6.1B

Overview of the Legal Basis: Nuclear Security,Terrorism-Focused and Generic Instruments

By Carlton Stoiber

CITS-NATO Advanced Workshop on Legal Framework for Strengthening Nuclear Security and Combating Nuclear Terrorism

Vienna – 28/29 January 2010

The Context: An Increasing Range of Legal Instruments

- ***UNLIKE THE FIELDS OF NUCLEAR SAFETY AND NON-PROLIFERATION, NO SINGLE INTERNATIONAL INSTRUMENT ESTABLISHES THE BASIC LEGAL REGIME FOR ADDRESSING NUCLEAR SECURITY OR TERRORISM***
- ***A NUMBER OF INTERNATIONAL INSTRUMENTS OF A LEGAL CHARACTER HAVE BEEN PROMULGATED TO ADDRESS NUCLEAR SECURITY—INCLUDING TERRORISM (PARTICULARLY SINCE 9/11)***
- ***THIS PRESENTATION IS INTENDED TO PROVIDE A BASIC INVENTORY OF RELEVANT INSTRUMENTS AND DOCUMENTS FOR FURTHER DISCUSSION***

FACTORS AFFECTING THE GLOBAL NUCLEAR SECURITY SITUATION

- *FEARS THAT RECENT TERRORIST ATTACKS COULD BE FOLLOWED BY SIMILAR EVENTS USING RADIOLOGICAL MATERIALS*
- *SPREAD OF NUCLEAR TECHNOLOGY AND MATERIALS (ADDITIONAL STATES & LOCATIONS)*
- *INCREASED CAPABILITIES OF NON-STATE ACTORS (SEPARATISTS, TERRORISTS, ORGANIZED CRIME)*
- *WEAKENING STATE SOCIAL/LEGAL CONTROLS*
- *GREATER ACCESSIBILITY OF INFORMATION (INFO TECHNOLOGY, SATELLITES, MEDIA)*
- *FRAGMENTATION OF FORMER USSR NUCLEAR PROGRAMS (CIVIL AND MILITARY)*
- *COMPLACENCY OF STATES/USERS OF NM*

Defining Nuclear Security

"The prevention and detection of, and response to theft, sabotage, unauthorized access, illegal transfer or other malicious acts involving nuclear material, other radioactive substances or their associated facilities."

IAEA Advisory Group on Nuclear Security, January 2002.

Defining Nuclear Terrorism

- **NO INTERNATIONAL INSTRUMENT CONTAINS A PRECISE DEFINITION OF NUCLEAR TERRORISM**
- **ONE DEFINITION OF TERRORISM—WITHOUT THE NUCLEAR ELEMENT—IS CONTAINED IN THE 1999 CONVENTION ON SUPPRESSION OF FINANCING OF TERRORISM:**

  "ANY OTHER ACT INTENDED TO CAUSE DEATH OR SERIOUS BODILY INJURY TO A CIVILIAN, OR TO ANY OTHER PERSON NOT TAKING AN ACTIVE PART IN THE HOSTILITIESIN A SITUATION OF ARMED CONFLICT, WHEN THE PURPOSE OF SUCH ACT, BY ITS NATURE AND CONTEXT IS TO INTIMIDATE A POPULATION OF TO COMPEL A GOVERNMENT OR AN INTERNATIONAL ORGANIZATION TO DO OR TO ABSTAIN FROM DOING ANY ACT"

The "nuclear" element in Nuclear Terrorism

- ***UNLIKE NUCLEAR PROLIFERATION, WHERE THE MAIN CONCERN IS DEVELOPMENT OF A NUCLEAR EXPLOSIVE DEVICE, A CONSENSUS OF EXPERTS FEEL THAT NUCLEAR TERRORISTS ARE MORE LIKELY TO PURSUE A RADIATION DISPERSAL DEVICE (RDD) OR "DIRTY BOMB"***
- ***THUS, IT IS IMPORTANT THAT LEGAL REGIMES FOR COMBATING NUCLEAR TERRORISM ADDRESS BOTH NUCLEAR MATERIALS AND OTHER RADIOACTIVE SUBSTANCES***
- ***CLASSIFICATION OF THE MOST DANGEROUS TYPES AND QUANTITIES OF ISOTOPES ARE SET FORTH IN VARIOUS IAEA GUIDANCE DOCUMENTS***

