Parties shall afford one another the greatest measure of assistance in connection with investigations or criminal or extradition proceedings brought in respect of the offences set forth in article 2, including assistance in obtaining evidence at their disposal necessary for the proceedings.

2. States Parties shall carry out their obligations under paragraph 1 of the present article in conformity with any treaties or other arrangements on mutual legal assistance that may exist between them. In the absence of such treaties or arrangements, States Parties shall afford one another assistance in accordance with their national law.

#### Article 15

None of the offences set forth in article 2 shall be regarded, for the purposes of extradition or mutual legal assistance, as a political offence or as an offence connected with a political offence or as an offence inspired by political motives. Accordingly, a request for extradition or for mutual legal assistance based on such an offence may not be refused on the sole ground that it concerns a political offence or an offence connected with a political offence or an offence inspired by political motives.

#### Article 16

Nothing in this Convention shall be interpreted as imposing an obligation to extradite or to afford mutual legal assistance if the requested State Party has substantial grounds for believing that the request for extradition for offences set forth in article 2 or for mutual legal assistance with respect to such offences has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin or political opinion or that compliance with the request would cause prejudice to that person's position for any of these reasons.

#### Article 17

1. A person who is being detained or is serving a sentence in the territory of one State Party whose presence in another State Party is requested for purposes of testimony, identification or otherwise providing assistance in obtaining evidence for the investigation or prosecution of offences under this Convention may be transferred if the following conditions are met:

(a) The person freely gives his or her informed consent; and

(b) The competent authorities of both States agree, subject to such conditions as those States may deem appropriate.

2. For the purposes of the present article:

(a) The State to which the person is transferred shall have the authority and obligation to keep the person transferred in custody, unless otherwise requested or authorized by the State from which the person was transferred;

(b) The State to which the person is transferred shall without delay implement its obligation to return the person to the custody of the State from which the person was transferred as agreed beforehand, or as otherwise agreed, by the competent authorities of both States;

(c) The State to which the person is transferred shall not require the State from which the person was transferred to initiate extradition proceedings for the return of the person;

(d) The person transferred shall receive credit for service of the sentence being served in the State from which he or she was transferred for time spent in the custody of the State to which he or she was transferred.

3. Unless the State Party from which a person is to be transferred in accordance with the present article so agrees, that person, whatever his or her nationality, shall not be prosecuted or detained

or subjected to any other restriction of his or her personal liberty in the territory of the State to which that person is transferred in respect of acts or convictions anterior to his or her departure from the territory of the State from which such person was transferred.

#### Article 18

1. Upon seizing or otherwise taking control of radioactive material, devices or nuclear facilities, following the commission of an offence set forth in article 2, the State Party in possession of such items shall:

(a) Take steps to render harmless the radioactive material, device or nuclear facility;

(b) Ensure that any nuclear material is held in accordance with applicable International Atomic Energy Agency safeguards; and

(c) Have regard to physical protection recommendations and health and safety standards published by the International Atomic Energy Agency.

2. Upon the completion of any proceedings connected with an offence set forth in article 2, or sooner if required by international law, any radioactive material, device or nuclear facility shall be returned, after consultations (in particular, regarding modalities of return and storage) with the States Parties concerned to the State Party to which it belongs, to the State Party of which the natural or legal person owning such radioactive material, device or facility is a national or resident, or to the State Party from whose territory it was stolen or otherwise unlawfully obtained.

3. (a) Where a State Party is prohibited by national or international law from returning or accepting such radioactive material, device or nuclear facility or where the States Parties concerned so agree, subject to paragraph 3(b) of the present article, the State Party in possession of the radioactive material, devices or nuclear facilities shall continue to take the steps described in paragraph 1 of the present article; such radioactive material, devices or nuclear facilities shall be used only for peaceful purposes;

(b) Where it is not lawful for the State Party in possession of the radioactive material, devices or nuclear facilities to possess them, that State shall ensure that they are placed as soon as possible in the possession of a State for which such possession is lawful and which, where appropriate, has provided assurances consistent with the requirements of paragraph 1 of the present article in consultation with that State, for the purpose of rendering it harmless; such radioactive material, devices or nuclear facilities shall be used only for peaceful purposes.

4. If the radioactive material, devices or nuclear facilities referred to in paragraphs 1 and 2 of the present article do not belong to any of the States Parties or to a national or resident of a State Party or was not stolen or otherwise unlawfully obtained from the territory of a State Party, or if no State is willing to receive such items pursuant to paragraph 3 of the present article, a separate decision concerning its disposition shall, subject to paragraph 3 (b) of the present article, be taken after consultations between the States concerned and any relevant international organizations.

5. For the purposes of paragraphs 1, 2, 3 and 4 of the present article, the State Party in possession of the radioactive material, device or nuclear facility may request the assistance and cooperation of other States Parties, in particular the States Parties concerned, and any relevant international organizations, in particular the International Atomic Energy Agency. States Parties and the relevant international organizations are encouraged to provide assistance pursuant to this paragraph to the maximum extent possible.

6. The States Parties involved in the disposition or retention of the radioactive material, device or nuclear facility pursuant to the present article shall inform the Director General of the International Atomic Energy Agency of the manner in which such an item was disposed of or retained. The Director General of the International Atomic Energy Agency shall transmit the information to the other States Parties.

7. In the event of any dissemination in connection with an offence set forth in article 2, nothing in the present article shall affect in any way the rules of international law governing liability for nuclear damage, or other rules of international law.

#### Article 19

The State Party where the alleged offender is prosecuted shall, in accordance with its national law or applicable procedures, communicate the final outcome of the proceedings to the Secretary-General of the United Nations, who shall transmit the information to the other States Parties.

#### Article 20

States Parties shall conduct consultations with one another directly or through the Secretary-General of the United Nations, with the assistance of international organizations as necessary, to ensure effective implementation of this Convention.

#### Article 21

The States Parties shall carry out their obligations under this Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and that of non-intervention in the domestic affairs of other States.

#### Article 22

Nothing in this Convention entitles a State Party to undertake in the territory of another State Party the exercise of jurisdiction and performance of functions which are exclusively reserved for the authorities of that other State Party by its national law.

#### Article 23

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation within a reasonable time shall, at the request of one of them, be submitted to arbitration. If, within six months of the date of the request for arbitration, the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice, by application, in conformity with the Statute of the Court.

2. Each State may, at the time of signature, ratification, acceptance or approval of this Convention or accession thereto, declare that it does not consider itself bound by paragraph 1 of the present article. The other States Parties shall not be bound by paragraph 1 with respect to any State Party which has made such a reservation.

3. Any State which has made a reservation in accordance with paragraph 2 of the present article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

#### Article 24

1. This Convention shall be open for signature by all States from 14 September 2005 until 31 December 2006 at United Nations Headquarters in New York.

2. This Convention is subject to ratification, acceptance or approval. The instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations.

3. This Convention shall be open to accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

#### Article 25

1. This Convention shall enter into force on the thirtieth day following the date of the deposit of the twenty-second instrument of ratification, acceptance, approval or accession with the Secretary-General of the United Nations.

2. For each State ratifying, accepting, approving or acceding to the Convention after the deposit of the twenty-second instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification, acceptance, approval or accession.

#### Article 26

1. A State Party may propose an amendment to this Convention. The proposed amendment shall be submitted to the depositary, who circulates it immediately to all States Parties.

