

S – Nuclear Security

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]

[Eds...]

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.

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

17. 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

17. 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 I, 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;

I “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.

I 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;

I 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

I 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 fulfil 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;

(17) 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;

l 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;
- l 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;
- l 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 l, or

- (ii) to commit an offence described in sub-paragraphs (b) and l 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 l;

(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 ^{b/} of Annex II of the Convention is replaced by the following text:

^{b/} 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 ^{e/} of Annex II of the Convention is replaced by the following text:

^{e/} Other fuel which by virtue of its original fissile material content is classified as Category I 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 25 April 2025]

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

Parties: 138 127

Key Nuclear Security Agreement to Enter into Force. IAEA Press Release.

[08 April 2016]

A nuclear security agreement that will take effect on 8 May will reduce the risk of a terrorist attack on a nuclear power plant and make it harder to smuggle nuclear material.

The entry into force of the Amendment to the Convention on the Physical Protection of Nuclear Material (CPPNM) was secured today with the deposit of the instrument of ratification by Nicaragua, which brought the number of adherences to 102 States Parties to the CPPNM, the threshold required for the agreement to come into effect in 30 days. The Amendment, adopted more than a decade ago, will make it legally binding on countries to protect nuclear facilities. It will also extend the CPPNM's application to nuclear material in domestic use, storage and transport.

"This is an important day for efforts to strengthen nuclear security around the world," said IAEA Director General Yukiya Amano in a statement. The Amendment "will help reduce the risk of a terrorist attack involving nuclear material, which could have catastrophic consequences."

The CPPNM, the only legally binding international undertaking in the area of physical protection of nuclear material, entered into force in 1987. It focuses on the physical protection of nuclear

material used for peaceful purposes during international transport, but does not cover the protection of nuclear facilities or nuclear material in domestic use, storage and transport. In July 2005, the Parties to the CPPNM adopted the Amendment. The adherence of two-thirds of the States Parties to the CPPNM was required for entry into force of the Amendment. Currently, there are 152 States Parties to the Convention.

"The entry into force of the Amendment demonstrates the determination of the international community to act together to strengthen nuclear security globally," Mr Amano said. He urged States Parties that have not yet done so to adhere to the Amendment.

The Amendment makes it legally binding for States to establish, implement and maintain an appropriate physical protection regime applicable to nuclear material and nuclear facilities under their jurisdiction. It provides for the criminalization of new and extended specified acts, and requires countries to put in place measures to protect nuclear material and nuclear facilities against sabotage.

The Amendment expands the existing offences identified in the CPPNM, including the theft and robbery of nuclear material, and establishes new ones, such as the smuggling of nuclear material and the actual or threatened sabotage of nuclear facilities. A number of the offences were also expanded to include substantial damage to the environment.

The Amendment also provides for expanded cooperation and information sharing between States regarding rapid measures to locate and recover stolen or smuggled nuclear material, to mitigate any radiological consequences of sabotage and to prevent and combat related offences. It also establishes channels for cooperation and consultation, directly among States via established points of contact or through the IAEA, to obtain guidance on the design, maintenance and improvement of national systems of physical protection.

"It is now important that practical and operational arrangements and improved information exchange mechanisms be established to enable us to be better placed to face emerging nuclear security challenges," said Peri Lynne Johnson, IAEA Legal Adviser and Director of the Office of Legal Affairs.

The IAEA held the first ever Technical Meeting of the Points of Contact and Central Authorities of States Parties to the CPPNM in December 2015. Mr Amano announced last week that the IAEA will host annual meetings of national points of contacts as well as periodic conferences to review the implementation of the convention.

"I will bring the Parties together to work out ways of improving the mechanisms for sharing such information, while protecting confidentiality," Mr Amano said.

The Director General, as depositary for the Convention will convene a conference of States Parties five years after the Amendment's entry into force to review the implementation of the amended Convention as well as its adequacy.

