

The International Convention for the Suppression of Acts of Nuclear Terrorism (ICSANT): key provisions, benefits of adherence, UNODC assistance

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UNODC

United Nations Office on Drugs and Crime

Main provisions of [ICSANT](#)



*“The risk of nuclear and other radioactive material falling into the wrong hands and being used for terrorist or other criminal purposes is one of the greatest challenges of our time. All States need to establish **robust and sustainable legal frameworks** to counter this threat.”*

*“For nearly two decades, UNODC has been at the forefront of efforts to **promote universalization and effective implementation of the counter-terrorism international legal instruments** [...]. We stand ready to continue to provide tailor-made technical and legal assistance towards these aims.”*

Ghada Waly

Executive Director, United Nations Office on Drugs and Crime

Canada 

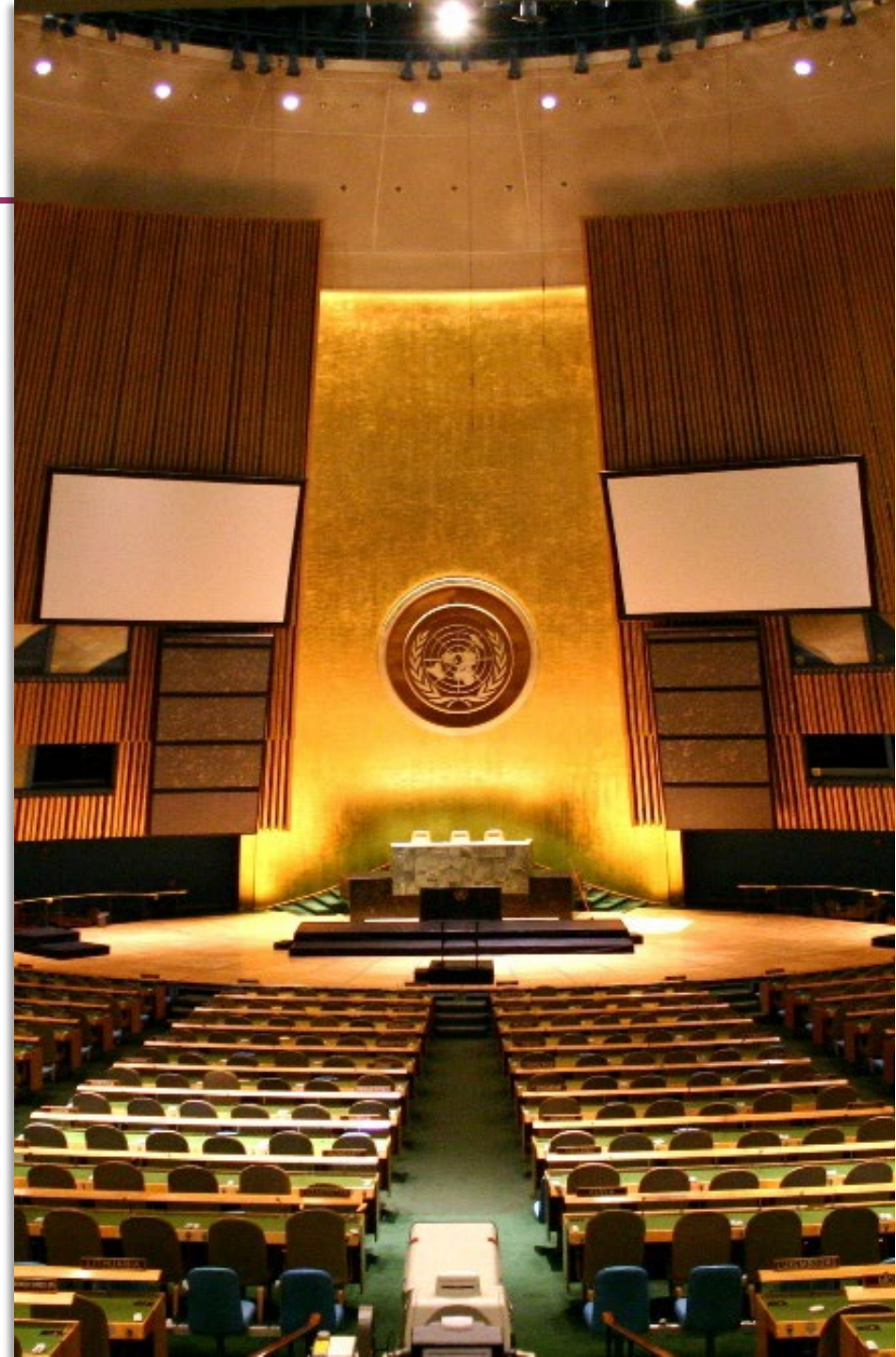


UNODC

United Nations Office on Drugs and Crime

Adoption and entry into force

- Ad hoc committee established by General Assembly Resolution 51/210 (17 Dec 1996)
- Adopted in 2005
- Entered into force in 2007
- Depositary: UN Secretary-General
- [125](#) States parties