Nuclear Security: Relationship to Other Nuclear Fields

- ***SAFETY*** **FOCUS: UNINTENDED ACTS/CONDITIONS (RESPONSE: ENGINEERED PROTECTIONS [DEFENSE IN DEPTH] AND SAFETY MANAGEMENT**
- ***NON-PROLIFERATION*** **FOCUS: ACTIONS TO ACQUIRE NUCLEAR WEAPONS BY STATES (REPONSE: INTERNATIONAL LEGAL AND POLITICAL COMMITMENTS, IAEA VERIFICATION AND TECHNOLOGY CONTROLS)**
- ***SECURITY*** **FOCUS: INTENTIONAL MISUSE OF NUCLEAR OR OTHER RADIOLOGICAL MATERIALS BY NON-STATE TERRORIST OR CRIMINAL ELEMENTS (RESPONSE: INTELLIGENCE GATHERING, LAW ENFORCEMENT AND PHYSICAL PROTECTION.**
- **APPROACHES IN ONE FIELD CAN COMPLEMENT OR DETRACT FROM EFFECTIVE ACTION REGARDING OTHERS, THUS REQUIRING CAREFUL IMPLEMENTATION**

The Sixteen (or 13+3) Universal Anti-Terrorism Conventions

UNITED NATIONS CONVENTIONS

- ***Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons (1973—166 parties)***
- ***International Convention Against the Taking of Hostages (1979—164 parties)***
- ***International Convention for the Suppression of Terrorist Bombing (1997—153 parties)***
- ***International Convention for the Suppression of the Financing of Terrorism (1999—160 parties)***
- ***International Convention for the Suppression of Acts of Nuclear Terrorism (NTC) (2007—63 parties)***

The Sixteen (13+3) Universal Anti-Terrorism Conventions

CIVIL AVIATION CONVENTIONS

- ***Convention on Offences and Certain other Acts Committed on Board Aircraft (1963—183 parties)***
- ***Convention for the Suppression of the Unlawful Seizure of Aircrafts (1970—183 parties)***
- ***Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (186 parties)***
- ***Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (1988—165 parties)***
- ***Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991—183 parties)***

The Sixteen (13+3) Universal Anti-Terrorism Conventions

MARITIME INSTRUMENTS

- ***Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (1988—149 parties)***
- ***Protocol to the (above) Convention (6 parties, not in force)***
- ***Protocol for the Suppression of Unlawful Acts against Fixed Platforms Located on the Continental Shelf (1988—138 parties)***
- ***Protocol to the (above) Protocol (4 parties, not in force)***

The Sixteen (13+3) Universal Anti-Terrorism Conventions

IAEA INSTRUMENTS

- ***Convention on the Physical Protection of Nuclear Material (CPPNM)(1987—142 parties)***
- ***Amendment to the CPPNM (2005—16 parties, not in force)***

Common Elements of the Anti-Terrorism Instruments

- ***IDENTIFY ACTIONS CONSIDERED AS OFFENSES***
- ***REQUIRE STATES PARTIES TO CRIMINALIZE THESE OFFENSES IN DOMESTIC LAW***
- ***REQUIRE STATES TO ESTABLISH JURISDICTION OVER OFFENDERS AND TO PROSECUTE OR EXTRADITE THEM***
- ***PROVIDE MECHANISMS FOR INTERNATIONAL COOPERATION***

CONVENTION ON THE PHYSICAL PROTECTION OF NUCLEAR MATERIAL (CPPNM)

- ***NEGOTIATED IN THE LATE 1970'S***
- ***ADOPTED 26 OCTOBER 1979; ENTERED INTO FORCE 8 FEBRUARY 1987***
- ***142 PARTIES (AS OF DECEMBER 2009)***
- ***PRIMARY FOCUS ON MATERIALS IN INTERNATIONAL COMMERCE***
- ***SOME REQUIREMENTS APPLICABLE TO DOMESTIC MEASURES***