Although States Parties will be responsible for implementing the Amendment, the IAEA will facilitate implementation by providing legislative and technical assistance to Member States. This includes assistance in the drafting of national implementing legislation and in establishing, implementing, and maintaining a State's physical protection regime. In addition, the IAEA continues to stand ready to help, upon request, those countries which are not parties to either the Convention or the Amendment.

"The IAEA stands ready to further strengthen its cooperation with the States Parties on their national physical protection regime applicable to nuclear material and nuclear facilities under their jurisdiction in accordance the IAEA Nuclear Security Series," said Khammar Mrabit, Director of the IAEA Division of Nuclear Security.

International Convention for the Suppression of Acts of Nuclear Terrorism

[United Nations, 2005]

The States Parties to this Convention, [Eds...] Have agreed as follows:

UN Security Council Resolution 1540

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

See Section K

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.

Nuclear Security Summit 2016 Communiqué

[Washington DC, 2016]

The threat of nuclear and radiological terrorism remains one of the greatest challenges to international security, and the threat is constantly evolving. We, the leaders, gathered in Washington, D.C. on the first day of April, 2016 on the occasion of the fourth Nuclear Security Summit, are proud to observe that the Summits have since 2010 raised awareness of this threat and driven many tangible, meaningful and lasting improvements in nuclear security. The Summits have also strengthened the nuclear security architecture at national, regional and global levels, including through broadened ratification and implementation of international legal instruments regarding nuclear security. We underline the importance of the Convention on Physical Protection of Nuclear Material and its 2005 Amendment and the International Convention on the Suppression of Acts of Nuclear Terrorism and will continue to work toward their universalization and full implementation. We welcome the imminent entry into force of the 2005 Amendment to the Convention on Physical Protection of Nuclear Material and Facilities and encourage further ratifications.

We reaffirm our commitment to our shared goals of nuclear disarmament, nuclear non-proliferation and peaceful use of nuclear energy. We also reaffirm that measures to strengthen nuclear security will not hamper the rights of States to develop and use nuclear energy for peaceful purposes. We reaffirm the fundamental responsibility of States, in accordance with their respective obligations, to maintain at all times effective security of all nuclear and other radioactive material, including nuclear materials used in nuclear weapons, and nuclear facilities under their control.

More work remains to be done to prevent non-state actors from obtaining nuclear and other radioactive materials, which could be used for malicious purposes. We commit to fostering a peaceful and stable international environment by reducing the threat of nuclear terrorism and strengthening nuclear security.

Sustaining security improvements requires constant vigilance at all levels, and we pledge that our countries will continue to make nuclear security an enduring priority. We, as leaders, are conscious of our responsibility. Actions taken today can prevent tomorrow's nuclear security incidents. Where we choose to take such steps visibly, in light of national conditions and while protecting sensitive information, we contribute to strengthening and building confidence in the effectiveness of our national nuclear security regimes.

Countering nuclear and radiological terrorism demands international cooperation, including sharing of information in accordance with States' national laws and procedures. International cooperation can contribute to a more inclusive, coordinated, sustainable, and robust global nuclear security architecture for the common benefit and security of all.

We reaffirm the *essential responsibility and the central role* of the International Atomic Energy Agency in strengthening the global nuclear security architecture and in developing international guidance, and its leading role in facilitating and coordinating nuclear security activities among international organizations and initiatives and supporting the efforts of States to fulfill their nuclear security responsibilities. We welcome and support the Agency in convening regular high-level international conferences, such as the December 2016 international conference on nuclear security including its Ministerial segment, to maintain political momentum and continue to raise awareness of nuclear security among all stakeholders.

We seek to maintain the international network of officials and government experts who have supported the Summit process and to incorporate the broader community of States, as well as encourage the continued engagement of relevant partners in nuclear industry and civil society.