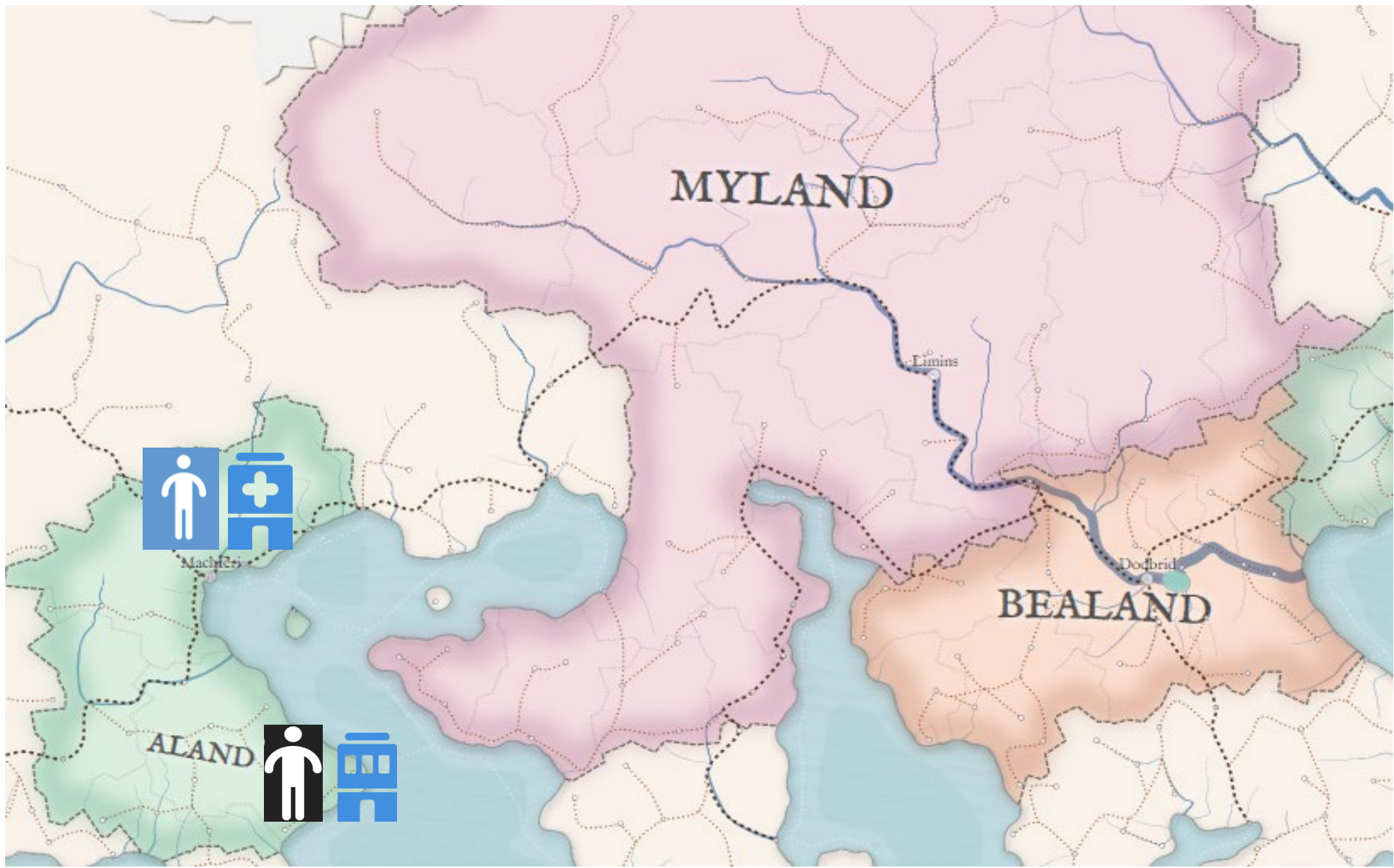


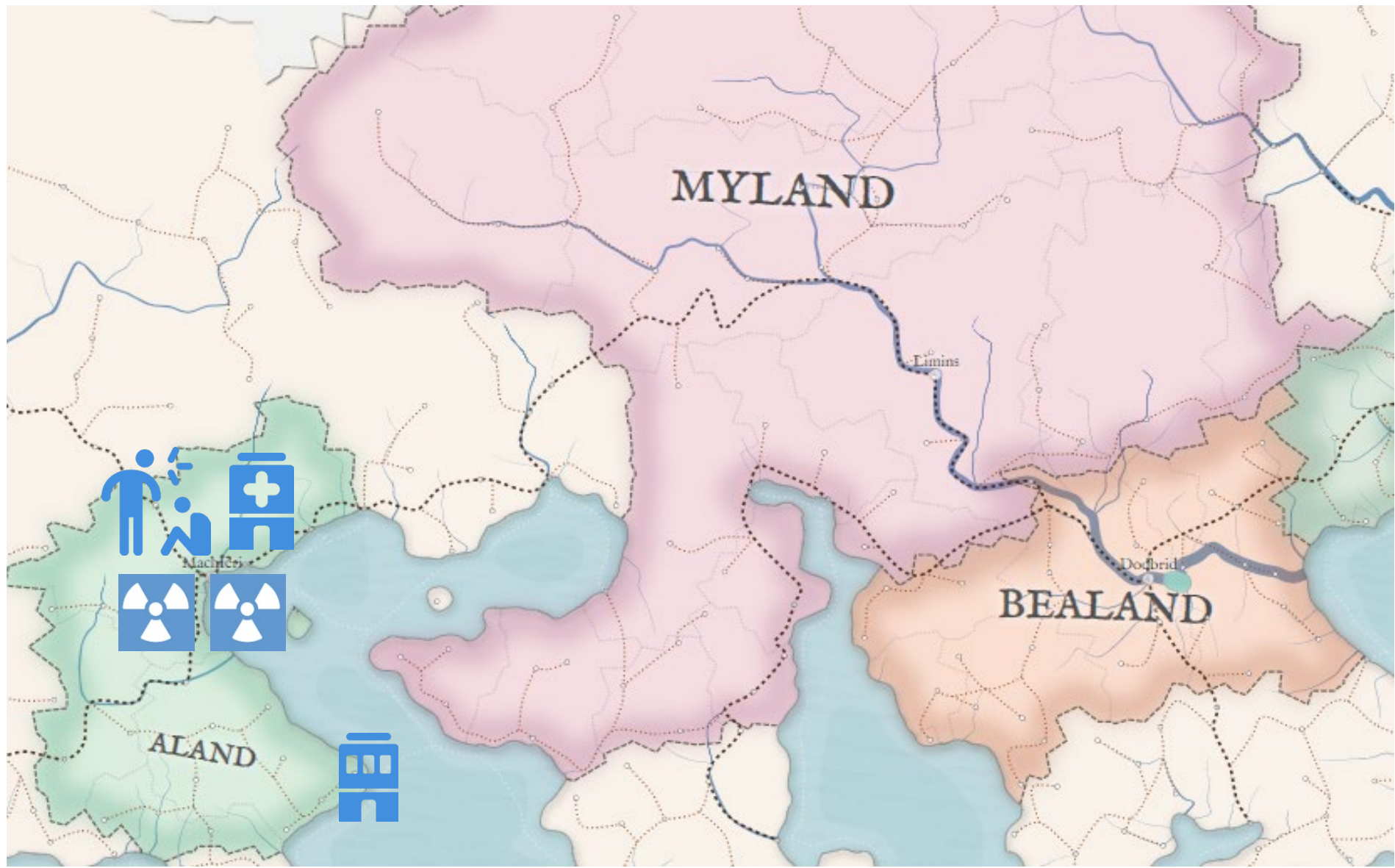
International legal framework against terrorism

