

N – Physical Protection of Nuclear Material and Nuclear Terrorism Convention

Convention on the Physical Protection of Nuclear Material

[Signed at Vienna and New York on 3 March 1980, entered into force on 8 February 1987]

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 to be derived from the peaceful application of nuclear energy,

Convinced of the need for facilitating international co-operation in the peaceful application of nuclear energy,

Desiring to avert the potential dangers posed by the unlawful taking and use of nuclear material,

Convinced that offences relating to nuclear material are a matter of grave concern and that there is an urgent need to adopt appropriate and effective measures to ensure the prevention, detection and punishment of such offences,

Aware of the need for international co-operation to establish, in conformity with the national law of each State Party and with this Convention, effective measures for the physical protection of nuclear material,

Convinced that this Convention should facilitate the safe transfer of nuclear material,

Stressing also the importance of the physical protection of nuclear material in domestic use, storage and transport,

Recognizing the importance of effective physical protection of nuclear material used for military purposes, and understanding that such material is and will continue to be accorded stringent physical protection,

Have agreed as follows:

Article 1

For the purposes of this Convention:

(a) 'nuclear material' means plutonium except that with isotopic concentration exceeding 80% in plutonium-238; uranium-233; uranium enriched in the isotope 235 or 233; uranium containing the mixture of isotopes as occurring in nature other than in the form of ore or ore-residue; any material containing one or more of the foregoing;

(b) 'uranium enriched in the isotope 235 or 233' means uranium containing the isotope 235 or 233 or both in an amount such that the abundance ratio of the sum of these isotopes to the isotope 238 is greater than the ratio of the isotope 235 to the isotope 238 occurring in nature;

(c) 'international nuclear transport' means the carriage of a consignment of nuclear material by any means of transportation intended to go beyond the territory of the State where the shipment originates beginning with the departure from a facility of the shipper in that State and ending with the arrival at a facility of the receiver within the State of ultimate destination.

Article 2

1. This Convention shall apply to nuclear material used for peaceful purposes while in international nuclear transport.
2. With the exception of articles 3 and 4 and paragraph 3 of article 5, this Convention shall also apply to nuclear material used for peaceful purposes while in domestic use, storage and transport.
3. Apart from the commitments expressly undertaken by States Parties in the articles covered by paragraph 2 with respect to nuclear material used for peaceful purposes while in domestic use, storage and transport, nothing in this Convention shall be interpreted as affecting the sovereign rights of a State regarding the domestic use, storage and transport of such nuclear material.

Article 3

Each State Party shall take appropriate steps within the framework of its national law and consistent with international law to ensure as far as practicable that, during international nuclear transport, nuclear material within its territory, or on board a ship or aircraft under its jurisdiction insofar as such ship or aircraft is engaged in the transport to or from the State, is protected at the levels described in Annex I.

Article 4

1. Each State Party shall not export or authorize the export of nuclear material unless the State Party has received assurances that such material will be protected during the international nuclear transport at the levels described in Annex I.
2. Each State Party shall not import or authorize the import of nuclear material from a State not party to this Convention unless the State Party has received assurances that such material will during the international nuclear transport be protected at the levels described in Annex I.
3. A State Party shall not allow the transit through its territory by land or internal waterways or through its airports or seaports of nuclear material between States that are not parties to this Convention unless the State Party has received assurances as far as practicable that this nuclear material will be protected during international nuclear transport at the levels described in Annex I.
4. Each State Party shall apply within the framework of its national law the levels of physical protection described in Annex I to nuclear material being transported from a part of that State to another part of the same State through international waters or airspace.
5. The State Party responsible for receiving assurances that the nuclear material will be protected at the levels described in Annex I according to paragraphs 1 to 3 shall identify and inform in advance States which the nuclear material is expected to transit by land or international waterways, or whose airports or seaports it is expected to enter.
6. The responsibility for obtaining assurances referred to in paragraph 1 may be transferred, by mutual agreement, to the State Party involved in the transport as the importing State.
7. Nothing in this article shall be interpreted as in any way affecting the territorial sovereignty and jurisdiction of a State, including that over its airspace and territorial sea.

Article 5

1. States Parties shall identify and make known to each other directly or through the International Atomic Energy Agency their central authority and point of contact having responsibility for physical protection of nuclear material and for co-ordinating recovery and response operations in the event of any unauthorized removal, use or alteration of nuclear material or in the event of credible threat thereof.
2. In the case of theft, robbery or any other unlawful taking of nuclear material or of credible threat thereof, States Parties shall, in accordance with their national law, provide co-operation and assistance to the maximum feasible extent in the recovery and protection of such material to any State that so requests. In particular:
 - (a) a State Party shall take appropriate steps to inform as soon as possible other States, which appear to it to be concerned, of any theft, robbery or other unlawful taking of nuclear material or credible threat thereof and to inform, where appropriate, international organizations;
 - (b) as appropriate, the States Parties concerned shall exchange information with each other or international organizations with a view to protecting threatened nuclear material, verifying the integrity of the shipping container, or recovering unlawfully taken nuclear material and shall:
 - (i) co-ordinate their efforts through diplomatic and other agreed channels;
 - (ii) render assistance, if requested;
 - (iii) ensure the return of nuclear material stolen or missing as a consequence of the above-mentioned events.

The means of implementation of this co-operation shall be determined by the States Parties concerned.

3. States Parties shall co-operate and consult as appropriate, with each other directly or through international organizations, with a view to obtaining guidance on the design, maintenance and improvement of systems of physical protection of nuclear material in international transport.

Article 6

1. States Parties shall take appropriate measures consistent with their national law to protect the confidentiality of any information

which they receive in confidence by virtue of the provisions of this Convention from another State Party or through participation in an activity carried out for the implementation of this Convention. If States Parties provide information to international organizations in confidence, steps shall be taken to ensure that the confidentiality of such information is protected.

2. States Parties shall not be required by this Convention to provide any information which they are not permitted to communicate pursuant to national law or which would jeopardize the security of the State concerned or the physical protection of nuclear material.

Article 7

1. The intentional commission of:

- (a) an act without lawful authority which constitutes the receipt, possession, use, transfer, alteration, disposal or dispersal of nuclear material and which causes or is likely to cause death or serious injury to any person or substantial damage to property;
- (b) a theft or robbery of nuclear material;
- (c) an embezzlement or fraudulent obtaining of nuclear material;
- (d) an act constituting a demand for nuclear material by threat or use of force or by any other form of intimidation;
- (e) a threat:
 - (i) to use nuclear material to cause death or serious injury to any person or substantial property damage, or
 - (ii) to commit an offence described in sub-paragraph (b) in order to compel a natural or legal person, international organization or State to do or to refrain from doing any act;
- (f) an attempt to commit any offence described in paragraphs (a), (b) or (c); and
- (g) an act which constitutes participation in any offence described in paragraphs (a) to (f) shall be made a punishable offence by each State Party under its national law.

2. Each State Party shall make the offences described in this article punishable by appropriate penalties which take into account their grave nature.

Article 8

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 7 in the following cases:

- (a) when the offence is committed in the territory of that State or on board a ship or aircraft registered in that State;
 - (b) when the alleged offender is a national of that State.
2. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over these offences in cases where the alleged offender is present in its territory and it does not extradite him pursuant to article 11 to any of the States mentioned in paragraph 1.
3. This Convention does not exclude any criminal jurisdiction exercised in accordance with national law.
4. In addition to the States Parties mentioned in paragraphs 1 and 2, each State Party may, consistent with international law, establish its jurisdiction over the offences set forth in article 7 when it is involved in international nuclear transport as the exporting or importing state.

Article 9

Upon being satisfied that the circumstances so warrant, the State Party in whose territory the alleged offender is present shall take appropriate measures, including detention, under its national law to ensure his presence for the purpose of prosecution or extradition. Measures taken according to this article shall be notified without delay to the States required to establish jurisdiction pursuant to article 8, and where appropriate, all other States concerned.

Article 10

The State Party in whose territory the alleged offender is present shall, if it does not extradite him, submit, without exception whatsoever and without undue delay, the case to its competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of that State.

Article 11

1. The offences in article 7 shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties. States Parties undertake to include those offences as extraditable offences in every future extradition treaty to be

concluded between them.

2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may at its option consider this Convention as the legal basis for extradition in respect of those offences. Extradition shall be subject to the other conditions provided by the law of the requested State.

