

CPPNM 101: Learn More About This Tool for Nuclear Security Progress

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Welcoming Remarks

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The CPPNM and its Amendment: Background and Importance

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The Importance of the CPPNM Regime

- The CPPNM and its amendment are the **only legally binding** international agreements requiring physical protection of nuclear materials and facilities
 - The CPPNM regime is therefore foundational to the global nuclear security architecture
- A strong, effective, and sustainable CPPNM regime is vital to:
 - secure nuclear materials and facilities and protect against theft or sabotage
 - preserve the benefits of peaceful use of nuclear technology

History of the CPPNM and Amendment

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- Developed in response to airline hijackings and other terrorist attacks in the late 1960's and early 1970's
- Adopted in October 1979
- In force on February 8, 1987
- 162 parties, plus EURATOM

Amended CPPNM

- Developed in response to increased nuclear material trafficking after the collapse of the Soviet Union
- Accelerated after Sept. 11, 2001
- Adopted in July 2005
- In force on May 8, 2016
- 125 parties, plus EURATOM

Scope of the CPPNM and Amendment

CPPNM

- Physical protection of nuclear material during international transport
- Criminalization of offenses (prosecution or extradition)
- International cooperation and information exchange
- International cooperation in connection with criminal proceedings

Amended CPPNM

- Physical protection of nuclear material in domestic use, storage, and transport and of nuclear facilities from sabotage (in addition to nuclear material during international transport)
- Criminalization of new offences related to nuclear smuggling, illicit trafficking, and sabotage
- Expanded cooperation regarding stolen or smuggled nuclear material, sabotage, and related offences

Physical Protection Requirements

CPPNM

- Take “appropriate steps” to protect specified categories of material used for peaceful purposes at specified levels
- During international transport (and incidental storage), but not during domestic use, storage, or transport
- Obligations not just on states possessing nuclear materials, but on the importing, exporting, and transit state parties

Amended CPPNM

- “Establish, implement, and maintain an appropriate physical protection regime applicable to nuclear material and nuclear facilities”
- Protect against theft and other unlawful taking of nuclear material in use, storage, and transport
- Ensure the implementation of rapid and comprehensive measures to locate and recover missing or stolen nuclear material
- Protect nuclear material and nuclear facilities against sabotage
- Mitigate or minimize the radiological consequences of sabotage

The Amended CPPNM and the Fundamental Principles

- In implementing the physical protection measures in the amended CPPNM, states apply the Fundamental Principles:
 - Responsibility of the State
 - Responsibilities during International Transport
 - Legislative and Regulatory Framework
 - Competent Authority
 - Responsibility of the License Holders
 - Security Culture
 - Threat
 - Graded Approach
 - Defence in Depth
 - Quality Assurance
 - Contingency Plans
 - Confidentiality
- Fundamental Principles are also contained in IAEA INFCIRC/225/Revision 5, Nuclear Security Recommendations on Physical Protection of Nuclear Materials and Nuclear Facilities (NSS No. 13)

Criminal Offenses

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- Unauthorized receipt, possession, use, transfer, alteration, disposal or dispersal of, or threat to use, nuclear material, to cause death, personal injury, or property damage
- Theft or robbery of nuclear material
- Embezzlement or fraudulent obtaining of nuclear material
- A demand for nuclear material by threat or use of force or by any other form of intimidation
- Ancillary offenses: attempts to commit or participation in any of the listed offences

Amended CPPNM

- Smuggling of nuclear material
- Sabotage of nuclear facilities or nuclear materials (or the threat of sabotage)
- Coverage of “substantial damage to the environment”
- New ancillary offenses include organization or direction of others to commit a listed offence

International Cooperation

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- Establishment of central authority and points of contact
- Cooperation and assistance in connection with criminal proceedings
- Information exchange to protect or recover unlawfully taken material
- Cooperation in connection with physical protection systems

Amended CPPNM

- New information exchange requirements related to the sabotage (or threat of sabotage) of nuclear material or a nuclear facility
- Expanded provision on cooperation related to design, maintenance, and improvement of systems of physical protection