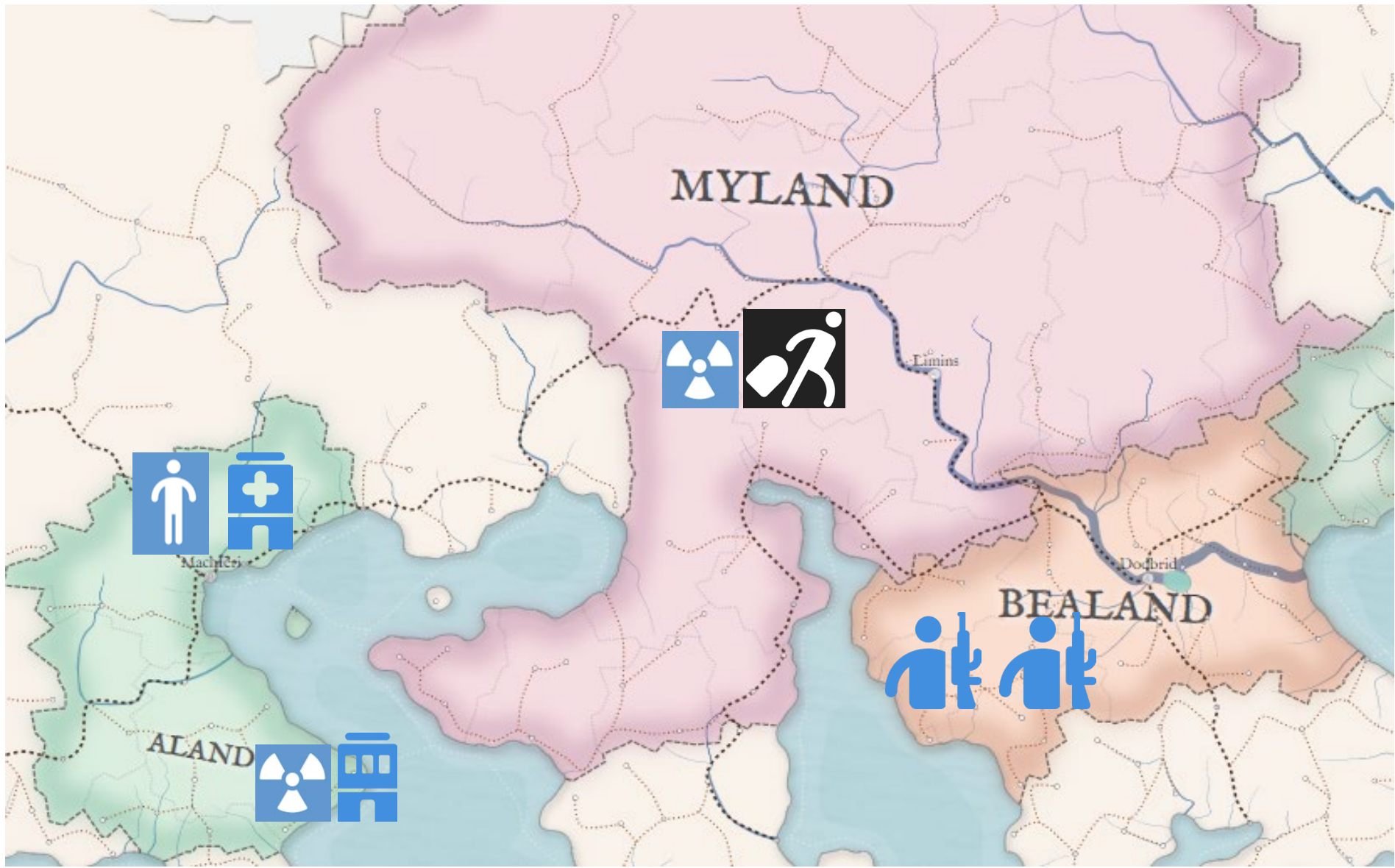
ICSANT is one of the [19 international legal instruments](#) against terrorism

Common elements:

- ✓ Criminalization
- ✓ Jurisdiction
- ✓ Principle 'extradite or prosecute'
- ✓ International cooperation