CPPNM—KEY PROVISIONS

Art.1– DEFINITIONS:

(A) NUCLEAR MATERIAL (NM)

(B) ENRICHED URANIUM

(C) INTERNATIONAL NUCLEAR TRANSPORT

Art.2– SCOPE OF APPLICATION:

(1) NM FOR PEACEFUL PURPOSES IN INTERNATIONAL TRANSPORT

(2) D0MESTIC USE, STORAGE & TRANSPORT (EXCEPT ARTS. 3, 4 & 5(3)

(3) SOVEREIGN RIGHTS UNAFFECTED

CPPNM (CONTINUED-2)

Art.3– PARTIES TO ENSURE PROTECTION OF INTERNATIONAL TRANSPORT AT ANNEX I LEVELS

Art.4– ASSURANCES OF PROTECTION AT ANNEX I LEVELS REQUIRED FOR:

- **(1) EXPORT**
- **(2) IMPORT**
- **(3) TRANSIT**
- **(4) INTERNATIONAL TRANSPORT BETWEEN DOMESTIC LOCATIONS**
- **(5) IDENTIFICATION AND ADVANCE NOTICE OF TRANSIT**
- **(6) TRANSFER OF RESPONSIBILITY FOR OBTAINING ASSURANCES BY MUTUAL AGREEMENT**
- **(7) TERRITORIAL SOVEREIGNTY UNAFFECTED**

CPPNM (CONTINUED-3)

Art.5– (1) CENTRAL AUTHORITY AND POINT OF CONTACT TO BE MADE KNOWN DIRECTLY OR THROUGH IAEA

(2) MAXIMUM FEASIBLE COOPERATION AND ASSISTANCE IN THE EVENT OF THEFT, ROBBERY OR UNLAWFUL TAKING OF NM

(3) COOPERATION MANDATED ON DESIGN, MAINTENANCE AND IMPROVEMENT OF PP SYSTEMS

Art.6– (1) CONFIDENTIALITY OF INFORMATION TO BE PROTECTED

(2) PROVISION OF PROHIBITED INFORMATION NOT REQUIRED

CPPNM (CONTINUED-4)

Art.7– (1) INTENTIONAL ACTS TO BE MADE PUNISHABLE OFFENSES:

(A) RECEIPT, POSSESSION, USE, TRANSFER, ALTERATION, DISPOSAL OR DISPERSAL OF NM WITHOUT LAWFUL AUTHORITY

(B) THEFT OR ROBBERY OF NM

(C) EMBEZZLEMENT OR FRAUDULENT OBTAINING OF NM

(D) DEMAND FOR NM BY THREAT

(E) THREATS TO USE NM TO KILL, INJURE OR TO COMPEL ACTS

(F) ATTEMPTS TO COMMIT (A) THROUGH (C)

(G) PARTICIPATION IN (A) THROUGH (F)

(2) APPROPRIATE PENALTIES REQUIRED

CPPNM (CONTINUED-5)
ANNEX I—PP LEVELS

(1) FOR STORAGE INCIDENTAL TO TRANSPORT

(A) CATEGORY III—WITHIN AN AREA TO WHICH ACCESS IS CONTROLLED

(B) CATEGORY II—WITHIN AN AREA UNDER CONSTANT SURVEILLANCE; SURROUNDED BY A PHYSICAL BARRIER; LIMITED POINTS OF ACCESS

(C) CATEGORY I—CATEGORY II MEASURES PLUS ACCESS TO PERSONS OF DETERMINED TRUSTWORTHINESS; SURVEILLANCE BY GUARDS IN CLOSE COMMUNICATION WITH RESPONSE FORCES

CPPNM (CONTINUED-6)
ANNEX I—PP LEVELS

(2) <u>FOR INTERNATIONAL TRANSPORT</u>

(A) CATEGORIES II & III—SPECIAL PRECAUTIONS INCLUDING PRIOR ARRANGEMENTS ON JURISDICTION AND REGULATION, SPECIFYING TIME, PLACE AND PROCEDURES FOR TRANSFERRING RESPONSIBILITY