3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize those offences as extraditable offences between themselves subject to the conditions provided by the law of the requested State.

4. Each of the offences shall be treated, for the purpose of extradition between States Parties, as if it had been committed not only in the place in which it occurred but also in the territories of the States Parties required to establish their jurisdiction in accordance with paragraph 1 of article 8.

Article 12

Any person regarding whom proceedings are being carried out in connection with any of the offences set forth in article 7 shall be guaranteed fair treatment at all stages of the proceedings.

Article 13

1. States Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of the offences set forth in article 7, including the supply of evidence at their disposal necessary for the proceedings. The law of the State requested shall apply in all cases.

2. The provisions of paragraph 1 shall not affect obligations under any other treaty, bilateral or multilateral, which governs or will govern, in whole or in part, mutual assistance in criminal matters.

Article 14

1. Each State Party shall inform the depositary of its laws and regulations which give effect to this Convention. The depositary shall communicate such information periodically to all States Parties.

2. The State Party where an alleged offender is prosecuted shall, wherever practicable, first communicate the final outcome of the proceedings to the States directly concerned. The State Party shall also communicate the final outcome to the depositary who shall inform all States.

3. Where an offence involves nuclear material used for peaceful purposes in domestic use, storage or transport, and both the alleged offender and the nuclear material remain in the territory of the State Party in which the offence was committed, nothing in this Convention shall be interpreted as requiring that State Party to provide information concerning criminal proceedings arising out of such an offence.

Article 15

The Annexes constitute an integral part of this Convention.

Article 16

1. A conference of States Parties shall be convened by the depositary five years after the entry into force of this Convention to review the implementation of the 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.

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.

Article 17

1. In the event of a dispute between two or more States Parties concerning the interpretation or application of this Convention, such States Parties shall consult with a view to the settlement of the dispute by negotiation, or by any other peaceful means of settling disputes acceptable to all parties to the dispute.

2. Any dispute of this character which cannot be settled in the manner prescribed in paragraph 1 shall, at the request of any party to such dispute, be submitted to arbitration or referred to the International Court of Justice for decision. Where a dispute is submitted to arbitration, if, within six months from the date of the request, the parties to the dispute are unable to agree on the organization of the arbitration, a party may request the President of the International Court of Justice or the Secretary-General of the

United Nations to appoint one or more arbitrators. In case of conflicting requests by the parties to the dispute, the request to the Secretary-General of the United Nations shall have priority.

3. Each State Party may at the time of signature, ratification, acceptance or approval of this Convention or accession thereto declare that it does not consider itself bound by either or both of the dispute settlement procedures provided for in paragraph 2. The other States Parties shall not be bound by a dispute settlement procedure provided for in paragraph 2, with respect to a State Party which has made a reservation to that procedure.

4. Any State Party which has made a reservation in accordance with paragraph 3 may at any time withdraw that reservation by notification to the depositary.

Article 18

1. This Convention shall be open for signature by all States at the Headquarters of the International Atomic Energy Agency in Vienna and at the Headquarters of the United Nations in New York from 3 March 1980 until its entry into force.

2. This Convention is subject to ratification, acceptance or approval by the signatory States.

3. After its entry into force, this Convention will be open for accession by all States.

4. (a) This Convention shall be open for signature or accession by international organizations and regional organizations of an integrated or other nature, provided that any such organization is constituted by sovereign States and has competence in respect of the negotiation, conclusion and application of international agreements in matters covered by this Convention.

(b) In matters within their competence, such organizations shall, on their own behalf, exercise the rights and fulfil the responsibilities which this Convention attributes to States Parties.

(c) When becoming party to this Convention such an organization shall communicate to the depositary a declaration indicating which States are members thereof and which articles of this Convention do not apply to it.

(d) Such an organization shall not hold any vote additional to those of its Member States.

5. Instruments of ratification, acceptance, approval or accession shall be deposited with the depositary.

Article 19

1. This Convention shall enter into force on the thirtieth day following the date of deposit of the twenty-first instrument of ratification, acceptance or approval with the depositary.

2. For each State ratifying, accepting, approving or acceding to the Convention after the date of deposit of the twenty-first instrument of ratification, acceptance or approval, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification, acceptance, approval or accession.

Article 20

1. Without prejudice to article 16 a State Party may propose amendments to this Convention. The proposed amendment shall be submitted to the depositary who shall circulate it immediately to all States Parties. If a majority of States Parties request the depositary to convene a conference to consider the proposed amendments, the depositary shall invite all States Parties to attend such a conference to begin not sooner than thirty days after the invitations are issued. Any amendment adopted at the conference by a two-thirds majority of all States Parties shall be promptly circulated by the depositary to all States Parties.

2. The amendment shall enter into force for each State Party that deposits its instrument of ratification, acceptance or approval of the amendment on the thirtieth day after the date on which two thirds of the States Parties have deposited their instruments of ratification, acceptance or approval with the depositary. Thereafter, the amendment shall enter into force for any other State Party on the day on which that State Party deposits its instrument of ratification, acceptance or approval of the amendment.

Article 21

1. Any State Party may denounce this Convention by written notification to the depositary.

2. Denunciation shall take effect one hundred and eighty days following the date on which notification is received by the depositary.

Article 22

The depositary shall promptly notify all States of:

- (a) each signature of this Convention;
- (b) each deposit of an instrument of ratification, acceptance, approval or accession;
- (c) any reservation or withdrawal in accordance with article 17.
- (d) any communication made by an organization in accordance with paragraph 4 (c) of article 18;
- (e) the entry into force of this Convention;
- (f) the entry into force of any amendment to this Convention; and
- (g) any denunciation made under article 21.

Article 23

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Director General of the International Atomic Energy Agency who shall send certified copies thereof to all States.

ANNEX 1

1. Levels of physical protection to be applied to international transport of nuclear material as categorized in Annex II.

(a) For category III materials, storage within an area to which access is controlled;

(b) For Category II materials, storage within an area under constant surveillance by guards or electronic devices, surrounded by a physical barrier with a limited number of points of entry under appropriate control or any area with an equivalent level of physical protection;

(c) For Category I material, storage within a protected area as defined for Category II above, to which, in addition, access is restricted to persons whose trustworthiness has been determined, and which is under surveillance by guards who are in close communication with appropriate response forces. Specific measures taken in this context should have as their object the detection and prevention of any assault, unauthorized access or unauthorized removal of material.

2. Levels of physical protection for nuclear material during international transport include:

(a) For Category I I and I II materials, transportation shall take place under special precautions including prior arrangements among sender, receiver, and carrier, and prior agreement between natural or legal persons subject to the jurisdiction and regulation of exporting and importing States, specifying time, place and procedures for transferring transport responsibility;

(b) For Category I materials, transportation shall take place under special precautions identified above for transportation of Category II and III materials, and in addition, under constant surveillance by escorts and under conditions which assure close communication with appropriate response forces.

(c) For natural uranium other than in the form of ore or ore-residue, transportation protection for quantities exceeding 500 kilograms uranium shall include advance notification of shipment specifying mode of transport, expected time of arrival and confirmation of receipt of shipment.

International Convention for the Suppression of Acts of Nuclear Terrorism [United Nations, 2005]

The States Parties to this Convention,

(Eds.)[...]

Have agreed as follows:

Article 1

For the purposes of this Convention:

1. "Radioactive material" means nuclear material and other radioactive substances which contain nuclides which undergo spontaneous disintegration (a process accompanied by emission of one or more types of ionizing radiation, such as alpha-, beta-, neutron particles and gamma rays) and which may, owing to their radiological or fissile properties, cause death, serious bodily injury or substantial damage to property or to the environment.

2. "Nuclear material" means plutonium, except that with isotopic concentration exceeding 80 per cent in plutonium-238; uranium-233; uranium enriched in the isotope 235 or 233; uranium containing the mixture of isotopes as occurring in nature other than in the form of ore or ore residue; or any material containing one or more of the foregoing;

Whereby "uranium enriched in the isotope 235 or 233" means uranium containing the isotope 235 or 233 or both in an amount such that the abundance ratio of the sum of these isotopes to the isotope 238 is greater than the ratio of the isotope 235 to the isotope 238 occurring in nature.