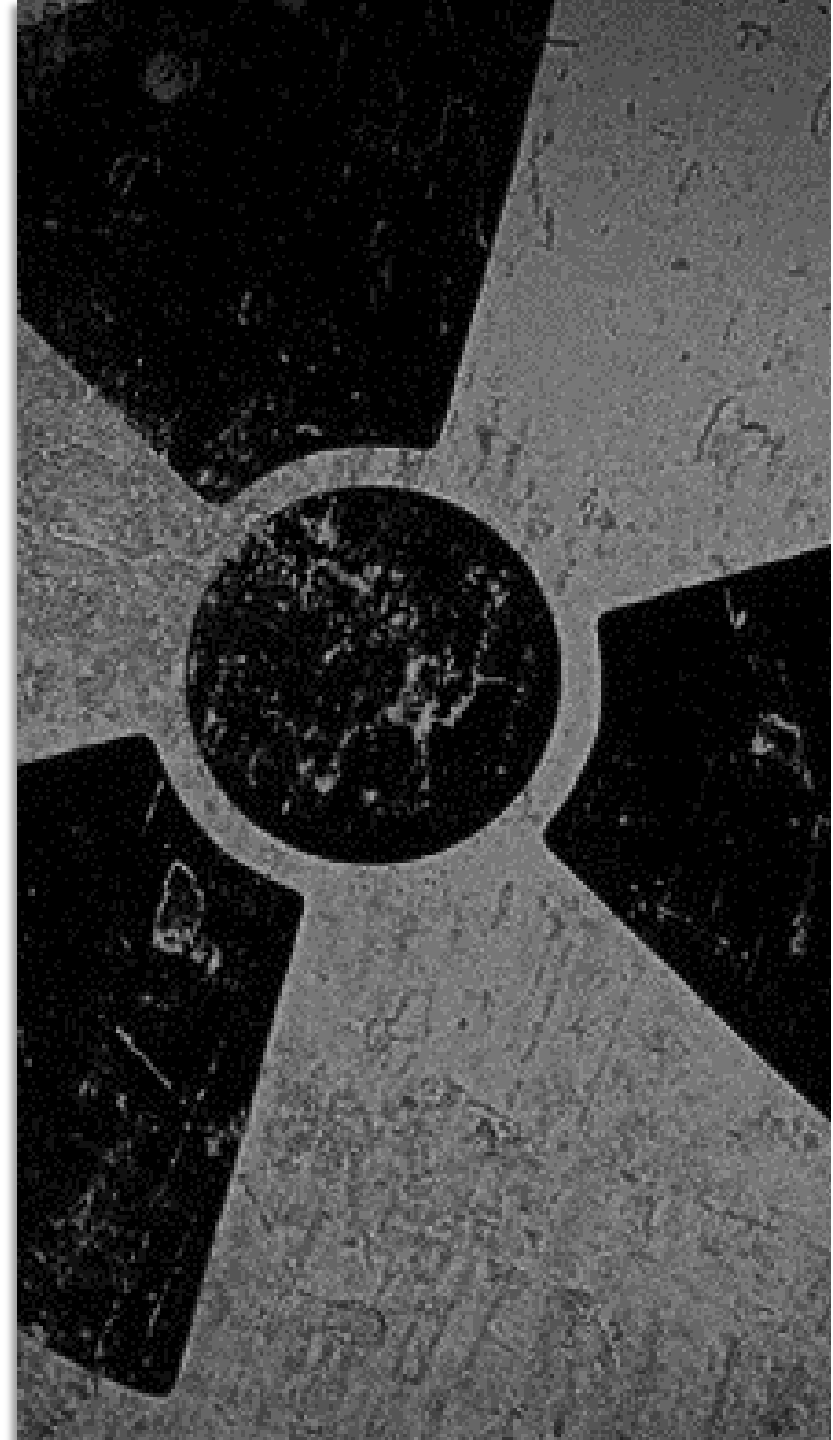


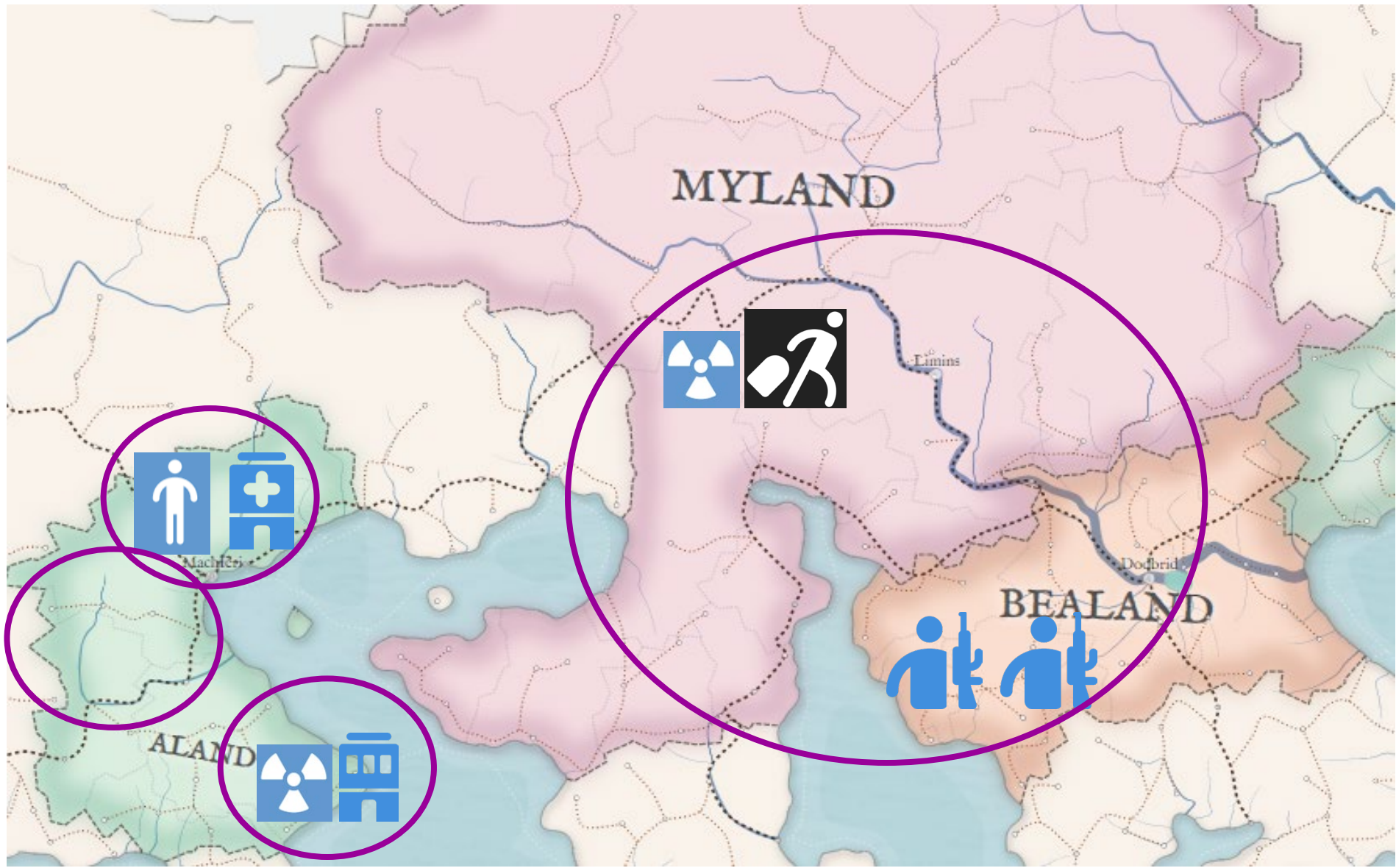
Criminalization

Article 2: **Offences** involving radioactive material, radioactive devices or nuclear facilities (committed unlawfully and intentionally)