(B) CATEGORY I—CATEGORY II & III MEASURES, PLUS CONSTANT SURVEILLANCE BY ESCORTS WITH CLOSE COMMUNICATION WITH RESPONSE FORCES

(C) FOR NATURAL URANIUM OVER 500 KGS—ADVANCE NOTIFICATION OF MODE OF SHIPMENT, EXPECTED TIME OF ARRIVAL AND CONFIRMATION

CPPNM (CONTINUED-7)
ANNEX II—CATEGORIZATION OF NM

CATEGORY I

-- 2 KGS OR MORE PLUTONIUM;
-- 5 KGS OR MORE HEU
-- 2 KGS OR MORE U233

CATEGORY II

-- 500 GRAMS TO 2KGS PLUTONIUM;
-- 1 TO 5 KGS HEU;
-- 10 KGS OR MORE LEU;
-- 500 GRAMS TO 2 KGS U233;
-- IRRADIATED FUEL (DEPLETED URANIUM, NATURAL URANIUM OR LEU WITH FISSILE CONTENT OF URANIUM LESS THAN 10 PER CENT)

CATEGORY III

-- 15 TO 500 GRAMS PLUTONIUM;
-- 15 GRAMS TO 1 KG HEU
-- 1 TO 10 KGS LEU
-- 10 KGS OR MORE URANIUM UP TO 10 PER CENT U235

REVISION OF THE CPPNM: PROCEDURE AND STATUS

- *TERRORIST INCIDENTS (9/11 AND OTHERS) CREATED PRESSURE TO REVISE CPPNM*
- *EXPERT MEETING CONVENED BY IAEA DG IN 2001 RECOMMENDS STRENGTHENING CPPNM*
- *OPEN-ENDED EXPERT GROUP WORK (2001-2005)*
- *DIPLOMATIC CONFERENCE IN MAY 2005 ADOPTS AMENDMENTS*
- *AMENDMENTS ENTER INTO FORCE 30 DAYS AFTER 2/3 OF PARTIES (95) ACCEPT OR APPROVE*
- *33 RATIFICATIONS AS OF DECEMBER 2009)*

KEY ISSUES ADDRESSED BY THE CPPNM AMENDMENTS

- ***SCOPE EXTENDED TO DOMESTIC ACTIVITIES AND FACILITIES***
- ***PROTECTION FROM SABOTAGE***
- ***NATIONAL RESPONSIBILITY FOR PP***
- ***PROTECTION OF CONFIDENTIAL INFORMATION***
- ***PHYSICAL PROTECTION OBJECTIVES AND FUNDAMENTAL PRINCIPLES CODIFIED***
- ***EXPANDING PUNISHABLE ACTS***
- ***DEFINITIONS ADDED***

PHYSICAL PROTECTION OBJECTIVES AND FUNDAMENTAL PRINCIPLES

- ***OPEN-ENDED WORKING GROUP CONVENED BY DG BEGINNING IN NOVEMBER 1999 TO CONSIDER REVISION OF CPPNM***
- ***WG FINAL REPORT IN MAY 2001 RECOMMENDED AMENDING CPPNM***
- ***WG REPORT RECOMMENDED THAT IAEA SECRETARIAT COMPILE FUNDAMENTAL PRINCIPLES OF PHYSICAL PROTECTION BASED ON INFCIRC/225/Rev.4***
- ***DOCUMENT GOV/2001/41 CONTAINING FUNDAMENTAL PRINCIPLES ENDORSED BY THE BOARD OF GOVERNORS AND GENERAL CONFERENCE IN SEPTEMBER 2001***

PHYSICAL PROTECTION OBJECTIVES

- ***PROTECT AGAINST UNAUTHORIZED REMOVAL OF NUCLEAR MATERIAL IN USE AND STORAGE, AND DURING TRANSPORT;***
- ***ENSURE THE IMPLEMENTATION OF RAPID AND COMPREHENSIVE MEASURES BY THE STATE TO LOCATE AND RECOVER MISSING OR STOLEN NUCLEAR MATERIAL;***
- ***PROTECT AGAINST SABOTAGE OF NUCLEAR FACILITIES AND SABOTAGE OF NUCLEAR MATERIAL IN USE AND STORAGE AND DURING TRANSPORT; AND***
- ***MITIGATE OR MINIMIZE THE RADIOLOGICAL CONSEQUENCES OF SABOTAGE***