3. "Nuclear facility" means:

(a) Any nuclear reactor, including reactors installed on vessels, vehicles, aircraft or space objects for use as an energy source in order to propel such vessels, vehicles, aircraft or space objects or for any other purpose;

(b) Any plant or conveyance being used for the production, storage, processing or transport of radioactive material.

4. "Device" means:

(a) Any nuclear explosive device; or

(b) Any radioactive material dispersal or radiation-emitting device which may, owing to its radiological properties, cause death, serious bodily injury or substantial damage to property or to the environment.

5. "State or government facility" includes any permanent or temporary facility or conveyance that is used or occupied by representatives of a State, members of a Government, the legislature or the judiciary or by officials or employees of a State or any other public authority or entity or by employees or officials of an intergovernmental organization in connection with their official duties.

6. "Military forces of a State" means the armed forces of a State which are organized, trained and equipped under its internal law for the primary purpose of national defence or security and persons acting in support of those armed forces who are under their formal command, control and responsibility.

Article 2

1. Any person commits an offence within the meaning of this Convention if that person unlawfully and intentionally:

(a) Possesses radioactive material or makes or possesses a device:

(i) With the intent to cause death or serious bodily injury; or

(ii) With the intent to cause substantial damage to property or to the environment;

(b) Uses in any way radioactive material or a device, or uses or damages a nuclear facility in a manner which releases or risks the release of radioactive material:

(i) With the intent to cause death or serious bodily injury; or

(ii) With the intent to cause substantial damage to property or to the environment; or

(iii) With the intent to compel a natural or legal person, an international organization or a State to do or refrain from doing an act.

2. Any person also commits an offence if that person:

(a) Threatens, under circumstances which indicate the credibility of the threat, to commit an offence as set forth in paragraph 1 (b) of the present article; or

(b) Demands unlawfully and intentionally radioactive material, a device or a nuclear facility by threat, under circumstances which indicate the credibility of the threat, or by use of force.

3. Any person also commits an offence if that person attempts to commit an offence as set forth in paragraph 1 of the present article.

4. Any person also commits an offence if that person:

(a) Participates as an accomplice in an offence as set forth in paragraph 1, 2 or 3 of the present article; or

(b) Organizes or directs others to commit an offence as set forth in paragraph 1, 2 or 3 of the present article; or

(c) In any other way contributes to the commission of one or more offences as set forth in paragraph 1, 2 or 3 of the present article by a group of persons acting with a common purpose; such

contribution shall be intentional and either be made with the aim of furthering the general criminal activity or purpose of the group or be made in the knowledge of the intention of the group to commit the offence or offences concerned.

Article 3

This Convention shall not apply where the offence is committed within a single State, the alleged offender and the victims are nationals of that State, the alleged offender is found in the territory of that State and no other State has a basis under article 9, paragraph 1 or 2, to exercise jurisdiction, except that the provisions of articles 7, 12, 14, 15, 16 and 17 shall, as appropriate, apply in those cases.

Article 4

1. Nothing in this Convention shall affect other rights, obligations and responsibilities of States and individuals under international law, in particular the purposes and principles of the Charter of the United Nations and international humanitarian law.

2. The activities of armed forces during an armed conflict, as those terms are understood under international humanitarian law, which are governed by that law are not governed by this Convention, and the activities undertaken by military forces of a State in the exercise of their official duties, inasmuch as they are governed by other rules of international law, are not governed by this Convention.

3. The provisions of paragraph 2 of the present article shall not be interpreted as condoning or making lawful otherwise unlawful acts, or precluding prosecution under other laws.

4. This Convention does not address, nor can it be interpreted as addressing, in any way, the issue of the legality of the use or threat of use of nuclear weapons by States.

Article 5

Each State Party shall adopt such measures as may be necessary:

(a) To establish as criminal offences under its national law the offences set forth in article 2;

(b) To make those offences punishable by appropriate penalties which take into account the grave nature of these offences.

Article 6

Each State Party shall adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of this Convention, in particular where they are intended or calculated to provoke a state of terror in the general public or in a group of persons or particular persons, are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature and are punished by penalties consistent with their grave nature.

Article 7

1. States Parties shall cooperate by:

(a) Taking all practicable measures, including, if necessary, adapting their national law, to prevent and counter preparations in their respective territories for the commission within or outside their territories of the offences set forth in article 2, including measures to prohibit in their territories illegal activities of persons, groups and organizations that encourage, instigate, organize, knowingly finance or knowingly provide technical assistance or information or engage in the perpetration of those offences;

(b) Exchanging accurate and verified information in accordance with their national law and in the manner and subject to the conditions specified herein, and coordinating administrative and other measures taken as appropriate to detect, prevent, suppress and investigate the offences set forth in article 2 and also in order to institute criminal proceedings against persons alleged to have committed those crimes. In particular, a State Party shall take appropriate measures in order to inform without delay the other States referred to in article 9 in respect of the commission of the offences set forth in article 2 as well as preparations to commit such offences about which it has learned, and also to inform, where appropriate, international organizations.

2. States Parties shall take appropriate measures consistent with their national law to protect the confidentiality of any information which they receive in confidence by virtue of the provisions of this Convention from another State Party or through participation in an activity carried out for the implementation of this Convention. If States Parties provide information to international organizations in confidence, steps shall be taken to ensure that the confidentiality of such information is protected.

3. States Parties shall not be required by this Convention to provide any information which they are not permitted to communicate pursuant to national law or which would jeopardize the security of the State concerned or the physical protection of nuclear material.

4. States Parties shall inform the Secretary-General of the United Nations of their competent authorities and liaison points responsible for sending and receiving the information referred to in the present article. The Secretary-General of the United Nations shall communicate such information regarding competent authorities and liaison points to all States Parties and the International Atomic Energy Agency. Such authorities and liaison points must be accessible on a continuous basis.

Article 8

For purposes of preventing offences under this Convention, States Parties shall make every effort to adopt appropriate measures to ensure the protection of radioactive material, taking into account relevant recommendations and functions of the International Atomic Energy Agency.

Article 9

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 2 when:

- (a) The offence is committed in the territory of that State; or
- (b) The offence is committed on board a vessel flying the flag of that State or an aircraft which is registered under the laws of that State at the time the offence is committed; or
- (c) The offence is committed by a national of that State.

2. A State Party may also establish its jurisdiction over any such offence when:

- (a) The offence is committed against a national of that State; or
- or
- (b) The offence is committed against a State or government facility of that State abroad, including an embassy or other diplomatic or consular premises of that State; or
- (c) The offence is committed by a stateless person who has his or her habitual residence in the territory of that State; or
- (d) The offence is committed in an attempt to compel that State to do or abstain from doing any act; or
- (e) The offence is committed on board an aircraft which is operated by the Government of that State.

3. Upon ratifying, accepting, approving or acceding to this Convention, each State Party shall notify the Secretary-General of the United Nations of the jurisdiction it has established under its national law in accordance with paragraph 2 of the present article. Should any change take place, the State Party concerned shall immediately notify the Secretary-General.

4. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 2 in cases where the alleged offender is present in its territory and it does not extradite that person to any of the States Parties which have established their jurisdiction in accordance with paragraph 1 or 2 of the present article.

5. This Convention does not exclude the exercise of any criminal jurisdiction established by a State Party in accordance with its national law.

Article 10

1. Upon receiving information that an offence set forth in article 2 has been committed or is being committed in the territory of a State Party or that a person who has committed or who is alleged to have committed such an offence may be present in its territory, the State Party concerned shall take such measures as may be necessary under its national law to investigate the facts contained in the information.

2. Upon being satisfied that the circumstances so warrant, the State Party in whose territory the offender or alleged offender is present shall take the appropriate measures under its national law so as to ensure that person's presence for the purpose of prosecution or extradition.

3. Any person regarding whom the measures referred to in paragraph 2 of the present article are being taken shall be entitled:

- (a) To communicate without delay with the nearest appropriate representative of the State of which that person is a national or which is otherwise entitled to protect that person's rights or, if that person is a stateless person, the State in the territory of which that person habitually resides;
- (b) To be visited by a representative of that State;
- (c) To be informed of that person's rights under subparagraphs (a) and (b).

4. The rights referred to in paragraph 3 of the present article shall be exercised in conformity with the laws and regulations of the State in the territory of which the offender or alleged offender is present, subject to the provision that the said laws and regulations must enable full effect to be given to the purposes for which the rights accorded under paragraph 3 are intended.