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

ICSANT requires a specific intent for conduct to be criminalized

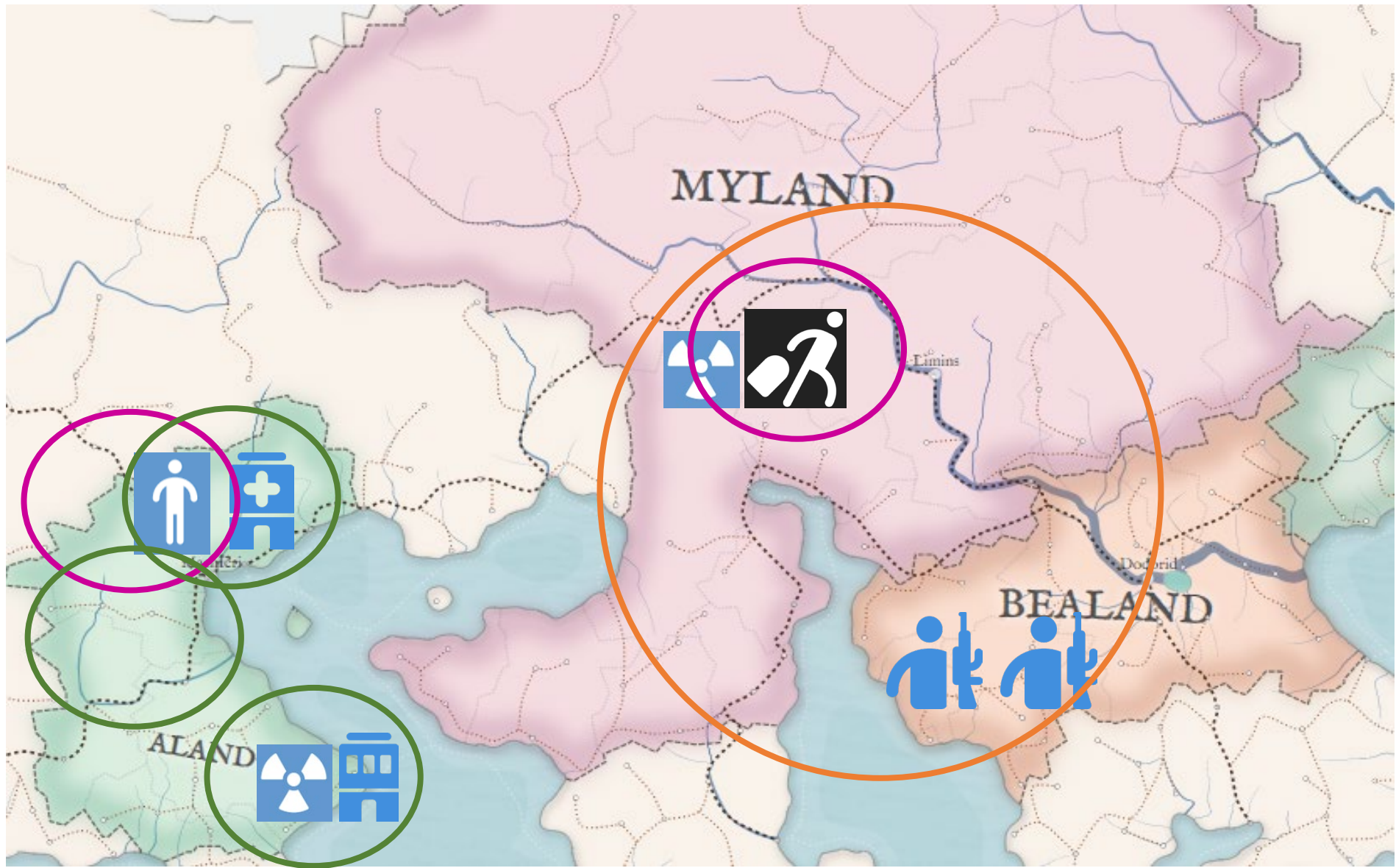






Jurisdiction

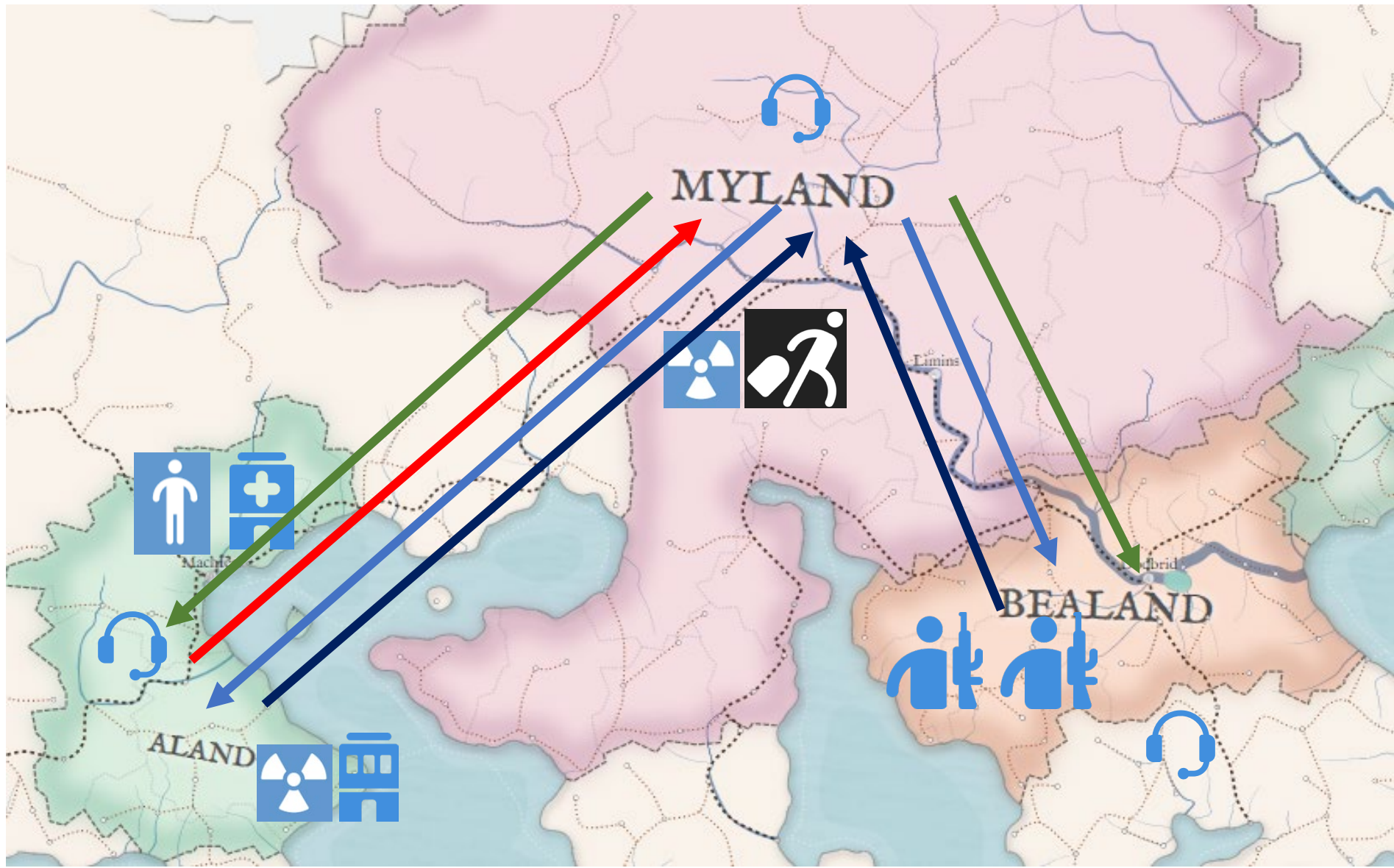
- States Parties to establish jurisdiction over Convention offences (article 9)
- Mandatory/optional jurisdiction
- Extradite or prosecute (**no safe haven**)