FUNDAMENTAL PRINCIPLES OF PHYSICAL PROTECTION OF NUCLEAR MATERIAL AND NUCLEAR FACILITIES

A-- RESPONSIBILITY OF THE STATE

B– RESPONSIBILITIES DURING INTERNATIONAL TRANSPORT

C– LEGISLATIVE AND REGULATORY FRAMEWORK

D– COMPETENT AUTHORITY

E– RESPONSIBILITY OF THE LICENSE HOLDERS

F– SECURITY CULTURE

G– THREAT

H– GRADED APPROACH

I– DEFENCE IN DEPTH

J– QUALITY ASSURANCE

K– CONTINGENCY PLANS

L-- CONFIDENTIALITY

INFCIRC/225
IAEA RECOMMENDATIONS ON PHYSICAL PROTECTION

- *ORIGINATED AS RECOMMENDATIONS PUBLISHED IN 1972*
- *REVISED IN 1977, 1989, 1993 AND 1998 (REVISION 5 IS NEARING COMPLETION)*
- *NON-BINDING GUIDANCE DOCUMENT FOR STATES IN ESTABLISHING NATIONAL PP SYSTEMS*
- *APPLIED BY IAEA IN IMPLEMENTING COOPERATIVE PROGRAMS WITH MEMBER STATES*
- *SCOPE COVERS USE, STORAGE AND TRANSPORT OF NUCLEAR MATERIALS*
- *COVERS BOTH DOMESTIC AND INTERNATIONAL PP MEASURES*
- *EXTENDED TO COVER FACILITIES AND SABOTAGE*
- *PROVIDES A MEANS FOR IMPLEMENTING A STATE'S OBLIGATIONS UNDER THE CPPNM*

INFCIRC/225
BASIC STRUCTURE AND KEY ELEMENTS

1. INTRODUCTION
2. DEFINITIONS
3. OBJECTIVES
4. ELEMENTS OF A STATE'S SYSTEM OF PP OF NUCLEAR MATERIALS AND FACILITIES
5. CATEGORIZATION OF NUCLEAR MATERIAL
6. PP REQUIREMENTS AGAINST UNAUTHORIZED REMOVAL OF NUCLEAR MATERIAL IN USE AND STORAGE
7. PP REQUIREMENTS AGAINST SABOTAGE
8. PP REQUIREMENTS DURING TRANSPORT

Nuclear Terrorism Convention (NTC)

- Most recent of the 13 universal UN anti-terrorism conventions
- Adopted by the UNGA on 13 April 2005; In force since 7 July 2007 (63 parties)
- Covers all radioactive material that can cause significant injury, including, nuclear material
- Similar structure as the CPPNM and its Amendment (i.e. physical protection, criminalization of offences and international cooperation)
- States Parties "to 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"

NTC PROVISIONS (1)

Art. 1 Definitions—Adopts a broad scope that includes radioactive dispersal devices (RDDs), as well as nuclear explosive devices

Art. 2—Creates wide range of offences related to activities involving nuclear or radioactive materials with intent to cause death, serious bodily injury or damage to property or the environment. Includes: possession, use, threats, demands, attempts, participation, organizing or contributing in any way to commission of offenses.

Art. 3—exempts offenses wholly within a single nation

NTC PROVISIONS (2)

Art. 4—excludes military activities; does not effect rights or obligations under other legal instruments (savings clause)

Art. 5—obligation to criminalize offenses listed in Art. 2

Art. 6—obligation to take necessary measures, including legislation; nuclear terrorism not justified by political, philosophical, ideological, racial, ethnic, religious or other similar considerations; punishment to be consistent with gravity of offenses

Art. 7—obligation to cooperate, share information and inform UNSG and IAEA

Art.8—obligation to protect radioactive materials, utilizing IAEA recommendations

NTC PROVISIONS (3)

Art.9—obligation to take measures to establish jurisdiction over offenses

Art. 10—obligation to investigate offenses; to prosecute or extradite offenders (*aut dedere, aut judicare*); rights of prosecuted persons

Art. 11—duty to prosecute promptly; conditional extradition

Art. 12—guarantee of fair treatment

Art. 13—offenses in Art. 2 to be extraditable under domestic law or relevant treaties

Art. 14—obligation to afford "greatest measure of assistance" in investigation of offenses

NTC PROVISIONS (4)

Art. 15—offenses not to be deemed "political"

Art. 16—prohibits discriminatory extradition (for race, etc.)