2. If the majority of the States Parties request the depositary to

convene a conference to consider the proposed amendments, the depositary shall invite all States Parties to attend such a conference to begin no sooner than three months after the invitations are issued.

3. The conference shall make every effort to ensure amendments are adopted by consensus. Should this not be possible, amendments shall be adopted by a two-thirds majority of all States Parties. Any amendment adopted at the conference shall be promptly circulated by the depositary to all States Parties.

4. The amendment adopted pursuant to paragraph 3 of the present article shall enter into force for each State Party that deposits its instrument of ratification, acceptance, accession or approval of the amendment on the thirtieth day after the date on which two thirds of the States Parties have deposited their relevant instrument. Thereafter, the amendment shall enter into force for any State Party on the thirtieth day after the date on which that State deposits its relevant instrument.

#### Article 27

1. Any State Party may denounce this Convention by written notification to the Secretary-General of the United Nations.

2. Denunciation shall take effect one year following the date on which notification is received by the Secretary-General of the United Nations.

#### Article 28

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Convention, opened for signature at United Nations Headquarters in New York on 14 September 2005.

### The United Nations Global Counter-Terrorism Strategy

[Excerpts reproduced from A/RES/60/288,  
8 September 2006]

The General Assembly,

*Guided* by the purposes and principles of the Charter of the United Nations and *reaffirming* its role under the Charter, including on questions related to international peace and security,

*Reiterating* its strong condemnation of terrorism in all its forms and manifestations, committed by whomever, wherever and for whatever purposes, as it constitutes one of the most serious threats to international peace and security,

*Reaffirming* the Declaration on Measures to Eliminate International Terrorism, contained in the annex to General Assembly resolution 49/60 of 9 December 1994, the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, contained in the annex to General Assembly resolution 51/210 of 17 December 1996, and the 2005 World Summit Outcome, in particular its section on terrorism,

*Recalling* all General Assembly resolutions on measures to eliminate international terrorism, including resolution 46/51 of 9 December 1991, and Security Council resolutions on threats to international peace and security caused by terrorist acts, as well as relevant resolutions of the General Assembly on the protection of human rights and fundamental freedoms while countering terrorism,

*Recalling also* that at the 2005 World Summit Outcome world leaders rededicated themselves to support all efforts to uphold the sovereign equality of all States, respect their territorial integrity and political independence, to refrain in our international relations from the threat or use of force in any manner inconsistent with the purposes and principles of the United Nations, to uphold resolution of disputes by peaceful means and in conformity with the principles of justice and international law, the right to self-determination of peoples which remain under colonial domination or foreign occupation, non-interference in the internal affairs of States, respect for human rights and fundamental freedoms, respect for

the equal rights of all without distinction as to race, sex, language or religion, international cooperation in solving international problems of an economic, social, cultural or humanitarian character and the fulfillment in good faith of the obligations assumed in accordance with the Charter,

*Recalling further* the mandate contained in the 2005 World Summit Outcome that the General Assembly should develop without delay the elements identified by the Secretary-General for a counter-terrorism strategy, with a view to adopting and implementing a strategy to promote comprehensive, coordinated and consistent responses, at the national, regional and international levels, to counter terrorism, which also takes into account the conditions conducive to the spread of terrorism,

*Reaffirming* that acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening territorial integrity, security of States and destabilizing legitimately constituted Governments, and that the international community should take the necessary steps to enhance cooperation to prevent and combat terrorism,

*Reaffirming also* that terrorism cannot and should not be associated with any religion, nationality, civilization or ethnic group,

*Reaffirming further* Member States' determination to make every effort to reach an agreement on and conclude a comprehensive convention on international terrorism, including by resolving the outstanding issues related to the legal definition and scope of the acts covered by the convention, so that it can serve as an effective instrument to counter terrorism,

*Continuing* to acknowledge that the question of convening a high level conference under the auspices of the United Nations to formulate an international response to terrorism in all its forms and manifestations could be considered,

*Recognizing* that development, peace and security, and human rights are interlinked and mutually reinforcing,

*Bearing in mind* the need to address the conditions conducive to the spread of terrorism,

*Affirming* Member States' determination to continue to do all they can to resolve conflict, end foreign occupation, confront oppression, eradicate poverty, promote sustained economic growth, sustainable development, global prosperity, good governance, human rights for all and rule of law, improve intercultural understanding and ensure respect for all religions, religious values, beliefs or cultures,

1. Expresses its appreciation for the report "Uniting against terrorism: recommendations for a global counter-terrorism strategy" (doc. A/60/825), submitted by the Secretary-General to the General Assembly;

2. Adopts the present resolution and its annex as the United Nations Global Counter-Terrorism Strategy ("the Strategy");

3. Decides, without prejudice to the continuation of the discussion at its relevant committees of all their agenda items related to terrorism and counter-terrorism, to undertake the following steps for the effective follow-up of the Strategy:

a. To launch the Strategy at a high-level segment of its sixty-first session;

b. To examine in two years progress made in implementation of the Strategy, and to consider updating it to respond to changes, recognizing that many of the measures contained in the Strategy can be achieved immediately, some will require sustained work through the coming few years, and some should be treated as long term objectives;

c. To invite the Secretary-General to contribute to the future deliberations of the General Assembly on the review of the implementation and updating of the Strategy;

d. To encourage Member States, the United Nations and other appropriate international, regional and sub-regional organizations to support the implementation of the Strategy, including through mobilizing resources and expertise;

e. To further encourage non-governmental organizations

and civil society to engage, as appropriate, on how to enhance efforts to implement the Strategy.

4. Decides to inscribe in the provisional agenda of its sixty-second session an item entitled "The United Nations Global Counter-Terrorism Strategy".

## ANNEX

### Plan of Action

We, the States Members of the United Nations, resolve:

1. To consistently, unequivocally and strongly condemn terrorism in all its forms and manifestations, committed by whomever, wherever and for whatever purposes, as it constitutes one of the most serious threats to international peace and security.
2. To take urgent action to prevent and combat terrorism in all its forms and manifestations and, in particular:
  - a. To consider becoming parties without delay to the existing international conventions and protocols against terrorism, and implementing them, and to make every effort to reach an agreement on and conclude a comprehensive convention on international terrorism;
  - b. To implement all General Assembly resolutions on measures to eliminate international terrorism, and relevant General Assembly resolutions on the protection of human rights and fundamental freedoms while countering terrorism;
  - c. To implement all Security Council resolutions related to international terrorism and to cooperate fully with the counter-terrorism subsidiary bodies of the Security Council in the fulfillment of their tasks, recognizing that many States continue to require assistance in implementing these resolutions.
3. To recognize that international cooperation and any measures that we undertake to prevent and combat terrorism must comply with our obligations under international law, including the Charter of the United Nations and relevant international conventions and protocols, in particular human rights law, refugee law and international humanitarian law.