In our continued collective determination to ensure political momentum and to continuously strengthen nuclear security at national, regional, and global levels, we resolve to implement the attached Action Plans, in support of the international organizations and initiatives to which we respectively belong (the United Nations, the International Atomic Energy Agency, INTERPOL, the Global Initiative to Combat Nuclear Terrorism, and the Global Partnership Against the Spread of Weapons and Materials of Mass Destruction), to be carried out on a voluntary basis and consistent with national laws and respective international obligations. These plans reflect the political will of participating States.

The 2016 Summit marks the end of the Nuclear Security Summit process in this format. We affirm that the Communiqués from the 2010, 2012 and 2014 Summits and the Work Plan of the 2010 Summit will continue to guide our efforts as we endeavor to fully implement them.

Ministerial Declaration. International Conference on Nuclear Security (ICONS)

[Vienna, 10–14 February 2020]

1. We, the Ministers of the Member States of the International Atomic Energy Agency (IAEA), gathered at the International Conference on Nuclear Security: Sustaining and Strengthening Efforts, reiterate our commitment to sustain and strengthen effective and comprehensive nuclear security of all nuclear and other radioactive material and facilities.

2. We reassert that the responsibility for nuclear security within a State rests entirely with that State in accordance with its respective national and international obligations.

3. We remain concerned about existing and emerging nuclear security threats and committed to addressing such threats.

4. We acknowledge that nuclear security measures may enhance public confidence in the peaceful use of nuclear applications. We also acknowledge that those applications contribute to Member States' sustainable development and we should ensure that measures to strengthen nuclear security do not hamper international cooperation in the field of the peaceful uses of nuclear applications.

5. We reaffirm the common goals of nuclear non-proliferation, nuclear disarmament and peaceful uses of nuclear energy, recognize that nuclear security contributes to international peace and security, and stress that progress in nuclear disarmament is critically needed and will continue to be addressed in all relevant fora, consistent with the relevant obligations and commitments of Member States.

6. We support the work of the IAEA in assisting Member States, upon request, in establishing and improving effective and sustainable national nuclear security regimes, including through guidance development, advisory services, and capacity building, and accordingly its central role in facilitating and coordinating international cooperation to strengthen nuclear security, as well as its role in facilitating, as appropriate, regional activities.

7. We recognize physical protection as a key element in nuclear security, and support the further development of the IAEA's assistance in the relevant areas of importance to Member States to include prevention, detection and response.

8. We encourage Member States to implement threat mitigation and risk reduction measures that contribute to improving nuclear security including, but not limited to, ensuring the protection of nuclear and other radioactive materials and facilities, in accordance with national legislation.

9. We call upon all Member States possessing HEU and separated plutonium in any application, which require special precautions to ensure their nuclear security, to make sure they are appropriately secured and accounted for, by and in the relevant State, and we encourage Member States, on a voluntary basis, to further minimize HEU in civilian stocks, when technically and economically feasible.

10. We recognize the threats to computer security and from cyber-attacks at nuclear related facilities, as well as their associated activities including the use, storage and transport of nuclear and radioactive materials, and call on Member States to strengthen protection of sensitive information and computer-based systems, and encourage the IAEA to continue to foster international cooperation and to assist Member States, upon request, in this regard.

11. We reaffirm the importance of continuing to promote the universalization and implementation by its States Parties of the Convention on the Physical Protection of Nuclear Material (CPPNM) and its Amendment, and look forward to the 2021 conference. We also reaffirm the importance of other relevant international legal instruments, such as the International Convention on the Suppression of Acts of Nuclear Terrorism (ICSANT).

12. We commit to maintaining effective security of radioactive sources throughout their life cycle, consistent with the objectives of the Code of Conduct on the Safety and Security of Radioactive Sources and its supplementary guidance documents.

13. We encourage the IAEA to continue to facilitate, in close cooperation with Member States, a coordination process to address the interface between nuclear security and nuclear safety, as appropriate.

