Convention on the Physical Protection of Nuclear Material (CPPNM)

Convention on the Physical Protection of Nuclear Material

CPPNM (1979)

LEGAL SERIES No.12

INTERNATIONAL ATOMIC ENERGY AGENCY, VIENNA, 1982
CPPNM

- First and only int’l legally binding instrument on the physical protection of NM used for peaceful purposes

- One of the int’l counter-terrorism legal instruments

- 3-fold scope of application:
  - physical protection of NM during int’l transport
  - criminalization of related offences
  - international cooperation
CPPNM Amendment Conference

• Attended by 88 countries
• CPPNM Amendment was adopted by consensus on 8 July 2005
• Not entered into force yet
Amendment to the Convention on the Physical Protection of Nuclear Material

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

CONVENTION ON THE PHYSICAL PROTECTION OF NUCLEAR MATERIAL AND NUCLEAR FACILITIES

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

THE STATES PARTIES TO THIS CONVENTION,

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

proposed the adoption of measures for the protection of the peaceful uses of nuclear energy against the unauthorized or uncontrolled use of such energy for any purpose whatsoever that could be conducive to the dispersion of weapons of mass destruction,

taking into account the potential danger to the security of the world, including that of States Parties, posed by the illicit acquisition by States, international organizations, or non-State actors of nuclear material and nuclear technologies,

CONSIDERING that the international community’s concern relates to all States Parties regardless of their stage of development or the extent to which they are involved in nuclear energy activities,

APPROVED PROTOCOLS to the Convention on Nuclear Safety,

CONSIDERING the need for international co-operation in the fields of nuclear safety and security,

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2005 Amendment

- No changes per se to the international nuclear transport provisions. Both instruments Categorise NM and Levels of PP for such transports (Annexes I & II) in the same way.

- But the Amendment now applies to NM in domestic use, storage and transport.

- Further, the Amendment now applies to NFs.
Significance of the Amendment

- Important enhancement to the international physical protection regime
  - Extends the scope of CPPNM to cover PP of nuclear material in domestic use, storage & transport and of nuclear facilities
  - Assured of higher levels of p.p. by applying recommendations of IAEA (Nuclear Security Series #13, INFCIRC/225/Rev.5)
Significance of the Amendment

GC Resolutions e.g. GC (57)/RES/10

• **Call upon** all States Parties to the CPPNM to ratify the Amendment as soon as possible

• **Encourage** States Parties to act in accordance with the objectives and purposes of the Amendment until such time as it enters into force

• **Encourage** all Member States that have not yet done so to adhere to the Convention and adopt its Amendment as soon as possible
STATUS OF THE CPPNM AMENDMENT 9 YEARS AFTER ITS ADOPTION
Status of CPPNM and its Amendment

State Parties to CPPNM: 149
Parties to Amendment: 78
Not party to CPPNM: 45
Status of the CPPNM by Region

# of States Parties to the CPPNM / # of countries in the region*

- **Americas**: 29/35
- **Africa**: 37/54
- **Europe**: 51/54
- **Asia & the Pacific**: 32/52

*Regions based on IAEA’s Technical Cooperation Programme*
Status of the Amendment by Region

# of States Parties to the Amendment / # of countries in the region*

41/54  14/52  12/54  10/35

Europe  Asia & the Pacific  Africa  Americas

*Regions based on IAEA's Technical Cooperation Programme
Progress Towards Entry into Force

- States Parties to the CPPNM: 112 (July 2005)
  149 (August 2014)

- Ratification required for EIF (2/3): 100
  22 (August 2014)
Why adhering to the Amendment?

Key Messages from AdSec (DG’s Advisory Group on Nuclear Security)

- Strengthens national, regional and global nuclear security
- Facilitates greater confidence building
- Being a good citizen
  - AdSec’s 2012 Key message: Whether or not you have NFs, what you do affects the security of your neighbors and what your neighbor does affects your own nuclear security
  - AdSec’s 2012 Key message: The Amendment fosters consistency and transparency of internationally recognized security practices in the nuclear sector
IAEA Efforts to Promote the Amendment

Facilitating the EIF of the Amendment

Consistent Policy of IAEA (eg. Nuclear Security Plan)

Late 2011, IAEA developed a programme to promote adherence to the CPPNM Amendment

• DG wrote letters to MFAs of all CPPNM States Parties to encourage their ratification of the Amendment (July 2012). Follow-up letters sent by DDG and DIR-NSNS.
• IAEA has organized 6 regional workshops in 2012, 2013 and 2014 to increase the awareness and understanding of the importance of the Amendment.
IAEA Efforts to Promote the Amendment

Regional Workshops:
- For Europe: July 2012, Germany
- For Africa: October 2012, Nigeria
- For Latin America: November 2012, Argentina
- For Asia: April 2013, China
- For French-speaking African States: November 2013, Belgium
- For Caribbean States: April 2014, Mexico

Future Workshops:
- For Russian-speaking States: 2014
- National workshops
IAEA Efforts to Promote the Amendment Assistance:

- Technical assistance: PP training courses, PP upgrades, IPPAS mission, etc.
- Legislative assistance: reference material, drafting national legislation, Nuclear Law Institute.
- Organization of national workshop for awareness raising for politicians, government officials, etc.
Conclusion

- EIF will be most important single step which the international community can take

- The amendment will help establish global minimum norms for physical protection of nuclear material

- Implementation of the new Physical Protection provisions in the Amendment may be minimal for those States with no nuclear material or nuclear facilities

- States with significant material and facilities will normally have already established systems which meet the requirements
Conclusion (cont’d)

• When in force, the Amendment will be an important enhancement to the int’l physical protection regime.
• The slow pace of Amendment ratification has been a concern of the international community.

“One area where more action is urgently needed by the Member States is ratification of the Amendment to the CPPNM”

“Failure to bring the Amendment to the CPPNM into force is a serious shortcoming in the global security framework.”

Yukiya Amano, IAEA Director General

Legislative & technical assistance is available to States upon request
...Thank you for your attention