#### I. Measures to address the conditions conducive to the spread of terrorism

We resolve to undertake the following measures aimed at addressing the conditions conducive to the spread of terrorism, including but not limited to prolonged unresolved conflicts, dehumanization of victims of terrorism in all its forms and manifestations, lack of rule of law and violations of human rights, ethnic, national and religious discrimination, political exclusion, socio-economic marginalization, and lack of good governance, while recognizing that none of these conditions can excuse or justify acts of terrorism:

1. To continue to strengthen and make best possible use of the capacities of the United Nations in areas such as conflict prevention, negotiation, mediation, conciliation, judicial settlement, rule of law, peacekeeping and peacebuilding, in order to contribute to the successful prevention and peaceful resolution of prolonged unresolved conflicts. We recognize that the peaceful resolution of such conflicts would contribute to strengthening the global fight against terrorism.
2. To continue to arrange under the auspices of the United Nations initiatives and programmes to promote dialogue, tolerance and understanding among civilizations, cultures, peoples and religions, and to promote mutual respect for and prevent the defamation of religions, religious values, beliefs and cultures. In this regard, we welcome the launching by the Secretary-General of the initiative on the Alliance of Civilizations. We also welcome similar initiatives that have been taken in other parts of the world.
3. To promote a culture of peace, justice and human development, ethnic, national and religious tolerance, and respect for all religions, religious values, beliefs or cultures by establishing and encouraging, as appropriate, education and public awareness programmes involving all sectors of society. In this regard, we encourage the United Nations Educational, Scientific and Cultural Organization to play a key role, including through inter-faith and intra-faith dialogue and dialogue among civilizations.

4. To continue to work to adopt such measures as may be necessary and appropriate and in accordance with our obligations under international law to prohibit by law incitement to commit a terrorist act or acts and prevent such conduct.
5. To reiterate our determination to ensure the timely and full realization of the development goals and objectives agreed at the major United Nations conferences and summits, including the Millennium Development Goals. We reaffirm our commitment to eradicate poverty and promote sustained economic growth, sustainable development and global prosperity for all.
6. To pursue and reinforce development and social inclusion agendas at every level as goals in themselves, recognizing that success in this area, especially on youth unemployment, could reduce marginalization and the subsequent sense of victimization that propels extremism and the recruitment of terrorists.
7. To encourage the United Nations system as a whole to scale up the cooperation and assistance it is already conducting in the fields of rule of law, human rights and good governance, to support sustained economic and social development.
8. To consider putting in place, on a voluntary basis, national systems of assistance that would promote the needs of victims of terrorism and their families and facilitate the normalization of their lives. In this regard, we encourage States to request the relevant United Nations entities to help them to develop such national systems. We will also strive to promote international solidarity in support of victims and foster the involvement of civil society in a global campaign against terrorism and for its condemnation. This could include exploring at the General Assembly the possibility of developing practical mechanisms assistance to victims.

#### II. Measures to prevent and combat terrorism

We resolve to undertake the following measures to prevent and combat terrorism, in particular by denying terrorists access to the means to carry out their attacks, to their targets and to the desired impact of their attacks:

1. To refrain from organizing, instigating, facilitating, participating in, financing, encouraging or tolerating terrorist activities and to take appropriate practical measures to ensure that our respective territories are not used for terrorist installations or training camps, or for the preparation or organization of terrorist acts intended to be committed against other States or their citizens.
2. To cooperate fully in the fight against terrorism, in accordance with our obligations under international law, in order to find, deny safe haven and bring to justice, on the basis of the principle of extradite or prosecute, any person who supports, facilitates, participates or attempts to participate in the financing, planning, preparation or perpetration of terrorist acts or provides safe havens.
3. To ensure the apprehension and prosecution or extradition of perpetrators of terrorist acts, in accordance with the relevant provisions of national and international law, in particular human rights law, refugee law and international humanitarian law. We will endeavour to conclude and implement to that effect mutual judicial assistance and extradition agreements, and to strengthen cooperation between law enforcement agencies.
4. To intensify cooperation, as appropriate, in exchanging timely and accurate information concerning the prevention and combating of terrorism.
5. To strengthen coordination and cooperation among States in combating crimes that might be connected with terrorism, including drug trafficking in all its aspects, illicit arms trade, in particular of small arms and light weapons, including man-portable air defence systems, money laundering and smuggling of nuclear, chemical, biological, radiological and other potentially deadly materials.
6. To consider becoming parties without delay to the United Nations Convention against Transnational Organized Crime and to the three protocols supplementing it, and implementing them.
7. To take appropriate measures, before granting asylum, for the purpose of ensuring that the asylum seeker has not engaged in terrorist activities and, after granting asylum, for the purpose of ensuring that the refugee status is not used in a manner contrary to the provisions set out in paragraph 1 of this section.

8. To encourage relevant regional and sub-regional organizations to create or strengthen counter-terrorism mechanisms or centres. Should they require cooperation and assistance to this end, we encourage the United Nations Counter-Terrorism Committee and its Executive Directorate and, where consistent with their existing mandates, the United Nations Office of Drugs and Crime and the International Criminal Police Organization, to facilitate its provision.

9. To acknowledge that the question of creating an international centre to fight terrorism could be considered, as part of the international efforts to enhance the fight against terrorism.

10. To encourage States to implement the comprehensive international standards embodied in the Financial Action Task Force's Forty Recommendations on Money Laundering and Nine Special Recommendations on Terrorist Financing, recognizing that States may require assistance in implementing them.

11. To invite the United Nations system to develop, together with Member States, a single comprehensive database on biological incidents, ensuring that it is complementary to the International Criminal Police Organization's contemplated Biocrimes Database. We also encourage the Secretary-General to update the roster of experts and laboratories, as well as the technical guidelines and procedures, available to him for the timely and efficient investigation of alleged use. In addition, we note the importance of the proposal of the Secretary-General to bring together, within the framework of the United Nations, the major biotechnology stakeholders, including industry, scientific community, civil society and governments, into a common programme aimed at ensuring that biotechnology's advances are not used for terrorist or other criminal purposes but for the public good, with due respect to the basic international norms on intellectual property rights.

12. To work with the United Nations, with due regard to confidentiality, respecting human rights and in compliance with other obligations under international law, to explore ways and means to

- a. Coordinate efforts at the international and regional level to counter terrorism in all its forms and manifestations on the Internet,
- b. Use the Internet as a tool for countering the spread of terrorism, while recognizing that States may require assistance in this regard.

13. To step-up national efforts and bilateral, sub-regional, regional and international co-operation, as appropriate, to improve border and customs controls, in order to prevent and detect the movement of terrorists and to prevent and detect the illicit traffic in, inter alia, small arms and light weapons, conventional ammunition and explosives, nuclear, chemical, biological or radiological weapons and materials, while recognizing that States may require assistance to that effect.

14. To encourage the United Nations Counter Terrorism Committee and its Executive Directorate to continue to work with States, at their request, to facilitate the adoption of legislation and administrative measures to implement the terrorist travel-related obligations, and to identify best practices in this area, drawing whenever possible on those developed by technical international organizations such as the International Civil Aviation Organization, the World Customs Organization and the International Criminal Police Organization.

15. To encourage the Committee established pursuant to Security Council resolution 1267 (1999) to continue to work to strengthen the effectiveness of the travel ban under the United Nations sanctions regime against Al-Qaida and the Taliban and associated individuals and entities, as well as to ensure, as a matter of priority, that fair and transparent procedures exist for placing individuals and entities on its lists, for removing them and for granting humanitarian exceptions. In this regard, we encourage States to share information, including by widely distributing the International Criminal Police Organization-United Nations Special Notices concerning people subject to this sanctions regime.