14. We reiterate our commitment to combatting illicit trafficking of nuclear and other radioactive material and to ensure that the material cannot be used by non-State actors for malicious purposes and encourage Member States to continue sharing relevant information, on a voluntary basis, including through relevant channels and databases. The States providing

notifications to databases are responsible for accuracy, objectivity and purely technical character of this information.

15. We support the IAEA's and Member States' efforts to strengthen nuclear security culture and also insider threat mitigation, in particular through providing education and training opportunities, and note the contribution of other relevant institutional entities, such as regulators and industry, in this regard.

16. We encourage Member States to use and contribute to the IAEA's nuclear security advisory services and peer reviews, on a voluntary basis.

17. We call upon Member States to support and contribute, as appropriate, to the IAEA's nuclear security activities by providing experts and sharing national expertise, best practices, lessons learned, as well as highlighting recent successes, with due regard to the protection of sensitive and confidential information.

18. We recognize the Nuclear Security Fund as an important instrument for the Agency's activities in the field of nuclear security. We will continue to provide, on a voluntary basis, funds to the Nuclear Security Fund, as well as technical and human resources, as appropriate for the IAEA to implement its work in nuclear security and to provide, upon request, the support needed by Member States.

19. We commit to promote geographical diversity and gender equality, in the context of IAEA's nuclear security activities, and encourage Member States to establish an inclusive workforce within their national security regimes, including ensuring equal access to education and training.

20. We call upon the IAEA Secretariat and Member States to take this Ministerial Declaration into account in the consultation process between the Secretariat and the Member States during the development of the IAEA's 2022 – 2025 Nuclear Security Plan, while also considering the proceedings of this conference, as appropriate.

21. We call upon the IAEA to continue to improve communication with Member States about its nuclear security activities and to facilitate the exchange of technical and scientific information on nuclear and radioactive security technology options.

22. We call upon the IAEA to continue to organize international conferences on Nuclear Security every four years and encourage all Member States to participate at a Ministerial level.

Statement by Co-presidents of International Conference on Nuclear Security (ICONS) 2024

[May 2024]

1. We the Co-Presidents of the International Atomic Energy Agency (IAEA) International Conference on Nuclear Security: Shaping the Future, reiterate our commitment to sustain and strengthen effective and comprehensive nuclear security of all nuclear and other radioactive material and facilities.
2. We reassert that the responsibility for nuclear security within a State rests entirely with that State in accordance with its respective national and international obligations, mindful of the sovereign rights of every Member State.
3. We reaffirm the common goals of nuclear non-proliferation, nuclear disarmament and peaceful uses of nuclear energy, recognize that nuclear security contributes to international peace and security, and stress that progress in nuclear disarmament is critically needed and will continue to be addressed in all relevant fora, consistent with the relevant obligations and commitments of Member States.
4. We acknowledge that nuclear security measures may enhance public confidence in the peaceful use of nuclear applications. We also acknowledge that those applications contribute to Member States' sustainable development and we should ensure that measures to strengthen nuclear security do not hamper international cooperation in the field of the peaceful uses of nuclear applications.
5. We remain concerned about existing and emerging nuclear security risks and threats and commit to addressing them. We recognize that emerging and innovative technologies, inter alia artificial intelligence, present potential challenges and benefits. In this regard, we further recognize the importance of international cooperation in support of national nuclear security regimes, to help us maximize benefits while addressing challenges.
6. We support the work of the IAEA in assisting Member States, upon request, in establishing and improving effective and sustainable national nuclear security regimes, including through guidance development, advisory services, and capacity building, and accordingly its central role in facilitating and coordinating international cooperation to strengthen nuclear security, as well as its role in facilitating, as appropriate, regional activities.
7. We recognize physical protection as a key element in nuclear security, and support the further development of the IAEA's assistance in the relevant areas of importance to Member States to include prevention, deterrence, detection, access delay and response.
8. We emphasize that any attacks or threats of attacks against nuclear facilities devoted to peaceful purposes may compromise nuclear security and recall our commitments in this regard. We note General Conference resolutions GC(XXIX)/RES/444 and GC(XXXIV)/RES/533 and the 2009 General Conference unanimous decision GC(53)/DEC/13.
9. We recognize the need to ensure resilience in national nuclear security regimes and emergency preparedness in all circumstances, including extraordinary circumstances. We note the IAEA Director General's "seven indispensable pillars for ensuring nuclear safety and security during an armed conflict".
10. We encourage Member States to implement threat mitigation and risk reduction measures that contribute to improving nuclear security including, but not limited to, ensuring the protection of nuclear and other radioactive materials and facilities in accordance with national legislation.
11. We call upon all Member States possessing HEU and separated plutonium in any application, which require special precautions to ensure their nuclear security, to make sure they are appropriately secured and accounted for, by and in the relevant State, and we encourage Member States, on a voluntary basis, to further minimize HEU in civilian stocks, when technically and economically feasible.
12. We emphasize the importance of nuclear security considerations in the context of the growing interest in the development and deployment of advanced nuclear technologies and reactors, including Small and Modular Reactors (SMRs), in accordance with the respective obligations of Member States.
13. We recognize the threats to computer security and from cyber-attacks at nuclear facilities, as well as their associated activities including the production, use, storage and transport of nuclear and radioactive materials, and highlight the need by Member States to continue addressing computer security risks when strengthening the protection of sensitive information and computer-based systems, and encourage the IAEA to continue to foster international cooperation and to assist Member States, upon request, in this regard.
14. We reaffirm the importance of continuing to promote the universalization and implementation by its States Parties of the Convention on the Physical Protection of Nuclear Material (CPPNM) and its Amendment. We note the convening of the 2022 Conference of the Parties to the Amendment to the CPPNM which concluded that the Convention as amended was