Art. 17—treatment of persons in custody

Art. 18—duty render harmless and/or protect seized materials consistent with IAEA standards; transfer of materials to other states

Art 19—obligation to inform UNSG of results of prosecution

Arts 20-28—Final clauses (entry into force [22 adherences required], amendments, depositaries

CONVENTION FOR THE SUPPRESSION OF THE FINANCING OF TERRORISM

- ***DEFINES OFFENSES INVOLVING FINANCING OF TERRORISM—ART 2***
- ***REQUIRES STATES TO CRIMINALIZE THESE OFFENSES—ART 4***
- ***REQUIRES STATES TO ESTABLISH A LEGAL ENTITY WITH LIABILITY FOR OFFENSES—ART 5***
- ***STATES TO ESTABLISH JURISDICTION AND PROSECUTE OR EXTRADITE OFFENDERS—ARTS 7, 9, 10 AND 11***
- ***STATES TO FREEZE ASSETS—ART 8***
- ***STATES TO PROVIDE GREATEST MEASURE OF ASSISTANCE—ART 12***
- ***STATES TO COOPERATE ON PREVENTION—ART 18***

OTHER INTERNATIONAL INSTRUMENTS OR DOCUMENTS RELEVANT FOR NUCLEAR SECURITY AND TERRORISM

- ***NON-PROLIFERATION TREATY***
- ***EARLY NOTIFICATION AND ASSISTANCE CONVENTIONS***
- ***CONVENTION ON NUCLEAR SAFETY***
- ***JOINT CONVENTION ON SAFETY OF RADIOACTIVE WASTE AND SPENT FUEL***
- ***REGIONAL NUCLEAR WEAPONS-FREE ZONE TREATIES***
- ***IAEA SAFEGUARDS DOCUMENTS (INFCIRCS 154 & 540)***
- ***NUCLEAR SUPPLIER GUIDELINES***
- ***CODE OF CONDUCT ON THE SAFETY AND SECURITY OF RADIOACTIVE SOURCES***
- ***UN SECURITY COUNCIL RESOLUTIONS (1373, 1540, 1887)***

RADIOACTIVE SOURCES AND MATERIALS

- ***RADIOACTIVE SOURCES FORMERLY VIEWED AS POSING LOWER RISK THAN NUCLEAR MATERIALS WITH EXPLOSIVES POTENTIAL***
- ***SOURCES, THEREFORE, TYPICALLY RECEIVED LESS ATTENTION AND PROTECTION***
- ***INCIDENTS INVOLVING ORPHAN SOURCES (GOIANIA, BRAZIL) AND CONCERNS ABOUT RADIATION DISPERSION DEVICES ("RDD'S" OR "DIRTY BOMBS") INCREASED ATTENTION TO RADIOACTIVE SOURCES***
- ***CODE OF CONDUCT DEVELOPED FROM 1999-2003 TO PROVIDE GUIDANCE ON MEASURES TO PROTECT SEALED SOURCES***

CODE OF CONDUCT ON THE SAFETY AND SECURITY OF RADIOACTIVE SOURCES:

- ***LIST OF PRINCIPLES SET FORTH IN PART III (PARAS. 7-31) OF IAEA CODE OF CONDUCT***
- ***STATE OBLIGATION TO PROTECT; ENCOURAGEMENT OF SAFETY AND SECURITY CULTURE***
- ***EFFECTIVE NATIONAL LEGISLATIVE AND REGULATORY SYSTEM OF CONTROL***
- ***INDEPENDENT REGULATORY BODY TO EXERCISE KEY FUNCTIONS: STANDARD-SETTING; AUTHORIZATION; INSPECTION; AND ENFORCEMENT***
- ***FACILITIES AND SERVICES FOR RADIATION PROTECTION TO BE MADE AVAILABLE***
- ***ADEQUATE TRAINING, RESOURCES AND FACILITIES FOR USERS AND REGULATORS***
- ***CLEAR RESPONSIBILITY OF USERS***