16. To step up efforts and co-operation at every level, as appropriate, to improve the security on manufacturing and issuing identity and travel documents and to prevent and detect their alteration or fraudulent use, while recognizing that States may require assistance in doing so. In this regard, we invite the

International Criminal Police Organization to enhance its database on stolen and lost travel documents, and we will endeavour to make full use of this tool as appropriate, in particular by sharing relevant information.

17. To invite the United Nations to improve co-ordination in planning a response to a terrorist attack using nuclear, chemical, biological or radiological weapons or materials, in particular by reviewing and improving the effectiveness of the existing inter-agency co-ordination mechanisms for assistance delivery, relief operations and victim support, so that all States can receive adequate assistance. In this regard, we invite the General Assembly and the Security Council to develop guidelines for the necessary co-operation and assistance in the event of a terrorist attack using weapons of mass destruction.

18. To step up all efforts to improve the security and protection of particularly vulnerable targets such as infrastructure and public places, as well as the response to terrorist attacks and other disasters, in particular in the area of civil protection, while recognizing that States may require assistance to that effect.

### **III. Measures to build States' capacity to prevent and combat terrorism and to strengthen the role of the United Nations system in this regard**

We recognize that capacity-building in all States is a core element of the global counter-terrorism effort, and resolve to undertake the following measures to develop State capacity to prevent and combat terrorism and enhance coordination and coherence within the United Nations system in promoting international cooperation in countering terrorism:

1. To encourage Member States to consider making voluntary contributions to United Nations counter-terrorism cooperation and technical assistance projects, and to explore additional sources of funding in this regard. We also encourage the United Nations to consider reaching out to the private sector for contributions to capacity-building programmes, in particular in the areas of port, maritime and civil aviation security.

2. To take advantage of the framework provided by relevant international, regional and sub-regional organizations to share best practices in counter-terrorism capacity-building, and to facilitate their contributions to the international community's efforts in this area.

3. To consider establishing appropriate mechanisms to rationalize States' reporting requirements in the field of counter-terrorism and eliminate duplication of reporting requests, taking into account and respecting the different mandates of the General Assembly, the Security Council and its subsidiary bodies that deal with counter terrorism.

4. To encourage measures, including regular informal meetings, to enhance, as appropriate, more frequent exchanges of information on cooperation and technical assistance among Member States, United Nations bodies dealing with counter terrorism, relevant specialized agencies, relevant international, regional and sub-regional organizations, and the donor community, to develop States' capacities to implement relevant United Nations resolutions.

5. To welcome the intention of the Secretary-General to institutionalize, within existing resources, the United Nations Counter-Terrorism Implementation Task Force within the Secretariat, in order to ensure overall co-ordination and coherence in the United Nations system's counter-terrorism efforts.

6. To encourage the United Nations Counter-Terrorism Committee and its Executive Directorate to continue to improve the coherence and efficiency of technical assistance delivery in the field of counter-terrorism, in particular by strengthening its dialogue with States and relevant international, regional and sub-regional organizations and working closely, including by sharing information, with all bilateral and multilateral technical assistance providers.

7. To encourage the United Nations Office on Drugs and Crime, including its Terrorism Prevention Branch, to enhance, in close consultation with the United Nations Counter-Terrorism Committee and its Executive Directorate, its provision of technical assistance to States, upon request, to facilitate the implementation of the

international conventions and protocols related to the prevention and suppression of terrorism and relevant United Nations resolutions.

8. To encourage the International Monetary Fund, the World Bank, the United Nations Office on Drugs and Crime and the International Criminal Police Organization to enhance cooperation with States to help them to comply fully with international norms and obligations to combat money-laundering and financing of terrorism.

9. To encourage the International Atomic Energy Agency and the Organization for the Prohibition of Chemical Weapons to continue their efforts, within their respective mandates, in helping States to build capacity to prevent terrorists from accessing nuclear, chemical or radiological materials, to ensure security at related facilities, and to respond effectively in the event of an attack using such materials.

10. To encourage the World Health Organization to step up its technical assistance to help States improve their public health systems to prevent and prepare for biological attacks by terrorists.

11. To continue to work within the United Nations system to support the reform and modernization of border management systems, facilities and institutions, at the national, regional and international level.

12. To encourage the International Maritime Organization, the World Customs Organization and the International Civil Aviation Organization to strengthen their co-operation, work with States to identify any national shortfalls in areas of transport security and provide assistance upon request to address them.

13. To encourage the United Nations to work with Member States and relevant international, regional and sub-regional organizations to identify and share best practices to prevent terrorist attacks on particularly vulnerable targets. We invite the International Criminal Police Organization to work with the Secretary-General so that he can submit proposals to this effect. We also recognize the importance of developing public-private partnerships in this area.

#### **IV. Measures to ensure respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism**

We resolve to undertake the following measures, reaffirming that the promotion and protection of human rights for all and the rule of law is essential to all components of the Strategy, recognizing that effective counter-terrorism measures and the protection of human rights are not conflicting goals, but complementary and mutually reinforcing, and stressing the need to promote and protect the rights of victims of terrorism:

1. To reaffirm that General Assembly resolution 60/158 of 16 December 2005 provides the fundamental framework for the "Protection of human rights and fundamental freedoms while countering terrorism".

2. To reaffirm that States must ensure that any measures taken to combat terrorism comply with their obligations under international law, in particular human rights law, refugee law and international humanitarian law.

3. To consider becoming parties without delay to the core international instruments on human rights law, refugee law and international humanitarian law, and implementing them, as well as to consider accepting the competence of international and relevant regional human rights monitoring bodies.

4. To make every effort to develop and maintain an effective and rule of law-based national criminal justice system that can ensure, in accordance with our obligations under international law, that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in support of terrorist acts is brought to justice, on the basis of the principle to extradite or prosecute, with due respect for human rights and fundamental freedoms, and that such terrorist acts are established as serious criminal offences in domestic laws and regulations. We recognize that States may require assistance in developing and maintaining such effective and rule of law-based criminal justice system, and we encourage them to resort to the technical assistance delivered, inter alia, by the United Nations Office on Drugs and Crime.

5. To reaffirm the United Nations system's important role in strengthening the international legal architecture by promoting the rule of law, respect for human rights, and effective criminal justice systems, which constitute the fundamental basis of our common fight against terrorism.

6. To support the Human Rights Council, and to contribute, as it takes shape, to its work on the question of the promotion and protection of human rights for all in the fight against terrorism.

7. To support the strengthening of the operational capacity of the Office of the United Nations High Commissioner for Human Rights, with a particular emphasis on increasing field operations and presences. The Office should continue to play a lead role in examining the question of protecting human rights while countering terrorism, by making general recommendations on States' human rights obligations and providing them with assistance and advice, in particular in the area of raising awareness of international human rights law among national law-enforcement agencies, at States' request.

8. To these support the role of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism. The Special Rapporteur should continue to support States' efforts and offer concrete advice by corresponding with Governments, making country visits, liaising with the United Nations and regional organizations, and reporting on these issues.