- adequate and look forward to the second Conference of the Parties and the review of the implementation and adequacy of the Convention. We also reaffirm the importance of other relevant international legal instruments, such as the International Convention for the Suppression of Acts of Nuclear Terrorism (ICSANT).
15. We commit to maintaining effective security of radioactive sources throughout their life cycle, consistent with the objectives of the Code of Conduct on the Safety and Security of Radioactive Sources and its supplementary guidance documents.
 16. We emphasize the importance of security in the transport of nuclear and other radioactive material and, in recognition of the continuous increase in the amount of such material, stress the need for Member States to take effective measures, consistent with their international and domestic obligations.
 17. We encourage the IAEA to continue facilitating, in close cooperation with Member States, a coordination process to address the interface between nuclear security and nuclear safety, as appropriate.
 18. We reiterate our commitment to combatting illicit trafficking of nuclear and other radioactive material and to ensure that the material cannot be used by non-State actors for malicious purposes and encourage Member States to continue sharing relevant information, on a voluntary basis, including through relevant channels. The States providing notifications to databases are responsible for accuracy, objectivity and purely technical character of this information.
 19. We support the IAEA's and Member States' efforts to strengthen nuclear security culture in the framework of organizational culture in a balanced and risk-informed manner, and also insider threat prevention and mitigation, in particular through providing education and training opportunities, and note the contribution of other relevant institutional entities, such as regulators and industry, in this regard.
 20. We welcome the opening of the IAEA Nuclear Security Training and Demonstration Centre (NSTDC), thereby complementing the existing work of Member States nuclear security support centres, Centres of Excellence, and IAEA Collaborating Centres, and supporting the IAEA's efforts in capacity building to strengthen national nuclear security regimes, thus emphasizing the importance that Member States support the centre.
 21. We encourage the IAEA Secretariat and Member States to continue their efforts in education and development of current and future generations of nuclear security professionals.
 22. We encourage Member States to use and contribute to the IAEA's nuclear security review missions and advisory services, on a voluntary basis.
 23. We call upon Member States to support and contribute, as appropriate, to the IAEA's nuclear security activities by providing experts and sharing national expertise, best practices, lessons learned, as well as highlighting recent successes, with due regard to the protection of sensitive and confidential information.
 24. We recognize the Nuclear Security Fund as an important instrument for the Agency's activities in the field of nuclear security. We will continue to provide, on a voluntary basis, funds to the Nuclear Security Fund, as well as technical and human resources, as appropriate for the IAEA to implement its work in nuclear security and to provide, upon request, the support needed by Member States.
 25. We commit to promote equitable geographical distribution and gender equality in the context of IAEA's nuclear security activities, and encourage Member States to establish an inclusive workforce within their national nuclear security regimes, including ensuring equal access to education and training.
 26. We call upon the IAEA Secretariat and Member States to take this Statement into account in the consultation process between the Secretariat and the Member States during the development of the IAEA's 2026-2029 Nuclear Security Plan, while also considering the proceedings of this conference, as appropriate.
 27. We call upon the IAEA to continue to improve communication with Member States about its nuclear security activities and to facilitate the exchange of technical and scientific information on nuclear and radiation technology options in the field of nuclear security.
 28. We call upon the IAEA to continue to organize international conferences on Nuclear Security every four years and encourage all Member States to participate at a Ministerial level.