SECURITY OF RADIOACTIVE SOURCES: KEY ELEMENTS

- NATIONAL REGISTER OF RADIOACTIVE SOURCES
- PROTECTION OF CONFIDENTIAL INFORMATION
- EMERGENCY RESPONSE PLANNING
- RECOVERY OF SO-CALLED "ORPHAN SOURCES"
- STORAGE AND DISPOSAL FACILITIES
- REGULATORY CONTROL OVER EXPORT/IMPORT WITH ASSOCIATED GUIDANCE DOCUMENT
- TRANSPORTATION REGULATIONS
- OBLIGATION TO INFORM IAEA AND OTHER STATES OF INCIDENTS THAT POSE SECURITY RISKS

IAEA Nuclear Security Series

- *Unlike safety standards, mandated in the IAEA Statute (Article III.A.6), the Agency was only recently authorized by the Board and General Conference to develop security guidance documents*
- *The NS Series currently includes 11 documents (the first published in 2006), with others being developed in four categories: Security Fundamentals; Recommendations; Implementing Guidelines; and Technical Guidance, including a Nuclear Security Glossary*
- *Non-binding guidance for application in national legal and regulatory frameworks*

IAEA Nuclear Security Series

No. 1—Technical and Functional Specifications for Border Monitoring Equipment

No. 2—Nuclear Forensics Support

No. 3—Monitoring for Radioactive Material in International Mail Transported by Public Postal Operators

No. 4—Engineering Safety Aspects of the Protection of Nuclear Power Plants against Sabotage

No. 5—Identification of Radioactive Sources and Devices

No. 6—Combating Illicit Trafficking in Nuclear and other Radioactive Material

No. 7—Nuclear Security Culture

No. 8—Preventive and Protective Measures against Insider Threats

No. 9—Security in the Transport of Radioactive Material

No. 10—Development and Maintenance of the Design Basis Threat

No. 11—Security of Radiation Sources

UNSC RESOLUTIONS

- *SEVERAL UN SECURITY COUNCIL RESOLUTIONS ADDRESS NUCLEAR SECURITY AND NUCLEAR TERRORISM*
- *WHEN ADOPTED UNDER CHAPTER VII OF THE CHARTER, SUCH RESOLUTIONS ARE BINDING ON UN MEMBER STATES*
- *SEVERAL OF THESE RESOLUTIONS REFERENCE INTERNATIONAL INSTRUMENTS DISCUSSED IN THIS PRESENTATION, OFTEN CALLING FOR UNIVERSAL ADHERENCE TO THE MOST RELEVANT*
- *THE MOST RELEVANT UNSC RESOLUTIONS WILL BE DISCUSSED IN ANOTHER PRESENTATION AT THIS WORKSHOP*
- *IT IS IMPORTANT TO RECOGNIZE THE LEGAL SIGNIFICANCE OF THESE RESOLUTIONS AND TO INTEGRATE THEM WITH OTHER INTERNATIONAL INSTRUMENTS AND DOCUMENTS*

Conclusions

- ***The legal framework for nuclear security and combating nuclear terrorism has seen the most active recent development of any field of international nuclear law***
- ***The diversity of binding and non-binding instruments and documents can pose complex issues for their effective implementation***
- ***The relationships among various instrument needs careful analysis of both synergies and potential conflicts if they are to be successfully applied***
- ***Although nuclear security is primarily a national responsibility, international approaches to achieve consistency and coordination are essential in meeting nuclear-related threats***

RESOURCES FOR LEGAL INSTRUMENTS AND DOCUMENTS

- ***www.iaea.org/Publications/Documents/Conventions/index.html***
- ***www.iaea.org/Publications/Documents/Treaties/index.html***
- ***www.unodc.org/unodc/en/terrorism/index.html***
- ***www.un.org/disarmament/***