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### **Statement of Principles for the Global initiative to Combat Nuclear Terrorism**

Bureau of International Security and Nonproliferation,  
Washington, DC  
[20 November 2006]

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Participants in the Global Initiative to Combat Nuclear Terrorism are committed to the following Statement of Principles to develop partnership capacity to combat nuclear terrorism on a determined and systematic basis, consistent with national legal authorities and obligations they have under relevant international legal frameworks, notably the Convention for the Suppression of Acts of Nuclear Terrorism, the Convention on the Physical Protection of Nuclear Material and its 2005 Amendment, United Nations Security Council Resolutions 1373 and 1540. They call on all states concerned with this threat to international peace and security, to make a commitment to implement on a voluntary basis the following principles:

- Develop, if necessary, and improve accounting, control and physical protection systems for nuclear and other radioactive materials and substances;
- Enhance security of civilian nuclear facilities;
- Improve the ability to detect nuclear and other radioactive materials and substances in order to prevent illicit trafficking in such materials and substances, to include cooperation in the research and development of national detection capabilities that would be interoperable;
- Improve capabilities of participants to search for, confiscate, and establish safe control over unlawfully held nuclear or other radioactive materials and substances or devices using them.
- Prevent the provision of safe haven to terrorists and financial or economic resources to terrorists seeking to acquire or use nuclear and other radioactive materials and substances;
- Ensure adequate respective national legal and regulatory frameworks sufficient to provide for the implementation of appropriate criminal and, if applicable, civil liability for terrorists and those who facilitate acts of nuclear terrorism;
- Improve capabilities of participants for response, mitigation, and investigation, in cases of terrorist attacks involving the use of nuclear and other radioactive materials and substances, including the development of technical means to identify nuclear and other radioactive materials and substances that are, or may be, involved in the incident; and
- Promote information sharing pertaining to the suppression of acts of nuclear terrorism and their facilitation, taking appropriate measures consistent with their national law and international obligations to protect the confidentiality of any information which they exchange in confidence.

Global Initiative participants recognize the role of the International Atomic Energy Agency (IAEA) in the fields of nuclear safety and security and the IAEA has been invited to serve as an observer to the Initiative. All participants commend the IAEA for its action in the field of nuclear security. Participants intend for the IAEA to contribute to the Initiative through its ongoing activities and technical expertise.

The initial partner nations intend to establish a terms of reference for implementation and assessment to support effective fulfillment of the initiative, including by facilitating the provision of assistance to participants that may require it, and facilitating suitable exercises.

They express the desire to broaden participation in the Global Initiative to other countries who share the common goals of the Initiative, are actively committed to combating nuclear terrorism, and endorse the Statement of Principles.

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### **Statement on the Nuclear Terrorism Convention by the IAEA Director General Mohamed ElBaradei**

[Excerpt reproduced from the Introductory Statement to the Board of Governors; Vienna, 11 June 2007]

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(Eds.)[...]

The *International Convention for the Suppression of Acts of Nuclear Terrorism* will enter into force on 7 July 2007. The *Convention* recognizes important functions of the Agency, and is an important step forward in global efforts to protect against nuclear terrorism.

Taken together, the *International Convention on the Suppression of Acts of Nuclear Terrorism*, and the *Amendment to the Convention on the Physical Protection of Nuclear Material*, when in force, will serve to further strengthen international efforts to improve physical protection of nuclear facilities and nuclear and other radioactive material.

[...](eds)

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### **Preventing the Acquisition by Terrorists of Radioactive Materials and Sources**

[Resolution A/RES/62/46, adopted by the General Assembly at its 62<sup>nd</sup> Session, December 2007]

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[Editorial note: Footnotes not included]

*The General Assembly,*

*Recognizing* the essential contribution of radioactive materials and sources to social and economic development, and the benefits drawn from their use for all States,

*Recognizing also* the determination of the international community to combat terrorism, as evident in relevant General Assembly and Security Council resolutions,

*Deeply concerned* by the threat of terrorism and the risk that terrorists may acquire, traffic in or use radioactive materials or sources in radiological dispersion devices,

*Recalling* the importance of international conventions aimed at preventing and suppressing such a risk, in particular the *International Convention for the Suppression of Acts of Nuclear Terrorism*, adopted on 13 April 2005, and the *Convention on the Physical Protection of Nuclear Material*, adopted on 26 October 1979, as well as its *Amendment*, adopted on 8 July 2005,

*Noting* that actions of the international community to combat the proliferation of weapons of mass destruction and prevent access by non-State actors to weapons of mass destruction and related material, notably Security Council resolution 1540 (2004) of 28 April 2004, constitute contributions to the protection against nuclear and radiological terrorism,

*Stressing* the importance of the role of the International Atomic Energy Agency in promoting and reinforcing the safety and security of radioactive materials and sources, in particular by supporting the improvement of national legal and regulatory infrastructure and by establishing technical guidance,

*Taking note* of the importance of the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management with respect to the safety of the end of life of radioactive sources,

*Taking note also* of the importance of the Code of Conduct on the Safety and Security of Radioactive Sources as a valuable instrument for enhancing the safety and security of radioactive sources, while recognizing that the Code is not a legally binding instrument, and of the International Atomic Energy Agency Revised Action Plan for the Safety and Security of Radioactive Sources and its Nuclear Security Plan for 2006–2009,

*Taking note further* of resolutions GC(51)/RES/11 and GC(51)/RES/12, adopted by the General Conference of the International Atomic Energy Agency at its fifty-first regular session, which address measures to strengthen international cooperation in nuclear, radiation and transport safety and waste management and measures to protect against nuclear and radiological terrorism,

*Welcoming* the ongoing individual and collective efforts of Member States to take into account in their deliberations the dangers posed by the lack or insufficiency of control over radioactive materials and sources, and recognizing the need for States to take more effective measures to strengthen those controls in accordance with their national legal authorities and legislation and consistent with international law,

*Welcoming also* the fact that Member States have taken multilateral actions to address this issue, as reflected in General Assembly resolution 61/8 of 30 October 2006,

*Welcoming further* the contribution of the International Atomic Energy Agency International Conference on the Safety and Security of Radioactive Sources: Towards a Global System for the Continuous Control of Sources throughout Their Life Cycle, held in Bordeaux, France, from 27 June to 1 July 2005, to the activities of the Agency on these issues,

*Mindful* of the responsibilities of every Member State, in accordance with international obligations, to maintain effective nuclear safety and security, asserting that responsibility for nuclear security within a State rests entirely with that State, and noting the important contribution of international cooperation in supporting the efforts of States to fulfil their responsibilities,

*Mindful also* of the urgent need for addressing, within the United Nations framework and through international cooperation, this rising concern for international security,

1. *Calls upon* Member States to support international efforts to prevent the acquisition and use by terrorists of radioactive materials and sources, and, if necessary, suppress such acts, in accordance with their national legal authorities and legislation and consistent with international law
2. *Urges* Member States to take and strengthen national measures, as appropriate, to prevent the acquisition and use by terrorists of radioactive materials and sources, as well as terrorist attacks on nuclear plants and facilities which would result in radioactive releases, and, if necessary, suppress such acts, in particular by taking effective measures to account for, secure and physically protect such materials and sources in accordance with their international obligations;
3. *Encourages* Member States to enhance their national capacities with appropriate means of detection and related architecture or systems, including through international cooperation and assistance in conformity with international law and regulations, with a view to reflecting and preventing the illicit trafficking of radioactive materials and sources;
4. *Welcomes* the entry into force on 7 July 2007 of the *International Convention for the Suppression of Acts of Nuclear Terrorism*, and invites all Member States that have not yet done so to sign and ratify this instrument as soon as possible, in accordance with their legal and constitutional processes;
5. *Invites* Member States, in particular those producing and distributing radioactive sources, to support and endorse the efforts of the International Atomic Energy Agency to enhance the safety and security of radioactive sources, as described in General Conference resolution GC(51)/RES/11 and to enhance the security of radioactive sources as described in the Agency's Nuclear

