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

CPPNM
- 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

CPPNM
- 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

CPPNM
- 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

Physical Protection
Nuclear material in international transport

Offences
Intentional unauthorised acts involving nuclear material
Threat to use nuclear material to cause harm
Theft or robbery of nuclear material
Ancillary offences (attempt to commit a listed offence and participation therein)

International Cooperation
Cooperation and assistance in connection with criminal proceedings and physical protection systems,
Information exchange to protect or recover unlawfully taken material

Amendment

Nuclear facilities and nuclear material in domestic use, storage and transport
Physical protection regime (e.g. establishment of a legislative and regulatory framework, competent authority)

Smuggling of nuclear material
Sabotage of nuclear facilities
Coverage of “substantial damage to the environment”
New ancillary offences (organisation or direction of others to commit a listed offence)

Expanded cooperation assistance and information sharing in case of sabotage

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.
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

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• Additional resources available at www.nti.org/CPPNM