5. The provisions of paragraphs 3 and 4 of the present article shall be without prejudice to the right of any State Party having a claim to jurisdiction in accordance with article 9, paragraph 1 (c) or 2 (c), to invite the International Committee of the Red Cross to communicate with and visit the alleged offender.

6. When a State Party, pursuant to the present article, has taken a person into custody, it shall immediately notify, directly or through the Secretary-General of the United Nations, the States Parties which have established jurisdiction in accordance with article 9, paragraphs 1 and 2, and, if it considers it advisable, any other interested States Parties, of the fact that that person is in custody and of the circumstances which warrant that person's detention. The State which makes the investigation contemplated in paragraph 1 of the present article shall promptly inform the said States Parties of its findings and shall indicate whether it intends to exercise jurisdiction.

Article 11

1. The State Party in the territory of which the alleged offender is present shall, in cases to which article 9 applies, if it does not extradite that person, be obliged, without exception whatsoever and whether or not the offence was committed in its territory, to submit the case without undue delay to its competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of that State. Those authorities shall take their decision in the same manner as in the case of any other offence of a grave nature under the law of that State.

2. Whenever a State Party is permitted under its national law to extradite or otherwise surrender one of its nationals only upon the condition that the person will be returned to that State to serve the sentence imposed as a result of the trial or proceeding for which the extradition or surrender of the person was sought, and this State and the State seeking the extradition of the person agree with this option and other terms they may deem appropriate, such a conditional extradition or surrender shall be sufficient to discharge the obligation set forth in paragraph 1 of the present article.

Article 12

Any person who is taken into custody or regarding whom any other measures are taken or proceedings are carried out pursuant to this Convention shall be guaranteed fair treatment, including enjoyment of all rights and guarantees in conformity with the law of the State in the territory of which that person is present and applicable provisions of international law, including international law of human rights.

Article 13

1. The offences set forth in article 2 shall be deemed to be included as extraditable offences in any extradition treaty existing between any of the States Parties before the entry into force of this Convention. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be subsequently concluded between them.

2. When a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, the requested State Party may, at its option, consider this Convention as a legal basis for extradition in respect of the offences set forth in article 2. Extradition shall be subject to the other conditions provided by the law of the requested State.

3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize the offences set forth in article 2 as extraditable offences between themselves, subject to the conditions provided by the law of the requested State.

4. If necessary, the offences set forth in article 2 shall be treated, for the purposes of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territory of the States that have established jurisdiction in accordance with article 9, paragraphs 1 and 2.

5. The provisions of all extradition treaties and arrangements between States Parties with regard to offences set forth in article 2 shall be deemed to be modified as between States Parties to the extent that they are incompatible with this Convention.

Article 14

1. States Parties shall afford one another the greatest measure of assistance in connection with investigations or criminal or extradition proceedings brought in respect of the offences set forth in article 2, including assistance in obtaining evidence at their disposal necessary for the proceedings.

2. States Parties shall carry out their obligations under paragraph 1 of the present article in conformity with any treaties or other arrangements on mutual legal assistance that may exist between them. In the absence of such treaties or arrangements, States Parties shall afford one another assistance in accordance with their national law.

Article 15

None of the offences set forth in article 2 shall be regarded, for the purposes of extradition or mutual legal assistance, as a political offence or as an offence connected with a political offence or as an offence inspired by political motives. Accordingly, a request for extradition or for mutual legal assistance based on such an offence may not be refused on the sole ground that it concerns a political offence or an offence connected with a political offence or an offence inspired by political motives.

Article 16

Nothing in this Convention shall be interpreted as imposing an obligation to extradite or to afford mutual legal assistance if the requested State Party has substantial grounds for believing that the request for extradition for offences set forth in article 2 or for mutual legal assistance with respect to such offences has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin or political opinion or that compliance with the request would cause prejudice to that person's position for any of these reasons.

Article 17

1. A person who is being detained or is serving a sentence in the territory of one State Party whose presence in another State Party is requested for purposes of testimony, identification or otherwise providing assistance in obtaining evidence for the investigation or prosecution of offences under this Convention may be transferred if the following conditions are met:

- (a) The person freely gives his or her informed consent; and
- (b) The competent authorities of both States agree, subject to such conditions as those States may deem appropriate.

2. For the purposes of the present article:

(a) The State to which the person is transferred shall have the authority and obligation to keep the person transferred in custody, unless otherwise requested or authorized by the State from which the person was transferred;

(b) The State to which the person is transferred shall without delay implement its obligation to return the person to the custody of the State from which the person was transferred as agreed beforehand, or as otherwise agreed, by the competent authorities of both States;

(c) The State to which the person is transferred shall not require the State from which the person was transferred to initiate extradition proceedings for the return of the person;

(d) The person transferred shall receive credit for service of the sentence being served in the State from which he or she was transferred for time spent in the custody of the State to which he or she was transferred.

3. Unless the State Party from which a person is to be transferred in accordance with the present article so agrees, that person, whatever his or her nationality, shall not be prosecuted or detained or subjected to any other restriction of his or her personal liberty in the territory of the State to which that person is transferred in respect of acts or convictions anterior to his or her departure from the territory of the State from which such person was transferred.

Article 18

1. Upon seizing or otherwise taking control of radioactive material, devices or nuclear facilities, following the commission of an offence set forth in article 2, the State Party in possession of such items shall:

(a) Take steps to render harmless the radioactive material, device or nuclear facility;

(b) Ensure that any nuclear material is held in accordance with applicable International Atomic Energy Agency safeguards; and

(c) Have regard to physical protection recommendations and health and safety standards published by the International Atomic Energy Agency.

2. Upon the completion of any proceedings connected with an offence set forth in article 2, or sooner if required by international law, any radioactive material, device or nuclear facility shall be returned, after consultations (in particular, regarding modalities of return and storage) with the States Parties concerned to the State Party to which it belongs, to the State Party of which the natural or legal person owning such radioactive material, device or facility is a national or resident, or to the State Party from whose territory it was stolen or otherwise unlawfully obtained.

3. (a) Where a State Party is prohibited by national or international law from returning or accepting such radioactive material, device or nuclear facility or where the States Parties concerned so agree, subject to paragraph 3(b) of the present article, the State Party in possession of the radioactive material, devices or nuclear facilities shall continue to take the steps described in paragraph 1 of the present article; such radioactive material, devices or nuclear facilities shall be used only for peaceful purposes;

(b) Where it is not lawful for the State Party in possession of the radioactive material, devices or nuclear facilities to possess them, that State shall ensure that they are placed as soon as possible in the possession of a State for which such possession is lawful and which, where appropriate, has provided assurances consistent with the requirements of paragraph 1 of the present article in consultation with that State, for the purpose of rendering it harmless; such radioactive material, devices or nuclear facilities shall be used only for peaceful purposes.

4. If the radioactive material, devices or nuclear facilities referred to in paragraphs 1 and 2 of the present article do not belong to any of the States Parties or to a national or resident of a State Party or was not stolen or otherwise unlawfully obtained from the territory of a State Party, or if no State is willing to receive such items pursuant to paragraph 3 of the present article, a separate decision concerning its disposition shall, subject to paragraph 3 (b) of the present article, be taken after consultations between the States concerned and any relevant international organizations.

5. For the purposes of paragraphs 1, 2, 3 and 4 of the present article, the State Party in possession of the radioactive material, device or nuclear facility may request the assistance and cooperation of other States Parties, in particular the States Parties concerned, and any relevant international organizations, in particular the International Atomic Energy Agency. States Parties and the relevant international organizations are encouraged to provide assistance pursuant to this paragraph to the maximum extent possible.

6. The States Parties involved in the disposition or retention of the radioactive material, device or nuclear facility pursuant to the

present article shall inform the Director General of the International Atomic Energy Agency of the manner in which such an item was disposed of or retained. The Director General of the International Atomic Energy Agency shall transmit the information to the other States Parties.

7. In the event of any dissemination in connection with an offence set forth in article 2, nothing in the present article shall affect in any way the rules of international law governing liability for nuclear damage, or other rules of international law.

Article 19

The State Party where the alleged offender is prosecuted shall, in accordance with its national law or applicable procedures, communicate the final outcome of the proceedings to the Secretary-General of the United Nations, who shall transmit the information to the other States Parties.