Security Plan for 2006–2009, urges all States to work towards following the guidance contained in the Agency's Code of Conduct on the Safety and Security of Radioactive Sources, including, as appropriate, the guidance on the import and export of radioactive sources, noting that the guidance is supplementary to the Code, and encourages Member States to notify the Director General of the Agency of their intention to do so pursuant to General Conference resolution GC(48)/RES/10;

6. *Recognizes* the value of information exchange on national approaches to controlling radioactive sources, and takes note of the endorsement by the Board of Governors of the International Atomic Energy Agency of a proposal for a formalized process for a voluntary periodic exchange on information and lessons learned and for the evaluation of progress made by States towards implementing the provisions of the Code of Conduct on the Safety and Security of Radioactive Sources;

7. *Welcomes* the efforts undertaken by Member States, including through international cooperation under the auspices of the International Atomic Energy Agency, to search for, locate and secure unsecured and/or uncontrolled ("orphan") radioactive sources within their State jurisdiction or territory;

8. *Encourages* cooperation among and between Member States and through relevant international and, where appropriate, regional organizations aimed at strengthening national capacities in this regard;

9. *Decides* to include in the provisional agenda of its sixty-fourth session an item entitled "Preventing the acquisition by terrorists of radioactive materials and sources".

### Measures to Eliminate International Terrorism

[Resolution A/RES/62/71, adopted by the General Assembly at its 62<sup>nd</sup> Session, December 2007]

[*Editorial note:* Footnotes not included]

*The General Assembly,*

*Guided* by the purposes and principles of the Charter of the United Nations,

*Reaffirming* the United Nations Global Counter-Terrorism Strategy in all its aspects adopted on 8 September 2006, enhancing the overall framework for the efforts of the international community to effectively counter the scourge of terrorism in all its forms and manifestations,

*Recalling* the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,

*Recalling also* the United Nations Millennium Declaration,

*Recalling further* the 2005 World Summit Outcome, and reaffirming in particular the section on terrorism,

*Recalling* the Declaration on Measures to Eliminate International Terrorism, contained in the annex to General Assembly resolution 49/60 of 9 December 1994, and the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, contained in the annex to resolution 51/210 of 17 December 1996,

*Recalling also* all General Assembly resolutions on measures to eliminate international terrorism, and Security Council resolutions on threats to international peace and security caused by terrorist acts,

*Convinced* of the importance of the consideration of measures to eliminate international terrorism by the General Assembly as the universal organ having competence to do so,

*Deeply disturbed* by the persistence of terrorist acts, which have been carried out worldwide,

*Reaffirming its strong condemnation* of the heinous acts of terrorism that have caused enormous loss of human life, destruction and damage, including those which prompted the adoption of General Assembly resolution 56/1 of 12 September 2001, as well as Security Council resolutions 1368 (2001) of 12 September 2001, 1373 (2001) of 28 September 2001 and 1377 (2001) of 12 November 2001, and those that have occurred since the adoption of the latter resolution,

*Recalling* the strong condemnation of the atrocious and deliberate attack against the headquarters of the United Nations Assistance Mission for Iraq in Baghdad on 19 August 2003 in General Assembly resolution 57/338 of 15 September 2003 and Security Council resolution 1502 (2003) of 26 August 2003,

*Affirming* that States must ensure that any measure taken to combat terrorism complies with all their obligations under international law and adopt such measures in accordance with international law, in particular international human rights, refugee and humanitarian law,

*Stressing* the need to strengthen further international cooperation among States and among international organizations and agencies, regional organizations and arrangements and the United Nations in order to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomsoever committed, in accordance with the principles of the Charter, international law and the relevant international conventions,

*Noting* the role of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism in monitoring the implementation of that resolution, including the taking of the necessary financial, legal and technical measures by States and the ratification or acceptance of the relevant international conventions and protocols,

*Mindful* of the need to enhance the role of the United Nations and the relevant specialized agencies in combating international terrorism, and of the proposals of the Secretary-General to enhance the role of the Organization in this respect,

*Mindful also* of the essential need to strengthen international, regional and subregional cooperation aimed at enhancing the national capacity of States to prevent and suppress effectively international terrorism in all its forms and manifestations,

*Reiterating its call upon* States to review urgently the scope of the existing international legal provisions on the prevention, repression and elimination of terrorism in all its forms and manifestations, with the aim of ensuring that there is a comprehensive legal framework covering all aspects of the matter,

*Emphasizing* that tolerance and dialogue among civilizations, and enhancing interfaith and intercultural understanding, are among the most important elements in promoting cooperation and success in combating terrorism, and welcoming the various initiatives to this end,

*Reaffirming* that no terrorist act can be justified in any circumstances,

*Recalling* Security Council resolution 1624 (2005) of 14 September 2005, and bearing in mind that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law,

*Taking note* of the recent developments and initiatives at the international, regional and subregional levels to prevent and suppress international terrorism, including those of, inter alia, the African Union, the ASEAN Regional Forum, the Asia-Pacific Economic Cooperation, the Association of Southeast Asian Nations, the Bali Counter-Terrorism Process, the Central American Integration System, the Collective Security Treaty Organization, the Common Market for Eastern and Southern Africa, the Cooperation Council for the Arab States of the Gulf, the Council of Europe, the East African Community, the Economic Community of West African States, the Euro-Mediterranean Partnership, the European Free Trade Association, the European Union, the Group of Eight, the Intergovernmental Authority on Development, the International Maritime Organization, the International Civil Aviation Organization, the League of Arab States, the Movement of Non-Aligned Countries, the North Atlantic Treaty Organization, the Organization for Economic Cooperation and Development, the Organization for Security and Cooperation in Europe, the Organization of American States, the Organization of the Islamic Conference, the Pacific Islands Forum, the Shanghai Cooperation Organization, the Southern African Development Community and the World Customs Organization,

*Noting* regional efforts to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomsoever

committed, including through the elaboration of and adherence to regional conventions,

*Recalling* its decision in resolutions 54/110 of 9 December 1999, 55/158 of 12 December 2000, 56/88 of 12 December 2001, 57/27 of 19 November 2002, 58/81 of 9 December 2003, 59/46 of 2 December 2004, 60/43 of 8 December 2005 and 61/40 of 4 December 2006 that the Ad Hoc Committee established by General Assembly resolution 51/210 should address, and keep on its agenda, the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations,

*Recalling also* the Final Document of the Fourteenth Conference of Heads of State or Government of Non-Aligned Countries, adopted in Havana on 16 September 2006, which reiterated the collective position of the Movement of Non-Aligned Countries on terrorism and reaffirmed its previous initiative calling for an international summit conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations, as well as other relevant initiatives,

*Aware of* its resolutions 57/219 of 18 December 2002, 58/187 of 22 December 2003, 59/191 of 20 December 2004, 60/158 of 16 December 2005 and 61/171 of 19 December 2006,

*Having examined* the report of the Secretary-General, the report of the Ad Hoc Committee established by resolution 51/210 and the oral report of the Chairperson on the work of the Working Group established by the Sixth Committee during the sixty-second session of the General Assembly,