Joint Statement on Ukraine in the International Conference on Nuclear Security (ICONS) 2024

[May 2024]

Ukraine would like to deliver the following joint statement on behalf of the following 55 delegations: Albania, Argentina, Austria, Australia, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Liechtenstein, Latvia, Lithuania, Luxembourg, Malta, Moldova, Montenegro, North Macedonia, Netherlands, New Zealand, Norway, Paraguay, Poland, Portugal, Republic of Korea, Romania, San Marino, Singapore, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkiye, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay and European Union.

Since the last ICONS in 2020, nuclear security has faced unprecedented threats and challenges which have affected the peaceful uses of nuclear energy and undermined international peace and security.

For the first time in history, an IAEA Member State has deliberately attacked and seized control of peaceful nuclear facilities belonging to another IAEA Member State.

Since the start of Russia's brutal, unprovoked, and unjustified war of aggression against Ukraine, the nuclear security situation in Ukraine has become a matter of grave concern for the entire international community.

On 4 March 2022, Russian military forces attacked and seized control of Ukraine's Zaporizhzhia Nuclear Power Plant (ZNPP), the largest in Europe. We condemn Russia's seizure and militarization of the ZNPP, which could lead to potentially severe consequences for nuclear safety and security. Russia's willful disregard of international law, its presence and actions at the ZNPP, and its attacks on Ukraine's critical energy infrastructure continue to place Ukraine and the wider region at risk.

Russia's ongoing invasion also raises security concerns related to nuclear and radioactive materials within Ukraine, including the increased risk of illicit nuclear trafficking. We remain concerned that the ongoing war unduly impedes the Agency's ability to effectively and efficiently implement safeguards in Ukraine.

We express our deep gratitude and support to the IAEA and its Director General for their continuous and tireless efforts to prevent a nuclear accident or incident in Ukraine. We emphasize the importance of the DG's "seven indispensable pillars for ensuring nuclear safety and security in an armed conflict". We also reaffirm that the five concrete principles for the ZNPP, as announced by the DG at the UN Security Council, should be adhered to, in full respect of Ukraine's sovereign and territorial integrity.

Our delegations value the continued presence of IAEA support and assistance missions at all Ukrainian Nuclear Facilities, including the Zaporizhzhia Nuclear Power Plant. We reaffirm the need for Agency personnel to have full and timely access to all relevant locations and information for safety and security at the ZNPP and

to continue to report on developments.