Article 20

States Parties shall conduct consultations with one another directly or through the Secretary-General of the United Nations, with the assistance of international organizations as necessary, to ensure effective implementation of this Convention.

Article 21

The States Parties shall carry out their obligations under this Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and that of non-intervention in the domestic affairs of other States.

Article 22

Nothing in this Convention entitles a State Party to undertake in the territory of another State Party the exercise of jurisdiction and performance of functions which are exclusively reserved for the authorities of that other State Party by its national law.

Article 23

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation within a reasonable time shall, at the request of one of them, be submitted to arbitration. If, within six months of the date of the request for arbitration, the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice, by application, in conformity with the Statute of the Court.

2. Each State may, at the time of signature, ratification, acceptance or approval of this Convention or accession thereto, declare that it does not consider itself bound by paragraph 1 of the present article. The other States Parties shall not be bound by paragraph 1 with respect to any State Party which has made such a reservation.

3. Any State which has made a reservation in accordance with paragraph 2 of the present article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 24

1. This Convention shall be open for signature by all States from 14 September 2005 until 31 December 2006 at United Nations Headquarters in New York.

2. This Convention is subject to ratification, acceptance or approval. The instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations.

3. This Convention shall be open to accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 25

1. This Convention shall enter into force on the thirtieth day following the date of the deposit of the twenty-second instrument of ratification, acceptance, approval or accession with the Secretary-General of the United Nations.

2. For each State ratifying, accepting, approving or acceding to the Convention after the deposit of the twenty-second instrument of

ratification, acceptance, approval or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification, acceptance, approval or accession.

Article 26

1. A State Party may propose an amendment to this Convention. The proposed amendment shall be submitted to the depositary, who circulates it immediately to all States Parties.

2. If the majority of the States Parties request the depositary to convene a conference to consider the proposed amendments, the depositary shall invite all States Parties to attend such a conference to begin no sooner than three months after the invitations are issued.

3. The conference shall make every effort to ensure amendments are adopted by consensus. Should this not be possible, amendments shall be adopted by a two-thirds majority of all States Parties. Any amendment adopted at the conference shall be promptly circulated by the depositary to all States Parties.

4. The amendment adopted pursuant to paragraph 3 of the present article shall enter into force for each State Party that deposits its instrument of ratification, acceptance, accession or approval of the amendment on the thirtieth day after the date on which two thirds of the States Parties have deposited their relevant instrument. Thereafter, the amendment shall enter into force for any State Party on the thirtieth day after the date on which that State deposits its relevant instrument.

Article 27

1. Any State Party may denounce this Convention by written notification to the Secretary-General of the United Nations.

2. Denunciation shall take effect one year following the date on which notification is received by the Secretary-General of the United Nations.

Article 28

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Convention, opened for signature at United Nations Headquarters in New York on 14 September 2005.

Nuclear Security – Measures to Protect Against Nuclear Terrorism; Amendment to the Convention on the Physical Protection of Nuclear Material, Report by the Director General

[Reproduced from GOV/INF/2005/10-GC(49)/INF/6,
6 September 2005]

Report by the Director General

Background

1. The question relating to a possible amendment to the Convention on the Physical Protection of Nuclear Material (the Convention) was first raised in 1999, when a number of States indicated, that in their view, the Convention “was incomplete” and “should be reviewed”.

2. In November 1999, the Director General, in the light of comments made during the Board of Governors, and taking into account recommendations by the Senior Expert Group for the Review of the IAEA’s Programme of Activities to the effect that “consideration should be given to the possible revision of the Convention on the Physical Protection of Nuclear Material to address the issues of prevention of unauthorized possession of nuclear material and access to nuclear facilities”, convened an Informal Open-ended Expert Meeting to Discuss Whether there is a Need to Revise the Convention (the Expert Meeting).

3. In May 2001, the Expert Meeting adopted its final report in which it concluded that there was “a clear need to strengthen the international physical protection regime” and that a spectrum of

measures should be employed – including the drafting of a well defined amendment to strengthen the Convention.

4. On 9 September 2001, the Director General – in response to the recommendations by the Expert Meeting – convened an “Open-ended Group of Legal and Technical Experts to prepare a draft amendment to the Convention on the Physical Protection of Nuclear Material” (“the Group”).

5. The Group met six times in Vienna at the Agency’s Headquarters during the period from December 2001 to March 2003, under the chairmanship of Mr. Denis Flory of France. On 14 March 2003, the Group adopted by consensus its final report and agreed to submit it to the Director General. The report included possible amendments to the Convention but also contained a number of provisions on which the Group was not able to reach consensus. On 16 June 2003, the Director General circulated the Group’s report to all States Parties to the Convention for their consideration.

6. On 5 July 2004, at the request of Austria and 24 co-sponsoring States, the Director General circulated to all States Parties proposed amendments to the Convention. At the same time, in accordance with Article 20 of the Convention, he requested confirmation from States Parties as to whether he should, as depositary, call for a Conference to consider these amendments.

7. By 19 January 2005, the Director General had received requests to convene such a Conference from the majority of the States Parties.

8. Accordingly, on 3 February 2005, the Director General, pursuant to Article 20 of the Convention, invited all States Parties to participate in a Conference to consider proposed amendments to the Convention.

The Amendment Conference

9. The Conference met in Vienna at the Headquarters of the Agency from 4 to 8 July 2005. Mr. D. B. Waller, Acting Director General of the Agency, opened the Conference. The Conference elected Mr. A. J. Baer (Switzerland) as President, and Mr. R. J. K. Stratford (United States of America), Ms. P. Espinosa-Cantellano (Mexico), Mr. P. Nieuwenhuys (Belgium), Mr. A. A. Matveev (Russian Federation), Ms. T. Feroukhi (Algeria), Mr. S. K. Sharma (India), Mr. T. A. Samodra Sriwidjaja (Indonesia) and Mr. Wu Hailong (China) as Vice-Presidents. It also elected Mr. S. McIntosh (Australia) as Chairman of the Committee of the Whole, Mr. E. Gil (Spain) as Vice-Chairman of the Committee of the Whole and Mr. K. Amégan (Canada) as Chairman of the Drafting Committee. Mr. N. Singh (India) was elected as Vice-Chairman by the Drafting Committee.

10. Eighty-eight States Parties and the European Atomic Energy Community (Euratom) participated in the Conference. Eighteen States not party and three intergovernmental organizations, namely the IAEA, the United Nations, and the League of Arab States participated as observers.

11. On the basis of its deliberations, the Conference adopted by consensus, on 8 July 2005, the Amendment to the Convention. Representatives of 81 States Parties signed the Final Act of the Conference. The Final Act including the Amendment to the Convention and the Report by the Committee of the Whole is attached to the present document for the information of Member States. The summary records of the Amendment Conference will be available on the GovAtom website in all the official languages as they become available.

12. On 25 July 2005, the Director General of the Agency, as depositary, circulated a certified copy of the Amendment to the Convention to all States Parties and Euratom. The Amendment requires no signature but is subject only to ratification, acceptance, or approval. It will enter into force in accordance with paragraph 2 of Article 20 of the Convention, which reads:

“2. The amendment shall enter into force for each State Party that deposits its instrument of ratification, acceptance or approval of the amendment on the thirtieth day after the date on which two thirds of the States Parties have deposited their instruments of ratification, acceptance or approval with the depositary. Thereafter, the amendment shall enter into force for any other State Party on the day on which that State Party

deposits its instrument of ratification, acceptance or approval of the amendment.”

13. At the same time, Governments were invited to deposit with the Director General of the Agency, at their earliest convenience, their instruments of ratification, acceptance or approval of the Amendment to the Convention.

FINAL ACT

1. At the request of Austria and 24 co-sponsoring States, the Director General of the International Atomic Energy Agency (IAEA) circulated to all States Parties on 5 July 2004 proposed amendments to the Convention on the Physical Protection of Nuclear Material (“the Convention”). At the same time, the Director General requested confirmation as to whether he should, as depositary, call for a diplomatic conference to consider the proposed amendments. By 19 January 2005 the Director General had received requests to convene a conference to consider the proposed amendments from 55 States Parties, which represented the majority of States Parties to the Convention. Accordingly, pursuant to paragraph 1 of Article 20 of the Convention, on 3 February 2005 the Director General invited all States Parties to attend such a conference.

