

Overview of the International Convention for the Suppression of Acts of Nuclear Terrorism (ICSANT)

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CBRN Terrorism Prevention Programme

United Nations Office on Drugs and Crime (UNODC)

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United Nations Office on Drugs and Crime

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



Ghada Waly
Executive Director
United Nations Office on Drugs and Crime

UNODC's mandate to counter RN terrorism

Most recently reiterated in UN General Assembly
resolution A/RES/78/226 of 2023



Para 24: *The General Assembly [...] requests the United Nations Office on Drugs and Crime to continue, within its mandate, to develop its specialized knowledge of the **international legal framework against chemical, biological, radiological and nuclear terrorism as enshrined in the relevant conventions and protocols** in order to continue to provide assistance to requesting Member States in the **effective legal, operational and technical implementation of these instruments, including through capacity-building.***

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UNODC's Terrorism Prevention Branch



Promote adherence to 19 international legal instruments against terrorism



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



Strengthen international cooperation in criminal matters



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

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International legal instruments against CBRN terrorism

Seven instruments adopted under the auspices of four organizations

United Nations Instruments



IAEA Instruments



ICAO Instruments



IMO Instruments



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International legal instruments against CBRN terrorism

- 1980 Convention on the Physical Protection of Nuclear Material (CPPNM)
- 1997 International Convention for the Suppression of Terrorist Bombings
- **2005 International Convention for the Suppression of Acts of Nuclear Terrorism**
- 2005 Amendment to the CPPNM
- 2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation
- 2005 Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf
- 2010 Convention on the Suppression of Unlawful Acts relating to International Civil Aviation

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
- 124 Parties (as of June 2024)
- Depositary: UN Secretary-General



International legal instruments against CBRN 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



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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

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Benefits of adherence

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

Synergies with other international legal instruments

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 [...].*

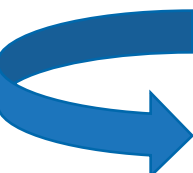
Synergies with other international legal instruments (cont.)

UNSCR 1540 (2004) on the non-proliferation of weapons of mass destruction by non-State actors

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.*

OP 3: *all States ... shall take and enforce effective measures to establish **domestic controls** to prevent the proliferation of nuclear, chemical or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall [...]:*

- *(b) Develop and maintain **appropriate effective physical protection measures***



Incorporation into national legislation of the criminalization obligations established by the CBRN legal instruments may also contribute to the fulfilment by UN Member States of several obligations set forth by UNSCR 1540

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UNODC Technical assistance

- UNODC delivers legal technical assistance and tailored capacity-building assistance to requesting Member States through:
 - ✓ National, regional, international **workshops** for criminal justice officials
 - ✓ Expert **missions**
 - ✓ **Legislative assistance** (model legislative provisions, assistance in the drafting/review of national CT legislation)
 - ✓ Outreach and **awareness-raising**
 - ✓ **TTX**
 - ✓ Counter-terrorism legislation **database**
 - ✓ Manuals & other **training tools**

UNODC ICSANT Website



ICSANT Website:
www.unodc.org/icsant

Repository of all resources on
ICSANT

Available in all six UN official
languages

Regularly updated

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Legislative assistance

Legislative assistance available upon request

Unofficial translations of all instruments are available upon request



Repository

Repository of National Legislation for Implementing the Criminalization Provisions of



ICSANT, CPPNM & A/CPPNM

Fully integrated within **SHERLQ** SHARING ELECTRONIC RESOURCES
AND LAWS ON CRIME

Canada 

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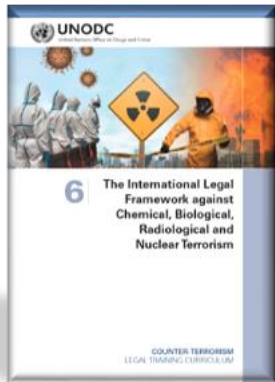
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Manuals and training tools



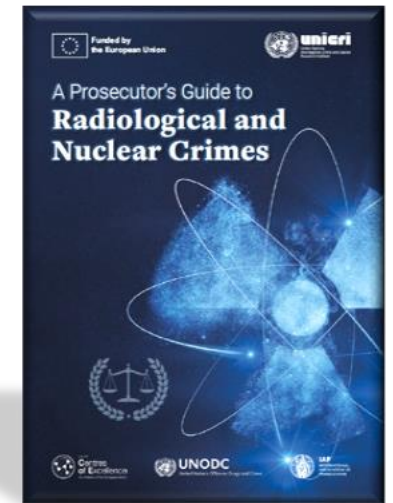
Module 6 of Counter-Terrorism legal training curriculum

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

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Previous outreach



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Thank You!

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