International cooperation

- ✓ Extradition
- ✓ Mutual legal assistance
- ✓ Information exchange
- ✓ Competent authorities / liaison points
- ✓ Preventive measures
- ✓ Post-crisis situations



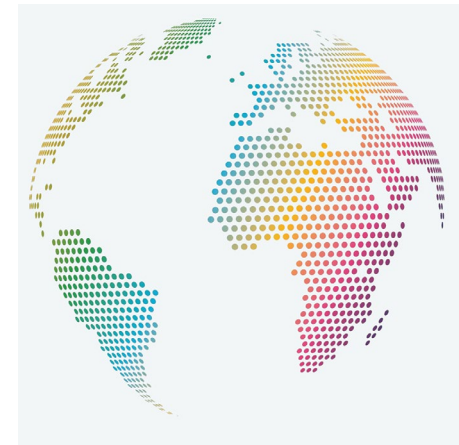


Benefits of adherence to ICSANT

Benefits of adherence to ICSANT

1. Facilitates international cooperation in criminal matters

- Provisions on extradition, mutual legal assistance, information exchange
- Transnational nature of the threat



Benefits of adherence to ICSANT

2. Provides a common baseline for legal frameworks in nuclear security

- Common definitions and minimum standards
- At the discretion of States Parties to go beyond (e.g., acts to be criminalized)



Benefits of adherence to ICSANT

3. Reduces risk of impunity

- Criminalization and jurisdiction provisions: no safe haven
- Deterrent effect
- Strengthens national, regional and global security



Benefits of adherence to ICSANT

5. May contribute to States' compliance with UNSC resolutions

- Incorporation of ICSANT's criminalization requirements into national legislation as a way to fulfil UNSCR obligations



United Nations Security Council resolutions

- [UNSCR 1373 \(2001\)](#) on Threats to international peace and security caused by terrorist acts

OP 2: “...all States ... shall **deny safe haven** to those who finance, plan, support, or commit terrorist acts, or provide safe havens; [...] ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is **brought to justice** and ensure that [...] such terrorist acts are established as **serious criminal offences in domestic laws and regulations** and that the punishment duly reflects the seriousness of such terrorist acts [...].”

United Nations Security Council resolutions

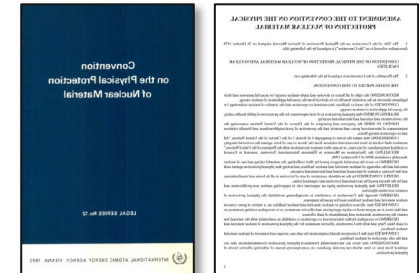
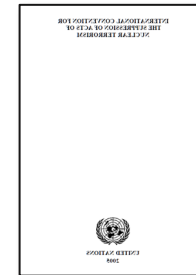
- [UNSCR 1540 \(2004\)](#) on **Non-proliferation of weapons of mass destruction**

OP 2: “...all States ... shall **adopt and enforce appropriate effective laws** which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use **nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes**, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them.”

Benefits of adherence to ICSANT

5. Complementary to other legal instruments (including [CPPNM](#) and [A/CPPNM](#))

- Mutually reinforcing
- Complementary provisions (references to [CPPNM](#) and IAEA)
- Larger scope of application of ICSANT
 - Covers all radioactive material (not only nuclear material) – almost all countries have radioactive sources
 - Military and peaceful purposes
 - Broader definition of ‘nuclear facility’



Summary of benefits of adherence

- ✓ Larger scope of application
- ✓ Facilitates international cooperation
- ✓ Establishes common definitions and minimum standards in the field of nuclear security
- ✓ Contributes to reducing risk of impunity
- ✓ Deterrent effect
- ✓ May contribute to States' compliance with obligations deriving from relevant UNSC resolutions
- ✓ Complementary to other legal instruments

UNODC assistance

UNODC's mandate to counter nuclear terrorism

GA [A/RES/74/175](#) on Technical assistance provided by UNODC related to counter-terrorism



Para 20: *“Requests the United Nations Office on Drugs and Crime to continue, within its mandate, to develop its specialized knowledge of the international legal framework for combating chemical, biological, **radiological and nuclear terrorism** as enshrined in the conventions and protocols on terrorism in order to continue to provide assistance to requesting Member States in preventing and countering those forms of terrorism, and welcomes the e-learning module developed by the Office in this regard.”*

UNODC's Terrorism Prevention Branch



Promote adherence to 19 international legal instruments against terrorism (including ICSANT)



Assist MS in bringing their CT legislation in line with these instruments



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



Strengthen international cooperation in criminal matters

UNODC's projects on nuclear security

Canada 

- Strengthening the Global Fight against CBRN Terrorism through Raising Awareness and Promoting Adherence and Implementation of International Legal Frameworks related to Nuclear Security (2023-2026). USD 2.8 million



- Supporting the Universalization and Effective Implementation of the International Convention for the Suppression of Acts of Nuclear Terrorism (2023-2026). USD 2.7 million



- Understanding the International Convention for the Suppression of Acts of Nuclear Terrorism (2024-2026). USD 85,000

Canada 



UNODC

United Nations Office on Drugs and Crime

UNODC's technical and legislative assistance

- Outreach and **awareness-raising**
- **Capacity building** activities (incl. activities to enhance **international cooperation**)
- **Legislative assistance** and **tools**
- Capacity building and other **tools**

Outreach and awareness raising

- Workshops: national, regional, international
- Country visits ([Serra Leone, 3-5 April 2023](#))



Adoption and entry into force

- Ad hoc committee established by General Assembly Resolution 51/210 (17 Dec 1996)
- Adopted in 2005
- Entered into force in 2007
- 123 Parties (as of December 2023)
- Depository: UN Secretary-General



Canada  UNODC
United Nations Office on Drugs and Crime

Capacity building activities

Mock trial on ICSANT

Vienna, 29 Nov – 1 Dec 2022

15 participants from eight States parties

South-Eastern Europe, Central Asia, Africa, Latin America and the Caribbean, Southeast Asia



