



Office of Nuclear Security
Department of Nuclear Safety and Security



Regional Workshop on Illicit Nuclear Trafficking Information Management and Coordination

Mombasa, Kenya, 7-10 July 2008

**International instruments and information exchange on
incidents falling within the ITDB scope**



International legal framework for nuclear security

- Responsibility for nuclear security rests entirely with each individual State
- States recognize need to work together to enhance collective nuclear security
- International legal instruments provide a strategic framework and a common platform for such cooperation



Provisions governing information exchange on incidents that fall within ITDB scope



Legally binding security related instruments

- Convention on the Physical Protection of nuclear Material (CPPNM) obligates States Parties to
 - Inform ASAP other States concerned, and where appropriate, IAEA and other relevant international organizations, of any theft, robbery or other unlawful taking of nuclear material or credible threat thereof
 - To protect the confidentiality of any information which they receive in confidence
 - States Parties shall not be required to provide any information which they are not permitted to provide pursuant to national law



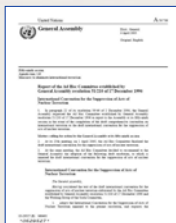
Legally binding security related instruments

- Convention on Early Notification of Nuclear Accident obligates States Parties to:
 - Applies in the event of any accident involving specified facilities or activities of a State Party (or of persons or legal entities under its jurisdiction or control) from which a release of radioactive material occurs or is likely to occur and which has resulted or may result in an international transboundary release that could be of radiological safety significance to another State
 - Notify directly, or through the IAEA, those States which are or may be physically affected by an "accident"
 - Promptly provide these States, directly or through the IAEA, and the IAEA with such available information relevant to minimizing the radiological consequences



Legally binding security related instruments

- International Convention for the Suppression of Acts of Nuclear Terrorism requires States Parties to:
 - Adopt measures to criminalize offences related to unlawful and intentional possession and use of radioactive material or a radioactive device
 - Inform without delay other States, and where appropriate, international organizations, in respect of the commission of the offences as well as preparations to commit such offences
 - Protect the confidentiality of any information which they receive in confidence
 - States Parties shall not be required to provide any information which they are not permitted to provide pursuant to national law or which would jeopardize the security of the State concerned or the physical protection of nuclear material.



Legally binding security related instruments

- Safeguards Agreements between the IAEA and States Required in Connection with Treaty on the Non-Proliferation of Nuclear Weapons and Additional Protocol
 - Obligation to declare accidental gain/loss of nuclear materials subject to Safeguards
- UN Security Council resolution 1540
 - Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items



Legally binding security related instruments



- UN Security Council resolution 1373 (under article VII of the UN Charter)
 - Obligates States to take the necessary steps to prevent the commission of terrorist acts, including by provision of early warning to other States by exchange of information
 - Calls upon States to find ways of intensifying and accelerating the exchange of operational information, especially regarding threat posed by the possession of weapons of mass destruction by terrorist groups



Non-legally binding international instruments

- In the Code of Conduct on the Safety and Security of Radioactive Sources States commit to:
 - Foster ongoing communication between the regulatory body and users
 - Ensure the prompt reporting by authorized persons of loss of control over, and of incidents in connection with, radioactive sources
 - Ensure that information concerning any loss of control over radioactive sources, or any incidents, with potential transboundary effects involving radioactive sources, is provided promptly to potentially affected States through established IAEA or other mechanisms
 - To protect the confidentiality of any information which they receive in confidence
 - States Parties shall not be required to provide any information which they are not permitted to provide pursuant to national law



UN Resolutions



- UN General Assembly resolution 60/43 reiterates call upon all States
 - to intensify, as and where appropriate, the exchange of information on facts related to terrorism and, in so doing, to avoid the dissemination of inaccurate or unverified information
- In UN General Assembly resolution 60/288 States undertake to:
 - Intensify cooperation, as appropriate, in exchanging timely and accurate information concerning the prevention and combating of terrorism



Conclusions

- Absence of single instrument dealing with 'illicit nuclear trafficking' information exchange
- Absence of a comprehensive regime
- No clear mechanism to exchange information
- Areas of information exchange covered by legally binding instruments:
 - Theft, robbery or other unlawful taking of nuclear material or credible threat thereof;
 - Seizures/thefts of nuclear materials subject to safeguards;
 - Incidents with radiological transboundary consequences;
 - Unlawful and intentional possession and use of radioactive material or a radioactive device;
 - Possession of weapons of mass destruction by terrorist groups.



Conclusions

- Areas of information exchange covered by non-legally binding instruments:
 - Loss of control over radioactive sources, or any incidents, with potential transboundary effects involving radioactive sources;
 - Prevention and combating terrorism (including WMD terrorism) and threat of possession of WMD by terrorist groups
- IAEA is listed as one of the recipients/transmitters of this information in:
 - CPPNM
 - Early Notification Convention
 - Safeguards Agreements
 - Code of Conduct



Solutions?

- Improve awareness of the legally binding and non-binding international instruments' provisions for 'illicit nuclear trafficking' information exchange
 - Implement these provisions by reporting to the ITDB
 - Define mechanisms and procedures of information exchange
 - Report information not provided for in the existing instruments, based on the ITDB Terms of Reference
 - Promote information sharing culture as part of the nuclear security culture
- Draft IAEA Implementing Guide on Nuclear Security Culture:
- *"...the State should develop mechanisms for the exchange of knowledge and data, particularly law enforcement, intelligence and response authorities."*



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