Comparison between the CPPNM and Amendment*



CPPNM and the A/CPPNM

	Physical Protection	Offences	International Cooperation
CPPNM	Nuclear material in international transport	<p>Intentional unauthorised acts involving nuclear material</p> <p>Threat to use nuclear material to cause harm</p> <p>Theft or robbery of nuclear material</p> <p>Ancillary offences (attempt to commit a listed offence and participation therein)</p>	<p>Cooperation and assistance in connection with criminal proceedings and physical protection systems,</p> <p>Information exchange to protect or recover unlawfully taken material</p>
	<u>in addition</u>	<u>in addition</u>	<u>in addition</u>
AMENDMENT	<p>Nuclear facilities, and nuclear material in domestic use, storage and transport</p> <p>Physical protection regime (e.g. establishment of a legislative and regulatory framework, competent authority)</p>	<p>Smuggling of nuclear material</p> <p>Sabotage of nuclear facilities</p> <p>Coverage of "substantial damage to the environment"</p> <p>New ancillary offences (organisation or direction of others to commit a listed offence)</p>	<p>Expanded cooperation, assistance and information sharing in case of sabotage</p>

*Source: International Atomic Energy Agency, "Webinar on the Convention on the Physical Protection of Nuclear Materials and its Amendment," July 30, 2020

Article 14

- Article 14 requires states parties to inform the IAEA, as depositary, “of its laws and regulations which give effect to the Convention”
- The IAEA shall then communicate this information to all states parties, which it currently does through the NUSEC portal
- Only 59 countries have submitted information to the IAEA under Article 14

The Benefits of Joining the CPPNM and Amendment

- Facilitates international and regional cooperation and assistance
- Closes gaps between national criminal justice systems so that those involved in terrorist or criminal acts are brought to justice
- Promotes a common approach to the security of nuclear materials and facilities and responses to unlawful acts
- Establishes the legal and regulatory regime necessary for states to implement security if they decide to seek nuclear material and technology for peaceful uses

The 2021 Review Conference: A Forum for Dialogue and Progress

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Article 16

- 16.1: 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**.
- 16.2: 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.

2021 Review: An Opportunity for States Parties

- One review conference was held under the original convention in 1992; no other reviews held
- 2021 is the first opportunity for states parties to assess implementation of the amended CPPNM and to:
 - share how the convention is working for them and ideas on how to improve implementation
 - discuss how the treaty is standing up to changes in the world
 - decide that the likelihood of future changes will require regular review conferences to monitor how implementation is keeping up

Status of Preparations for the Review

- Two meetings of the Legal and Technical Experts
 - July 22-25, 2019
 - November 12-14, 2019
 - Chaired by Australia and Argentina
 - Objective to inform discussions at the Preparatory Committee meeting
- Preparatory Committee meeting
 - Scheduled December 7-11, 2020
 - Chaired by Australia and Hungary
 - Objective to set the draft agenda and rules of procedure
- Review Conference
 - Date TBD in 2021
 - Chaired by Nigeria and Switzerland

Designing the Review

- There is almost no guidance on how to conduct the review; Article 16 provides the basis for a broad and flexible agenda
- There is a blank slate upon which states parties can design the review
- Key issues for decision
 - Topical agenda
 - Participation of non-parties, civil society, industry, other international organizations
 - Decision making authority
 - Future reviews

Overarching Goals for the Review

- Promote the amended CPPNM as a foundational element of the global nuclear security architecture
- Build a strong, effective, and sustainable treaty regime
- Create a vehicle for regular dialogue on treaty implementation
- Set a positive precedent for future review conferences, including a decision to hold additional reviews in the future

Objectives for Review Outcomes

- Universalization
 - Achieve remaining 37 ratifications
 - Close gaps in physical protection, criminal laws, and ability for countries to cooperate
 - Invite non-parties to conference to support goals of universalization
- Strengthened implementation
 - Engage in substantive, informative dialogue
 - Share best practices and lessons learned
 - Provide updates on progress, highlight recent successes, and make commitments for future actions
 - Submit Article 14 information to the IAEA
 - Invite international organizations, civil society, and industry to provide additional insights
- Continuity and sustainability
 - Recognize need for regular review because the prevailing situation will evolve
 - Agree to hold future reviews and to set next conference date

The Rationale for Regular Review Conferences

- Is standard in most treaty regimes
- Reflects treaty language to “review implementation and adequacy . . . in the light of the then prevailing situation” and reality that implementation must change as the prevailing situation changes
 - Threats change (actors, weapons, etc.)
 - Technology changes, both positive and negative (e.g., cyber, AI, drones)
 - Understanding of best practices changes
 - Some changes can be predicted, but others cannot
- Allows parties to assess how well the treaty is holding up to changes and share how they are adjusting to those changes, which strengthens implementation
- Enables the regime to be dynamic and evolve and maintain its long-term relevance
- Benefits states that are committed to full implementation of the convention
- Provides a unique forum for high-level nuclear security policy dialogue

Questions

- Please contact us:
 - Samantha Neakrase, neakrase@nti.org
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- Additional resources available at www.nti.org/CPPNM