- Developed over two years through expert group meetings (EGMs) to refine content with nuclear security experts
- Delivery involves international experts from UNODC, IAEA, INTERPOL, other UN Partners and Member States (e.g. Canada, Hungary, Netherlands and Romania)
- Connects FLO, LEO, judges, prosecutors etc.
- Translated into Arabic, French, Spanish, Russian, Portuguese and Ukrainian

Capacity building activities

UNODC national seminars on ICSANT for judicial and prosecution training centres

[Montenegro \(2023\)](#), [Nigeria \(2024\)](#), Rep. of Moldova (2024)



Cross-regional tabletop exercises

30 May–1 June 2023 [“Snow Leopard”](#) in Dushanbe (Tajikistan, Netherlands, Romania, U.S.A., UNOCT, UNODC)

16-18 April 2024 [“Steppe Lotus”](#) in Ulaanbaatar (Mongolia, Viet Nam, U.S.A., UNOCT, UNODC)

23–26 April 2024, [“Glowing Tulip 2.0”](#) in The Hague (Netherlands, Romania, U.S.A., UNOCT, UNODC)

Capacity building activities



[Webinar series](#) on Countering CBRN terrorism

- 350+ participants from over 60 MS
- English, French, Spanish (recordings available)

Capacity building activities

Criminalization

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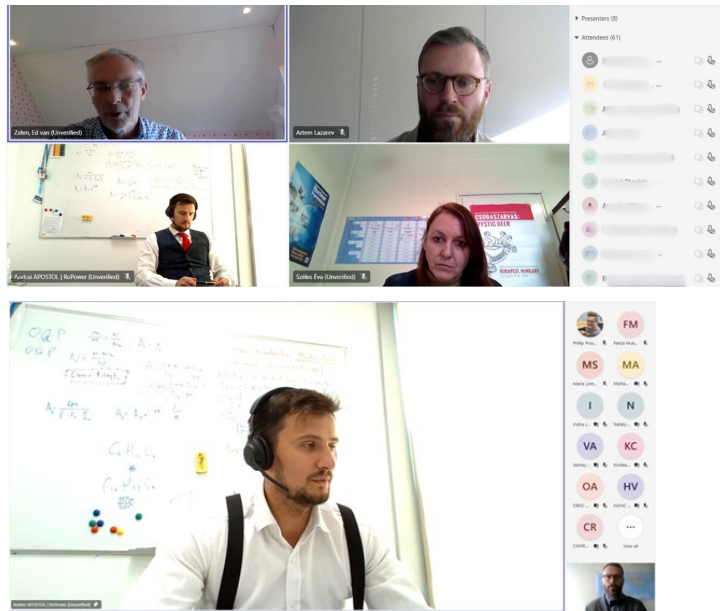


ICSANT requires a specific intent for conduct to be criminalized



Series of webinars and virtual speaker series on ICSANT and nuclear terrorism 2024 – onwards

- Various languages
- Multiple topics in the context of ICSANT:
 - border management
 - illicit trafficking of nuclear or other radioactive material
 - nuclear forensics
 - a prosecutorial perspective
 - extradition
 - mutual legal assistance



Capacity building activities

Tabletop exercises connecting front line officers and regulators

- In coordination with UNODC's Passenger and Cargo Border Team (PCBT) Container Control Programme (CCP)
- Focus on the legal and regulatory aspects of detecting, seizing and handling radioactive materials at borders and conducting relevant investigations
- Various regions



Legislative assistance and tools


Legislative assistance

Available upon request


Model criminalization provisions


IAEA and UNODC jointly: model provisions on the implementation of the criminalization provisions of ICSANT, CPPNM and its Amendment (2009)

Repository of national legislation (ICSANT, CPPNM, A/CPPNM)



Repository of National Legislation for
Implementing the Criminalization Provisions of
ICSANT, CPPNM & ACPPNM

Fully integrated within  SHARING ELECTRONIC RESOURCES
AND LAWS ON CRIME



UNODC
United Nations Office on Drugs and Crime

**MODEL PROVISIONS ON
NUCLEAR SECURITY, PHYSICAL
PROTECTION AND ILLICIT
TRAFFICKING**

The model criminal provisions set out in this document cover the offences set forth in the International Convention for the Suppression of Acts of Nuclear Terrorism (ICSANT) and in the Convention on the Physical Protection of Nuclear Material (CPPNM) and the Amendment thereto, and as such were prepared jointly with the International Atomic Energy Agency. The rationale for the merger is that the offences to be found in these Conventions deal with the same offences to a great extent. This document addresses them in an integrated and coordinated manner.

General suggestions for legal drafters

1. Definitions should be set out in the first part of the respective national law.
2. Ancillary offences such as attempt, participation, contribution and other ancillary conduct should also be incorporated in the relevant offences.
3. The following acts may be criminalized by referring to either radioactive or nuclear material, taking into consideration:
 - That the definition of "radioactive material" in the ICSANT includes "nuclear material";
 - That the CPPNM only requires States Parties to establish as offences acts committed in relation to "nuclear material used for peaceful purposes", whereas the ICSANT has an expanded scope of application covering "radioactive material" in general.

Article ##. Handling of Radioactive/Nuclear Material and Devices

(1) *Whoever, without lawful authority, receives, possesses, transfers, alters, or disposes of radioactive/nuclear material or possesses a device:*

- (a) *with the intent to cause:*
 - (i) *death or serious bodily injury; or*
 - (ii) *substantial damage to property or to the environment; or*
- (b) *which causes or is likely to cause death or serious injury to any person or substantial damage to property or to the environment shall be punished with penalties which take into account the grave nature of those offences.*

(2) *Whoever commits:*

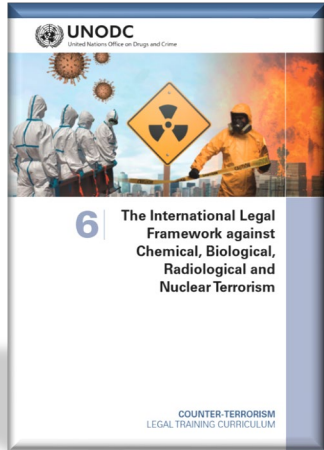
- (a) *a theft or robbery of radioactive/nuclear material;*
- (b) *an embezzlement or fraudulent obtaining of radioactive/nuclear material;*
- (c) *an act which constitutes the carrying, sending, or moving of radioactive material into or out of a State without lawful authority shall be punished with penalties which take into account the grave nature of those offences.*