2. The Conference met in Vienna at the Headquarters of the IAEA from 4 to 8 July 2005.

3. Representatives of the following 88 States Parties and of one organization party to the Convention participated in the Conference: Albania, Algeria, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, Chile, China, Colombia, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Israel, Italy, Japan, Kenya, Korea Republic of, Kuwait, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Mali, Malta, Mexico, Monaco, Mongolia, Morocco, Mozambique, Namibia, Netherlands, New Zealand, Nicaragua, Norway, Oman, Pakistan, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Senegal, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sudan, Sweden, Switzerland, The Former Yugoslav Republic of Macedonia, Tunisia, Turkey, Turkmenistan, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay and the European Atomic Energy Community (EURATOM).

4. Representatives of the following States and intergovernmental organizations participated in the Conference as observers: Cambodia, Egypt, Ethiopia, Haiti, Iran, Iraq, Jordan, Kazakhstan, Malaysia, Myanmar, Nigeria, Saudi Arabia, South Africa, Syrian Arab Republic, Venezuela, Yemen, Zambia, Zimbabwe, the United Nations, the IAEA and the League of Arab States.

5. The Conference was formally opened by Mr. David Waller, Acting Director General of the IAEA, who served as the Secretary-General of the Conference. Mr. Waller also addressed the Conference.

6. The Conference elected Mr. A. J. Baer (Switzerland) as President, and Mr. R. J. K. Stratford (United States of America), Ms. P. Espinosa-Cantellano (Mexico), Mr. P. Nieuwenhuys (Belgium), Mr. A. A. Matveev (Russian Federation), Ms. T. Feroukhi (Algeria), Mr. S. K. Sharma (India), Mr. T. A. Samodra Sriwidjaja (Indonesia) and Mr. Wu Hailong (China) as Vice-Presidents.

7. The Conference established a Committee of the Whole consisting of all States Parties, and one organization party to the Convention, that participated in the Conference. The Conference elected Mr. S. McIntosh (Australia) as Chairman of the Committee of the Whole, and Mr. E. Gil (Spain) as Vice-Chairman.

8. The Conference established a Drafting Committee composed of representatives of the following States Parties: Algeria, Argentina, Australia, Belarus, Brazil, Canada, China, France, India, Israel, Japan, Mexico, Netherlands, Russian Federation, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America. The Conference elected Mr. K. Amégan (Canada) as Chairman of the Drafting Committee. Mr. N.

Singh (India) was elected as Vice-Chairman by the Drafting Committee.

9. The Conference had before it as the basis for its discussions the following documents: the Basic Proposal (Document CPPNM/AC/L.1/1) and the proposal contained in Document CPPNM/AC/L.1/2. At its first meeting, the Conference decided to incorporate the latter proposal into the Basic Proposal to form a revised Basic Proposal (CPPNM/AC/L.1/1/Rev.1).

10. On the basis of its deliberations, the Conference adopted on 8 July 2005 the Amendment to the Convention, which is attached to this Final Act. The Amendment was adopted at the Conference by consensus and will be circulated by the depositary to all States Parties and EURATOM. The Amendment is subject to ratification, acceptance, or approval, and will enter into force, in accordance with paragraph 2 of Article 20 of the Convention.

11. The Conference decided to attach the Report of the Committee of the Whole without its attachments to this Final Act.

12. The Conference adopted this Final Act. The original of this Final Act, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, is deposited with the Director General of the IAEA.

IN WITNESS WHEREOF the undersigned have affixed their signatures to this Final Act.

DONE at Vienna this 8 July 2005.

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 to be derived from the peaceful application of nuclear energy,

CONVINCED of the need to facilitate international co-operation and the transfer of nuclear technology for the peaceful application of nuclear energy,

BEARING IN MIND that physical protection is of vital importance for the protection of public health, safety, the environment and national and international security,

HAVING IN MIND the purposes and principles of the Charter of the United Nations concerning the maintenance of international peace and security and the promotion of good neighbourliness and friendly relations and co-operation among States,

CONSIDERING that under the terms of paragraph 4 of Article 2 of the Charter of the United Nations, “All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations,”

RECALLING the Declaration on Measures to Eliminate International Terrorism, annexed to General Assembly resolution 49/60 of 9 December 1994,

DESIRING to avert the potential dangers posed by illicit trafficking, the unlawful taking and use of nuclear material and the sabotage of nuclear material and nuclear facilities, and noting that physical protection against such acts has become a matter of increased national and international concern,

DEEPLY CONCERNED by the worldwide escalation of acts of terrorism in all its forms and manifestations, and by the threats posed by international terrorism and organized crime,

BELIEVING that physical protection plays an important role in supporting nuclear non-proliferation and counter-terrorism objectives,

DESIRING through this Convention to contribute to strengthening worldwide the physical protection of nuclear material and nuclear facilities used for peaceful purposes,

CONVINCED that offences relating to nuclear material and nuclear facilities are a matter of grave concern and that there is an urgent need to adopt appropriate and effective measures, or to strengthen existing measures, to ensure the prevention, detection and punishment of such offences,

DESIRING to strengthen further international co-operation to establish, in conformity with the national law of each State Party and with this Convention, effective measures for the physical protection of nuclear material and nuclear facilities,

CONVINCED that this Convention should complement the safe use, storage and transport of nuclear material and the safe operation of nuclear facilities,

RECOGNIZING that there are internationally formulated physical protection recommendations that are updated from time to time which can provide guidance on contemporary means of achieving effective levels of physical protection,

RECOGNIZING also that effective physical protection of nuclear material and nuclear facilities used for military purposes is a responsibility of the State possessing such nuclear material and nuclear facilities, and understanding that such material and facilities are and will continue to be accorded stringent physical protection,

HAVE AGREED as follows:

3. In Article 1 of the Convention, after paragraph (c), two new paragraphs are added as follows:

(d) “nuclear facility” means a facility (including associated buildings and equipment) in which nuclear material is produced, processed, used, handled, stored or disposed of, if damage to or interference with such facility could lead to the release of significant amounts of radiation or radioactive material;

(e) “sabotage” means any deliberate act directed against a nuclear facility or nuclear material in use, storage or transport which could directly or indirectly endanger the health and safety of personnel, the public or the environment by exposure to radiation or release of radioactive substances.

4. After Article 1 of the Convention, a new Article 1A is added as follows:

Article 1A

The purposes of this Convention are to achieve and maintain worldwide effective physical protection of nuclear material used for peaceful purposes and of nuclear facilities used for peaceful purposes; to prevent and combat offences relating to such material and facilities worldwide; as well as to facilitate co-operation among States Parties to those ends.

5. Article 2 of the Convention is replaced by the following text:

1. This Convention shall apply to nuclear material used for peaceful purposes in use, storage and transport and to nuclear facilities used for peaceful purposes, provided, however, that articles 3 and 4 and paragraph 4 of article 5 of this Convention shall only apply to such nuclear material while in international nuclear transport.

2. The responsibility for the establishment, implementation and maintenance of a physical protection regime within a State Party rests entirely with that State.

3. Apart from the commitments expressly undertaken by States Parties under this Convention, nothing in this Convention shall be interpreted as affecting the sovereign rights of a State.

4. (a) Nothing in this Convention shall affect other rights, obligations and responsibilities of States Parties under international law, in particular the purposes and principles of

the Charter of the United Nations and international humanitarian law.

(b) The activities of armed forces during an armed conflict, as those terms are understood under international humanitarian law, which are governed by that law, are not governed by this Convention, and the activities undertaken by the military forces of a State in the exercise of their official duties, inasmuch as they are governed by other rules of international law, are not governed by this Convention.

(c) Nothing in this Convention shall be construed as a lawful authorization to use or threaten to use force against nuclear material or nuclear facilities used for peaceful purposes.

(d) Nothing in this Convention condones or makes lawful otherwise unlawful acts, nor precludes prosecution under other laws.

5. This Convention shall not apply to nuclear material used or retained for military purposes or to a nuclear facility containing such material.

6. After Article 2 of the Convention, a new Article 2A is added as follows:

Article 2A

1. Each State Party shall establish, implement and maintain an appropriate physical protection regime applicable to nuclear material and nuclear facilities under its jurisdiction, with the aim of:

(a) protecting against theft and other unlawful taking of nuclear material in use, storage and transport;

(b) ensuring the implementation of rapid and comprehensive measures to locate and, where appropriate, recover missing or stolen nuclear material; when the material is located outside its territory, that State Party shall act in accordance with article 5;

(c) protecting nuclear material and nuclear facilities against sabotage; and

(d) mitigating or minimizing the radiological consequences of sabotage.