Our delegations reaffirm our collective calls on Russia to heed the calls of four IAEA Board of Governors resolutions and the 2023 IAEA General Conference resolution to immediately withdraw its military forces and other unauthorized personnel from the Zaporizhzhia Nuclear Power Plant and to fully respect Ukraine's sovereignty and territorial integrity within its internationally recognized borders. This remains the only way to restore Ukraine's control over its nuclear facilities and to ensure their safe and secure operation.

We also call on States Parties to relevant international instruments to strengthen international cooperation in case of a radiological emergency, including through support to Ukraine with the maintenance of security at its nuclear facilities. We call for continued efforts to hold Russia accountable for its ongoing threats to nuclear security in Ukraine.

IAEA Press release: Highlights and Insights from the International Conference on Nuclear Security (ICONS) 2024

[31 May 2024]

Over 2000 participants from 142 countries and 16 organizations gathered in Vienna for the fourth quadrennial International Conference on Nuclear Security (ICONS) 2024. This high turnout signaled consensus amongst members of the global community that nuclear security is an integral component of the peaceful uses of nuclear technology.

This sentiment was echoed in the opening statement of IAEA Director General Rafael Mariano Grossi: "Nuclear security was important, is important and will always be important. Nuclear security is not a hindrance to technology access, it is an enabler."

ICONS 2024 began with a two-day Ministerial segment presided over by the conference Co-Presidents, Assistant Minister for Foreign Affairs of Australia, Tim Watts, and Vice-Minister of Energy for Kazakhstan, Sungat Yessimkhanov. The Co-Presidents began the conference by releasing a [joint statement](#) in which they committed to sustaining and strengthening "effective and comprehensive nuclear security of all nuclear and other radioactive material and facilities." More than one hundred statements were then delivered by both Member States and international organizations, each reaffirming their respective commitments to upholding the international nuclear security regime.

The Ministerial segment also featured a plenary panel on the critical role that nuclear security plays in enabling the global pursuit of the Sustainable Development Goals (SDGs), along with a [high-level panel discussion at Vienna's Palais Liechtenstein on collaborative approaches to bolstering international nuclear security efforts](#).

Lydie Evrard, IAEA Deputy Director General and Head of the Department of Nuclear Safety and Security, opened the scientific and technical portion of ICONS 2024. She underscored the conference's tagline of "Shaping the Future" by stressing the need to urgently address the threats of tomorrow, stating, "The global community constantly grapples with new and emerging threats, rapid technological advancements, and unforeseen challenges. It is vital that we look ahead and proactively address these challenges in this fast-evolving environment."

This orientation towards "the future" inspired many discussions during the 52 technical sessions and 45 side events organized throughout the week of the conference. A wide array of topics was covered, ranging from computer security and artificial intelligence to uncrewed systems and small modular reactors (SMRs). Some of the more common themes highlighted across all sessions were the vital importance of international cooperation and collaboration; the critical role of education, training, and diversity of personnel; the need for effective communication strategies for a range of stakeholders; and the pressing demand to develop collective approaches to the challenges posed by emerging technologies.

At the ICONS 2024 closing plenary session, a cohort of university students and early career professionals dubbed the [Nuclear Security Delegation for the Future](#) presented a [joint statement](#) on the future of nuclear security. The Nuclear Security Delegation for

the Future took an active role in the conference, participating in career workshops; attending networking events; and supporting various technical sessions throughout the programme. Their joint statement was the highlight of their ICONS experience, serving as a call to action for the broader international community: "We, as a transnational delegation, are driven by a vision that transcends borders and which emphasizes cooperative approaches that bolster nuclear security for all ... The global community must continue on its upward trajectory of increasing diversity in the nuclear security sector in pursuit of a world in which all can benefit from nuclear technologies, and in which no one is left behind."

During Director General Grossi's closing remarks, he noted that the sustained high attendance at the closing plenary was an indication of commitment and interest. He rallied those present to go forth from ICONS with a shared sense of purpose and a renewed commitment to securing the peaceful applications of nuclear technology.