(3) *Whoever threatens to commit an offence set forth in para. 2(a) of this Article in order to compel a natural or legal person, international organization or State to do or to refrain from doing any act shall be punished with penalties which take into account the grave nature of those offences.*

(4) *Whoever demands radioactive/nuclear material or a device by threat, or by use of force, or by any other form of intimidation, under circumstances which indicate the credibility of the threat shall be punished with penalties which take into account the grave nature of those offences.*

NOTE: The specific intention to "cause death or serious bodily injury", etc., contained in para. 1(a), reflects language used in the ICSANT. Such intention is not found in the CPPNM, which requires, instead, that the acts in question "cause or are likely to cause" such death, injury or damage. The intent language used by the CPPNM is reflected in para. 1(b). States that are Parties to both ICSANT and the CPPNM are advised to adopt both paras 1(a) and 1(b) for full consistency with their overall treaty obligations.

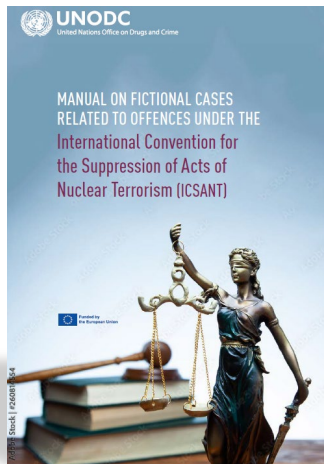
Capacity building tools



[Module 6](#) of Counter-Terrorism legal training curriculum
All six UN official languages

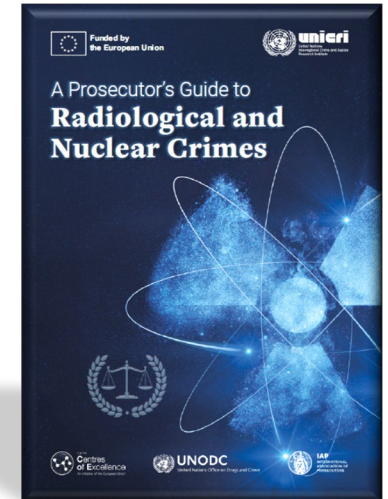
[Manual of fictional case studies on ICSANT](#) (focus on criminalization provisions)

All six UN official languages + Portuguese



[A Prosecutor's Guide to Radiological and Nuclear Crimes](#) - UNICRI-IAEA-IAP-JRC-UNODC

Guidance for prosecutors, investigators and law enforcement and judicial authorities to support the investigation, prosecution and adjudication of radiological/nuclear crimes



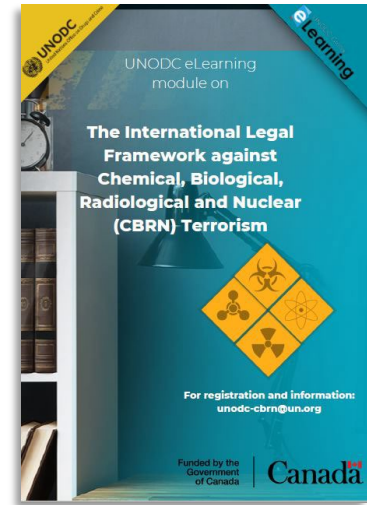
Capacity building tools

[eLearning module](#) on the international legal instruments against CBRN terrorism:

- 2,600+ practitioners from 128 States
- available in six UN official languages + Portuguese

[eLearning module](#) on ICSANT:

- available in six UN official languages + Portuguese



Other tools

THE INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF ACTS OF NUCLEAR TERRORISM

ICSANT

ICSANT Website: www.unodc.org/icsant

Repository of all resources on ICSANT

Available in all six UN official languages

Regularly updated



Other tools

SHERLOC SHARING ELECTRONIC RESOURCES AND LAWS ON CRIME

Legislation Database, including >140 criminal codes

The screenshot shows the SHERLOC website interface. At the top, there is a navigation bar with links for 'About us', 'Databases', 'Tools & Resources', 'Contribute', and 'Contact us'. The main header includes the SHERLOC logo and the UNODC logo (United Nations Office on Drugs and Crime). Below the header, there is a search bar and a 'Database of Legislation' section. A sidebar on the left lists various categories with counts: Crimetype (1), Country (1), National Law Title (1), Organized Crime Convention (14), Trafficking in Persons Protocol (1), Smuggling of Migrants Protocol (1), International Cooperation (1), Proceed (5), Measure (5), Jurisdiction (5), and Mutual Legal Assistance afforded by (1). The main content area shows search results for Tuvalu, displaying the URL 'http://tuvalu-legislation.tv/cms/' and a list of legislation including 'Counter Terrorism and Transnational Organised Crime Act 2009', 'Criminal Procedure Code', 'Extradition Act', 'Fisheries (Foreign Fishing Vessel) Regulations', 'Fisheries Ordinance', 'Mutual Assistance in Criminal Matters Act', 'Penal Code', and 'Proceeds of Crime Act'.

The screenshot shows the SHERLOC website interface for Vanuatu. It features the same navigation and header as the Tuvalu page. The sidebar categories are: Crimetype (11), Country (1), National Law Title (11), Organized Crime Convention (14), Trafficking in Persons Protocol (1), Smuggling of Migrants Protocol (1), Firearms Protocol (1), International Cooperation (1), Proceed (5), Measure (5), Jurisdiction (5), and Mutual Legal Assistance afforded by (1). The main content area shows search results for Vanuatu, displaying the URL 'http://tuvalu-legislation.tv/cms/' and a list of legislation including 'Anti-Money Laundering and Counter-Terrorism Financing Act', 'Chapter 210 on International Trade (Fauna and Flora)', 'Counter Terrorism and Transnational Organised Crime Act', 'Criminal Procedure Code', 'Environmental Management and Conservation Act', 'Extradition Act', 'Financial Transactions Reporting Act (consolidated edition 2006)', 'Firearms Act', 'Mutual Assistance in Criminal Matters Act [Cap 285]', 'Penal Code', and 'Proceeds of Crime Act (2002) (as amended by the Proceeds of Crime (Amendment) Act No. 9 and 23 of 2017)'.



Thank you for your attention!

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TERRORISM PREVENTION BRANCH



TERRORISM PREVENTION PROGRAMME



UNODC

United Nations Office on Drugs and Crime