2. In implementing paragraph 1, each State Party shall:

(a) establish and maintain a legislative and regulatory framework to govern physical protection;

(b) establish or designate a competent authority or authorities responsible for the implementation of the legislative and regulatory framework; and

(c) take other appropriate measures necessary for the physical protection of nuclear material and nuclear facilities.

3. In implementing the obligations under paragraphs 1 and 2, each State Party shall, without prejudice to any other provisions of this Convention, apply insofar as is reasonable and practicable the following Fundamental Principles of Physical Protection of Nuclear Material and Nuclear Facilities.

FUNDAMENTAL PRINCIPLE A: *Responsibility of the State*

The responsibility for the establishment, implementation and maintenance of a physical protection regime within a State rests entirely with that State.

FUNDAMENTAL PRINCIPLE B: *Responsibilities During International Transport*

The responsibility of a State for ensuring that nuclear material is adequately protected extends to the international transport thereof, until that responsibility is properly transferred to another State, as appropriate.

FUNDAMENTAL PRINCIPLE C: *Legislative and Regulatory Framework*

The State is responsible for establishing and maintaining a legislative and regulatory framework to govern physical protection. This framework should provide for the establishment of applicable physical protection requirements and include a system of

evaluation and licensing or other procedures to grant authorization. This framework should include a system of inspection of nuclear facilities and transport to verify compliance with applicable requirements and conditions of the license or other authorizing document, and to establish a means to enforce applicable requirements and conditions, including effective sanctions.

FUNDAMENTAL PRINCIPLE D: *Competent Authority*

The State should establish or designate a competent authority which is responsible for the implementation of the legislative and regulatory framework, and is provided with adequate authority, competence and financial and human resources to fulfill its assigned responsibilities. The State should take steps to ensure an effective independence between the functions of the State's competent authority and those of any other body in charge of the promotion or utilization of nuclear energy.

FUNDAMENTAL PRINCIPLE E: *Responsibility of the License Holders*

The responsibilities for implementing the various elements of physical protection within a State should be clearly identified. The State should ensure that the prime responsibility for the implementation of physical protection of nuclear material or of nuclear facilities rests with the holders of the relevant licenses or of other authorizing documents (e.g., operators or shippers).

FUNDAMENTAL PRINCIPLE F: *Security Culture*

All organizations involved in implementing physical protection should give due priority to the security culture, to its development and maintenance necessary to ensure its effective implementation in the entire organization.

FUNDAMENTAL PRINCIPLE G: *Threat*

The State's physical protection should be based on the State's current evaluation of the threat.

FUNDAMENTAL PRINCIPLE H: *Graded Approach*

Physical protection requirements should be based on a graded approach, taking into account the current evaluation of the threat, the relative attractiveness, the nature of the material and potential consequences associated with the unauthorized removal of nuclear material and with the sabotage against nuclear material or nuclear facilities.

FUNDAMENTAL PRINCIPLE I: *Defence in Depth*

The State's requirements for physical protection should reflect a concept of several layers and methods of protection (structural or other technical, personnel and organizational) that have to be overcome or circumvented by an adversary in order to achieve his objectives.

FUNDAMENTAL PRINCIPLE J: *Quality Assurance*

A quality assurance policy and quality assurance programmes should be established and implemented with a view to providing confidence that specified requirements for all activities important to physical protection are satisfied.

FUNDAMENTAL PRINCIPLE K: *Contingency Plans*

Contingency (emergency) plans to respond to unauthorized removal of nuclear material or sabotage of nuclear facilities or nuclear material, or attempts thereof, should be prepared and appropriately exercised by all license holders and authorities concerned.

FUNDAMENTAL PRINCIPLE L: *Confidentiality*

The State should establish requirements for protecting the confidentiality of information, the unauthorized disclosure of which could compromise the physical protection of nuclear material and nuclear facilities.

4. (a) The provisions of this article shall not apply to any nuclear material which the State Party reasonably decides does not need to be subject to the physical protection regime established pursuant to paragraph 1, taking into account the nature of the material, its quantity and relative attractiveness and the potential radiological and other consequences associated with any unauthorized act directed against it and the current evaluation of the threat against it.

(b) Nuclear material which is not subject to the provisions of this article pursuant to subparagraph (a) should be protected in accordance with prudent management practice.

7. Article 5 of the Convention is replaced by the following text:

1. States Parties shall identify and make known to each other directly or through the International Atomic Energy Agency their point of contact in relation to matters within the scope of this Convention.

2. In the case of theft, robbery or any other unlawful taking of nuclear material or credible threat thereof, States Parties shall, in accordance with their national law, provide co-operation and assistance to the maximum feasible extent in the recovery and protection of such material to any State that so requests. In particular:

(a) a State Party shall take appropriate steps to inform as soon as possible other States, which appear to it to be concerned, of any theft, robbery or other unlawful taking of nuclear material or credible threat thereof, and to inform, where appropriate, the International Atomic Energy Agency and other relevant international organizations;

(b) in doing so, as appropriate, the States Parties concerned shall exchange information with each other, the International Atomic Energy Agency and other relevant international organizations with a view to protecting threatened nuclear material, verifying the integrity of the shipping container or recovering unlawfully taken nuclear material and shall:

- (i) co-ordinate their efforts through diplomatic and other agreed channels;
- (ii) render assistance, if requested;
- (iii) ensure the return of recovered nuclear material stolen or missing as a consequence of the above-mentioned events.

The means of implementation of this co-operation shall be determined by the States Parties concerned.

3. In the case of a credible threat of sabotage of nuclear material or a nuclear facility or in the case of sabotage thereof, States Parties shall, to the maximum feasible extent, in accordance with their national law and consistent with their relevant obligations under international law, cooperate as follows:

(a) if a State Party has knowledge of a credible threat of sabotage of nuclear material or a nuclear facility in another State, the former shall decide on appropriate steps to be taken in order to inform that State as soon as possible and, where appropriate, the International Atomic Energy Agency and other relevant international organizations of that threat, with a view to preventing the sabotage;

(b) in the case of sabotage of nuclear material or a nuclear facility in a State Party and if in its view other States are likely to be radiologically affected, the former, without prejudice to its other obligations under international law, shall take appropriate steps to inform as soon as possible the State or the States which are likely to be radiologically affected and to inform, where appropriate, the International Atomic Energy Agency and other relevant international organizations, with a view to minimizing or mitigating the radiological consequences thereof;

(c) if in the context of sub-paragraphs (a) and (b), a State Party requests assistance, each State Party to which a request for assistance is directed shall promptly decide and notify the requesting State Party, directly or through the International Atomic Energy Agency, whether it is in a position to render the assistance requested and the scope and terms of the assistance that may be rendered;

(d) co-ordination of the co-operation under sub-paragraphs (a) to (c) shall be through diplomatic or other agreed channels. The means of implementation of this cooperation shall be determined bilaterally or multilaterally by the States Parties concerned.

4. States Parties shall co-operate and consult, as appropriate, with each other directly or through the

International Atomic Energy Agency and other relevant international organizations, with a view to obtaining guidance on the design, maintenance and improvement of systems of physical protection of nuclear material in international transport.

5. A State Party may consult and co-operate, as appropriate, with other States Parties directly or through the International Atomic Energy Agency and other relevant international organizations, with a view to obtaining their guidance on the design, maintenance and improvement of its national system of physical protection of nuclear material in domestic use, storage and transport and of nuclear facilities.

8. Article 6 of the Convention is replaced by the following text:

1. States Parties shall take appropriate measures consistent with their national law to protect the confidentiality of any information which they receive in confidence by virtue of the provisions of this Convention from another State Party or through participation in an activity carried out for the implementation of this Convention. If States Parties provide information to international organizations or to States that are not parties to this Convention in confidence, steps shall be taken to ensure that the confidentiality of such information is protected. A State Party that has received information in confidence from another State Party may provide this information to third parties only with the consent of that other State Party.

2. States Parties shall not be required by this Convention to provide any information which they are not permitted to communicate pursuant to national law or which would jeopardize the security of the State concerned or the physical protection of nuclear material or nuclear facilities.