His parting words served as a reminder to all participants of the fundamental role that nuclear security plays in creating a more secure and sustainable tomorrow: "When the world, our societies, our countries are turning their eyes to nuclear to get solutions for the many problems and challenges that we have, be it through the production of CO2 free energy, or cancer care, or food security for those who need it, nuclear security is an integral part of that. Let's celebrate this consensus which exists above and beyond the words of diplomatic papers." He concluded, "It's in the real world. Nuclear security is there, will be there, and it's not going anywhere."

Joint Statement: Global Forum to Prevent Radiological and Nuclear Terrorism

[15 November 2024]

The text of the following statement was released by the Governments of the United States of America and the Government of Romania on the occasion of the Global Forum to Prevent Radiological and Nuclear Terrorism.

Endorsed by: Albania, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Czechia, Finland, France, Georgia, Germany, Hungary, Italy, Ireland, Japan, Lithuania, Montenegro, The Netherlands, Nigeria, Norway, Poland, Republic of Croatia, Republic of Korea, Republic of Slovenia, Spain, Ukraine, United Kingdom.

We, the following participating countries of the Global Forum to Prevent Radiological and Nuclear Terrorism (Global FTRNT), convened in Bucharest, Romania, from November 13-15, 2024, reaffirm our unwavering commitment to strengthening global radiological and nuclear (R/N) security by fostering international cooperation, upholding international norms, adhering to multilateral conventions, supporting the robust implementation of relevant legal frameworks, and working through international organizations to counter R/N terrorism.

For over fifteen years, the international community engaged in the Global Initiative to Combat Nuclear Terrorism (GICNT) under the co-chairmanship of Russia and the United States to coordinate international capacity-building measures to prevent non-state actors, including terrorist groups, from acquiring or using R/N materials for malicious purposes. Following Russia's full-scale invasion of Ukraine in 2022, the United States and Russia mutually agreed to pause all official GICNT activities, creating a significant gap in international efforts to address R/N terrorism. The Global FTRNT bridges this gap by bringing together likeminded partners to address the urgent need for continued international cooperation and coordination to prevent, detect, and respond to R/N terrorism risks and threats globally.

We affirm our commitment to remain vigilant against the risk of R/N materials falling into the hands of terrorist and other non-state actors with intent to cause harm, and we recognize the importance of international cooperation to identify and implement measures to minimize the risk of terrorist use of R/N materials. As nations increasingly pursue nuclear power options – including in considering the selection, development, and deployment of advanced nuclear energy technology such as advanced and small modular reactors – as part of their energy mix, it is essential that adequate security measures are in place and implemented to

mitigate the potential risks from R/N terrorism.

We will uphold nuclear security principles for R/N terrorism deterrence, prevention, detection, response, and prosecution. In order to achieve this, we commit to developing global capacity to combat R/N terrorism, consistent with national legal authorities and in compliance with obligations outlined in international legal frameworks such as: the International Convention for the Suppression of Acts of Nuclear Terrorism (ICSANT), the Convention on the Physical Protection of Nuclear Material (CPPNM) and its 2005 Amendment (A/CPPNM), the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, the Convention on Early Notification of a Nuclear Accident, and United Nations Security Council Resolutions 1373 and 1540. These frameworks provide a robust foundation for our efforts to prevent, detect, and respond to acts of R/N terrorism.

We will foster international cooperation to prevent the illicit acquisition, transport, or use of R/N materials, deter hostile actions against R/N facilities, and respond to incidents involving the use of R/N materials. We will do so by strengthening global activities and institutions through the integration of collective capabilities and resources, by maintaining a network for partners to share information and expertise in a legally non-binding capacity, and by strengthening our support of the IAEA's nuclear security assistance to states in the areas of prevention, detection and response.

We call on all states concerned about the threat to international peace and security posed by R/N terrorism to join us in this vital endeavor. By working together, we aim to build a safer and more secure world and protect against the threat of R/N terrorism.