1. *Strongly condemns* all acts, methods and practices of terrorism in all its forms and manifestations as criminal and unjustifiable, wherever and by whomsoever committed;
2. *Calls upon* all Member States, the United Nations and other appropriate international, regional and subregional organizations to implement the United Nations Global Counter-Terrorism Strategy in all its aspects at the international, regional, subregional and national levels without delay, including through mobilizing resources and expertise;
3. *Recalls* the pivotal role of the General Assembly in following up the implementation and updating of the Strategy, and in this regard also recalls its invitation to the Secretary-General to contribute to the future deliberations of the General Assembly, and requests the Secretary-General when doing so to provide information on relevant activities within the Secretariat to ensure overall coordination and coherence in the counter-terrorism efforts of the United Nations system;
4. *Reiterates* that criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstances unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or other nature that may be invoked to justify them;
5. *Reiterates its call upon* all States to adopt further measures in accordance with the Charter of the United Nations and the relevant provisions of international law, including international standards of human rights, to prevent terrorism and to strengthen international cooperation in combating terrorism and, to that end, to consider in particular the implementation of the measures set out in paragraphs 3 (a) to (f) of resolution 51/210;
6. *Also reiterates its call upon* all States, with the aim of enhancing the efficient implementation of relevant legal instruments, to intensify, as and where appropriate, the exchange of information on facts related to terrorism and, in so doing, to avoid the dissemination of inaccurate or unverified information;
7. *Reiterates its call upon* States to refrain from financing, encouraging, providing training for or otherwise supporting terrorist activities;
8. *Urges* States to ensure that their nationals or other persons and entities within their territory that wilfully provide or collect funds for the benefit of persons or entities who commit, or attempt to commit, facilitate or participate in the commission of terrorist acts are punished by penalties consistent with the grave nature of such

acts;

9. *Reminds* States of their obligations under relevant international conventions and protocols and Security Council resolutions, including Security Council resolution 1373 (2001), to ensure that perpetrators of terrorist acts are brought to justice;

10. *Reaffirms* that international cooperation as well as actions by States to combat terrorism should be conducted in conformity with the principles of the Charter, international law and relevant international conventions;

11. *Recalls* the adoption of the International Convention for the Suppression of Acts of Nuclear Terrorism, the Amendment to the Convention on the Physical Protection of Nuclear Material, the Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, and urges all States to consider, as a matter of priority, becoming parties to these instruments;

12. *Urges* all States that have not yet done so to consider as a matter of priority, and in accordance with Security Council resolution 1373 (2001), and Council resolution 1566 (2004) of 8 October 2004, becoming parties to the relevant conventions and protocols as referred to in paragraph 6 of General Assembly resolution 51/210, as well as the International Convention for the Suppression of Terrorist Bombings, the International Convention for the Suppression of the Financing of Terrorism, the International Convention for the Suppression of Acts of Nuclear Terrorism, and the Amendment to the Convention on the Physical Protection of Nuclear Material, and calls upon all States to enact, as appropriate, the domestic legislation necessary to implement the provisions of those conventions and protocols, to ensure that the jurisdiction of their courts enables them to bring to trial the perpetrators of terrorist acts, and to cooperate with and provide support and assistance to other States and relevant international and regional organizations to that end;

13. *Urges* States to cooperate with the Secretary-General and with one another, as well as with interested intergovernmental organizations, with a view to ensuring, where appropriate within existing mandates, that technical and other expert advice is provided to those States requiring and requesting assistance in becoming parties to and implementing the conventions and protocols referred to in paragraph 12 above;

14. *Notes with appreciation and satisfaction* that, consistent with the call contained in paragraphs 11 and 12 of resolution 61/40, a number of States became parties to the relevant conventions and protocols referred to therein, thereby realizing the objective of wider acceptance and implementation of those conventions, and, in this regard, welcomes in particular the entry into force on 7 July 2007 of the International Convention for the Suppression of Acts of Nuclear Terrorism;

15. *Reaffirms* the Declaration on Measures to Eliminate International Terrorism and the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, and calls upon all States to implement them;

16. *Calls upon* all States to cooperate to prevent and suppress terrorist acts;

17. *Urges* all States and the Secretary-General, in their efforts to prevent international terrorism, to make the best use of the existing institutions of the United Nations;

18. *Requests* the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime in Vienna to continue its efforts to enhance, through its mandate, the capabilities of the United Nations in the prevention of terrorism, and recognizes, in the context of the United Nations Global Counter-Terrorism Strategy and Security Council resolution 1373 (2001), its role in assisting States in becoming parties to and implementing the relevant international conventions and protocols relating to terrorism, including the most recent among them, and in strengthening international cooperation mechanisms in criminal matters related to terrorism, including through national capacity-building;

19. *Welcomes* the current efforts by the Secretariat to prepare the third edition of the publication *International Instruments related to*

*the Prevention and Suppression of International Terrorism* in all official languages;

20. *Invites* regional intergovernmental organizations to submit to the Secretary-General information on the measures they have adopted at the regional level to eliminate international terrorism, as well as on intergovernmental meetings held by those organizations;

21. *Notes* the progress attained in the elaboration of the draft comprehensive convention on international terrorism during the meetings of the Ad Hoc Committee established by General Assembly resolution 51/210 and the Working Group established by the Sixth Committee during the sixty-second session of the General Assembly, and welcomes continuing efforts to that end;

22. *Decides* that the Ad Hoc Committee shall, on an expedited basis, continue to elaborate the draft comprehensive convention on international terrorism, and shall continue to discuss the item included in its agenda by General Assembly resolution 54/110 concerning the question of convening a high-level conference under the auspices of the United Nations;

23. *Also decides* that the Ad Hoc Committee shall meet on 25 and 26 February and 6 March 2008 in order to fulfil the mandate referred to in paragraph 22 above;

24. *Requests* the Secretary-General to continue to provide the Ad Hoc Committee with the necessary facilities for the performance of its work;

25. *Requests* the Ad Hoc Committee to report to the General Assembly at its sixty-second session in the event of the completion of the draft comprehensive convention on international terrorism;

26. *Also requests* the Ad Hoc Committee to report to the General Assembly at its sixty-third session on progress made in the implementation of its mandate;

27. *Decides* to include in the provisional agenda of its sixty-third session the item entitled "Measures to eliminate international terrorism".

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### **Joint Statement of the President of the Russian Federation and the President of the United States of America for the 4<sup>th</sup> Meeting of the Global Initiative to Combat Nuclear Terrorism**

[17 June 2008]

We are pleased to be working closely together with our Global Initiative Partners to combat nuclear terrorism. That so many nations have joined the Global Initiative to Combat Nuclear Terrorism demonstrates a true commitment to defeat this threat to our peace and security.

The Russian Federation and the United States launched the Global Initiative on July 15, 2006 and we can now call more than 70 nations Global Initiative partners. We will continue to stand upon the principles at the heart of this Initiative, attract others to our ranks and realize our goal of making this a truly global effort. Gathering as partners in Madrid is an important reminder to one another of the commitments we have to each of our citizens to see clearly the concrete steps we can take together to prevent nuclear terrorism and ensure our peace and security.

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### **Nuclear security, including measures to protect against nuclear and radiological terrorism**

[GC(53)/RES/11, September 2009]

See Section J

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### **Measures to prevent terrorists from acquiring weapons of mass destruction**

[Resolution A/RES/64/38, adopted by the General Assembly at its 64<sup>th</sup> Session, December 2009]

[Editorial note: Footnotes not included]

*The General Assembly,*

*Recalling* its resolution 63/60 of 2 December 2008,

*Recognizing* the determination of the international community to combat terrorism, as evidenced in relevant General Assembly and Security Council resolutions,

*Deeply concerned* by the growing risk of linkages between terrorism and weapons of mass destruction, and in particular by the fact that terrorists may seek to acquire weapons of mass destruction,

*Cognizant* of the steps taken by States to implement Security Council resolution 1540 (2004) on the non-proliferation of weapons of mass destruction, adopted on 28 April 2004,

*Welcoming* the entry into force on 7 July 2007 of the International Convention for the Suppression of Acts of Nuclear Terrorism,

*Welcoming also* the adoption, by consensus, of amendments to strengthen the Convention on the Physical Protection of Nuclear Material by the International Atomic Energy Agency on 8 July 2005,

*Noting* the support expressed in the Final Document of the Fifteenth Summit Conference of Heads of State and Government of the Movement of Non-Aligned Countries, which was held in Sharm-el Sheikh, Egypt, from 11 to 16 July 2009, for measures to prevent terrorists from acquiring weapons of mass destruction,

*Noting also* that the Group of Eight, the European Union, the Regional Forum of the Association of Southeast Asian Nations and others have taken into account in their deliberations the dangers posed by the likely acquisition by terrorists of weapons of mass destruction, and the need for international cooperation in combating it,

*Noting further* the Global Initiative to Combat Nuclear Terrorism, launched jointly by the Russian Federation and the United States of America, and the proposed Global Summit on Nuclear Security to be hosted by the United States of America in 2010,

*Acknowledging* the consideration of issues relating to terrorism and weapons of mass destruction by the Advisory Board on Disarmament Matters,

*Taking note* of the relevant resolutions adopted by the General Conference of the International Atomic Energy Agency at its fifty-third regular session,

*Taking note also* of the 2005 World Summit Outcome adopted at the High level Plenary Meeting of the General Assembly in September 2005 and adoption of the United Nations Global Counter-Terrorism Strategy on 8 September 2006,

*Taking note further* of the report of the Secretary-General, submitted pursuant to paragraph 5 of resolution 63/60,

*Mindful* of the urgent need for addressing, within the United Nations framework and through international cooperation, this threat to humanity,

*Emphasizing* that progress is urgently needed in the area of disarmament and non-proliferation in order to maintain international peace and security and to contribute to global efforts against terrorism,

1. *Calls upon* all Member States to support international efforts to prevent terrorists from acquiring weapons of mass destruction and their means of delivery;

2. *Appeals* to all Member States to consider early accession to and ratification of the International Convention for the Suppression of Acts of Nuclear Terrorism;

3. *Urges* all Member States to take and strengthen national measures, as appropriate, to prevent terrorists from acquiring weapons of mass destruction, their means of delivery and materials and technologies related to their manufacture;

4. *Encourages* cooperation among and between Member States and relevant regional and international organizations for strengthening national capacities in this regard;

5. *Requests* the Secretary-General to compile a report on measures already taken by international organizations on issues relating to the linkage between the fight against terrorism and the proliferation of weapons of mass destruction and to seek the views of Member States on additional relevant measures, including

national measures, for tackling the global threat posed by the acquisition by terrorists of weapons of mass destruction and to report to the General Assembly at its sixty-fifth session;

6. *Decides* to include in the provisional agenda of its sixty-fifth session the item entitled “Measures to prevent terrorists from acquiring weapons of mass destruction”.

### **Nuclear Forensics and Attribution Act**

[Senate and House of Representatives of the United States of America in Congress, 5 January 2010]

An Act To strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### **Section 1. Short Title.**

This Act may be cited as the “Nuclear Forensics and Attribution Act”.

#### **Section. 2. Findings.**

Congress finds the following:

(1) The threat of a nuclear terrorist attack on American interests, both domestic and abroad, is one of the most serious threats to the national security of the United States. In the wake of an attack, attribution of responsibility would be of utmost importance. Because of the destructive power of a nuclear weapon, there could be little forensic evidence except the radioactive material in the weapon itself.

(2) Through advanced nuclear forensics, using both existing techniques and those under development, it may be possible to identify the source and pathway of a weapon or material after it is interdicted or detonated. Though identifying intercepted smuggled material is now possible in some cases, predetonation forensics is a relatively undeveloped field. The postdetonation nuclear forensics field is also immature, and the challenges are compounded by the pressures and time constraints of performing forensics after a nuclear or radiological attack.

(3) A robust and well-known capability to identify the source of nuclear or radiological material intended for or used in an act of terror could also deter prospective proliferators. Furthermore, the threat of effective attribution could compel improved security at material storage facilities, preventing the unwitting transfer of nuclear or radiological materials.

(4) (A) In order to identify special nuclear material and other radioactive materials confidently, it is necessary to have a robust capability to acquire samples in a timely manner, analyze and characterize samples, and compare samples against known signatures of nuclear and radiological material.

(B) Many of the radioisotopes produced in the detonation of a nuclear device have short half-lives, so the timely acquisition of samples is of the utmost importance. Over the past several

decades, the ability of the United States to gather atmospheric samples—often the preferred method of sample acquisition—has diminished. This ability must be restored and modern techniques that could complement or replace existing techniques should be pursued.

(C) The discipline of pre-detonation forensics is a relatively undeveloped field. The radiation associated with a nuclear or radiological device may affect traditional forensics techniques in unknown ways. In a post-detonation scenario, radiochemistry may provide the most useful tools for analysis and characterization of samples. The number of radiochemistry programs and radiochemists in United States National Laboratories and universities has dramatically declined over the past several decades. The narrowing pipeline of qualified people into this critical field is a serious impediment to maintaining a robust and credible nuclear forensics program.

(5) Once samples have been acquired and characterized, it is necessary to compare the results against samples of known material from reactors, weapons, and enrichment facilities, and from medical, academic, commercial, and other facilities containing such materials, throughout the world. Some of these samples are available to the International Atomic Energy Agency through safeguards agreements, and some countries maintain internal sample databases. Access to samples in many countries is limited by national security concerns.

(6) In order to create a sufficient deterrent, it is necessary to have the capability to positively identify the source of nuclear or radiological material, and potential traffickers in nuclear or radiological material must be aware of that capability. International cooperation may be essential to catalogue all existing sources of nuclear or radiological material.

#### **Section. 3. Sense of Congress on International Agreements for Forensics Cooperation.**

It is the sense of the Congress that the President should—

(1) pursue bilateral and multilateral international agreements to establish, or seek to establish under the auspices of existing bilateral or multilateral agreements, an international framework for determining the source of any confiscated nuclear or radiological material or weapon, as well as the source of any detonated weapon and the nuclear or radiological material used in such a weapon;

(2) develop protocols for the data exchange and dissemination of sensitive information relating to nuclear or radiological materials and samples of controlled nuclear or radiological materials, to the extent required by the agreements entered into under paragraph (1); and

(3) develop expedited protocols for the data exchange and dissemination of sensitive information needed to publicly identify the source of a nuclear detonation.

[Eds...]