9. Paragraph 1 of Article 7 of the Convention is replaced by the following text:

1. The intentional commission of:

(a) an act without lawful authority which constitutes the receipt, possession, use, transfer, alteration, disposal or dispersal of nuclear material and which causes or is likely to cause death or serious injury to any person or substantial damage to property or to the environment;

(b) a theft or robbery of nuclear material;

(c) an embezzlement or fraudulent obtaining of nuclear material;

(d) an act which constitutes the carrying, sending, or moving of nuclear material into or out of a State without lawful authority;

(e) an act directed against a nuclear facility, or an act interfering with the operation of a nuclear facility, where the offender intentionally causes, or where he knows that the act is likely to cause, death or serious injury to any person or substantial damage to property or to the environment by exposure to radiation or release of radioactive substances, unless the act is undertaken in conformity with the national law of the State Party in the territory of which the nuclear facility is situated;

(f) an act constituting a demand for nuclear material by threat or use of force or by any other form of intimidation;

(g) a threat:

(i) to use nuclear material to cause death or serious injury to any person or substantial damage to property or to the environment or to commit the offence described in sub-paragraph (e), or

(ii) to commit an offence described in sub-paragraphs (b) and (e) in order to compel a natural or legal person, international organization or State to do or to refrain from doing any act;

(h) an attempt to commit any offence described in sub-paragraphs (a) to (e);

(i) an act which constitutes participation in any offence described in sub-paragraphs (a) to (h);

- (j) an act of any person who organizes or directs others to commit an offence described in sub-paragraphs (a) to (h); and
- (k) an act which contributes to the commission of any offence described in sub-paragraphs (a) to (h) by a group of persons acting with a common purpose; such act shall be intentional and shall either:
 - (i) be made with the aim of furthering the criminal activity or criminal purpose of the group, where such activity or purpose involves the commission of an offence described in sub-paragraphs (a) to (g), or
 - (ii) be made in the knowledge of the intention of the group to commit an offence described in sub-paragraphs (a) to (g)

shall be made a punishable offence by each State Party under its national law.

10. After Article 11 of the Convention, two new articles, Article 11A and Article 11B, are added as follows:

Article 11A

None of the offences set forth in article 7 shall be regarded for the purposes of extradition or mutual legal assistance, as a political offence or as an offence connected with a political offence or as an offence inspired by political motives. Accordingly, a request for extradition or for mutual legal assistance based on such an offence may not be refused on the sole ground that it concerns a political offence or an offence connected with a political offence or an offence inspired by political motives.

Article 11B

Nothing in this Convention shall be interpreted as imposing an obligation to extradite or to afford mutual legal assistance, if the requested State Party has substantial grounds for believing that the request for extradition for offences set forth in article 7 or for mutual legal assistance with respect to such offences has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin or political opinion or that compliance with the request would cause prejudice to that person's position for any of these reasons.

11. After Article 13 of the Convention, a new Article 13A is added as follows:

Article 13A

Nothing in this Convention shall affect the transfer of nuclear technology for peaceful purposes that is undertaken to strengthen the physical protection of nuclear material and nuclear facilities.

12. Paragraph 3 of Article 14 of the Convention is replaced by the following text:

3. Where an offence involves nuclear material in domestic use, storage or transport, and both the alleged offender and the nuclear material remain in the territory of the State Party in which the offence was committed, or where an offence involves a nuclear facility and the alleged offender remains in the territory of the State Party in which the offence was committed, nothing in this Convention shall be interpreted as requiring that State Party to provide information concerning criminal proceedings arising out of such an offence.

13. Article 16 of the Convention is replaced by the following text:

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.

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.

14. Footnote ^b of Annex II of the Convention is replaced by the following text:

^b Material not irradiated in a reactor or material irradiated in a reactor but with a radiation level equal to or less than 1 gray/hour (100 rads/hour) at one metre unshielded.

15. Footnote ^e of Annex II of the Convention is replaced by the following text:

^e Other fuel which by virtue of its original fissile material content is classified as Category and II before irradiation may be reduced one category level while the radiation level from the fuel exceeds 1 gray/hour (100 rads/hour) at one metre unshielded.

Report by the Committee of the Whole

1. The Committee of the Whole was established pursuant to Rule 16 of the Rules of Procedure of the Conference.

2. The Committee held six sessions between 4 and 8 July under the Chairmanship of Mr. S. McIntosh of Australia; Mr. E. Gil of Spain served as Vice-Chairperson of the Committee.

3. The Committee examined the Basic Proposal contained in Document CPPNM/AC/L.1/1/Rev.1 referred to it by the Plenary under item 8 of the Agenda of the Conference.

4. During the discussion of paragraph 9 of the Basic Proposal, some States indicated that the following part of the proposed subparagraph 1(e) of Article 7 of the Convention "... unless the act is undertaken in conformity with the national law of the State Party in the territory of which the nuclear facility is situated" could be misinterpreted. In this context, States agreed that this phrase should be understood as covering acts of authorized persons (e.g. police, firemen, other authorities and operators) carried out in the fulfilment of their duties, so as to ensure that such acts would not constitute an offence, as described in the same article.

5. The Committee of the Whole discussed a proposal submitted by Paraguay to amend the Convention to apply to all radioactive material and associated facilities. The Committee of the Whole, while noting the value of an international legally binding instrument on the safety and security of such material and facilities, agreed that the Paraguayan proposal went well beyond the scope of the Convention, which is confined to nuclear material and nuclear facilities. Some States noted that the issue of security of radioactive material and associated facilities was being discussed by the IAEA Board of Governors and General Conference. The relevance of the Code of Conduct on the Safety and Security of Radioactive Sources, of the International Conference on the Safety and Security of Radioactive Sources, held last week in Bordeaux, France, of the Action Plan on Non Proliferation of Weapons of Mass Destruction, and of the Action Plan on Security of Radioactive Sources, both adopted by the G-8 at its Evian Summit in June 2003, were also mentioned.

6. During the discussion of paragraph 4 of Article 2 of the Basic Proposal, which deals *inter alia* with the military forces of a State in the exercise of their official duties, Argentina proposed the introduction into Article 1 (definitions) of a definition of the term "military forces of a State" that would be consistent with the definition of that term in other similar conventions, such as the International Convention for the Suppression of Terrorist Bombings. Paragraph 4 of Article 1 of that Convention defines the "military forces of a State" as "the armed forces of a State which are organized, trained and equipped under its internal law for the primary purpose of national defence or security, and persons acting in support of those armed forces who are under their formal command, control and responsibility." This proposal received broad support during the discussions on paragraph 4 of Article 2 in the Committee of the Whole. Some other States, however, indicated that the proposal was not consistent with their national law regulating the system of physical protection of nuclear material and the status of specialized forces performing tasks in this area. The said proposal, if accepted, could have led to substantial difficulties in the implementation of the Convention by those States, thus impeding their ratification of the amendment to the Convention. The Committee of the Whole concluded that consensus could not be reached on including a definition of "military forces of a State" in the amendment of the Convention, but the Committee decided to include in the record of the Committee of the Whole the proposal

by Argentina as set forth above, as well as this brief description of the discussion and the conclusion of the Committee.

7. During the discussion of the proposed subparagraph 4(b) of Article 2 Mexico proposed to replace the word “inasmuch” with the word “insofar”. In the broad exchange that took place, it was recognized that there is a substantive difference between both terms. Some delegations made it clear that the phrase “inasmuch” has at least two meanings in English, one of them is “to the extent that” and a second meaning is “because”. The delegation of Mexico accepted the wording of subparagraph 4(b) of Article 2 on the understanding that the text it considers acceptable is the text in Spanish.

8. The delegation of the Republic of Korea expressed a preference for paragraph (1) of Article 7 as contained in the Basic Proposal. In particular, their concern centred on including a reference to subparagraph (h) into subparagraph (j) as it could impact on the punishment of those involved in directing or organizing the acts described in this article.

9. The Committee referred the text of the Basic Proposal, with agreed amendments, to the Drafting Committee for its review pursuant to Rule 17.

10. The Committee examined the draft text of the Amendment to the Convention on Physical Protection of Nuclear Material as proposed by the Drafting Committee. Consensus was achieved on all provisions in the text, with the exception of the sixth preambular

paragraph. The delegation of Mexico expressed a reservation on preambular paragraph six which is duly reflected in the summary records of the Conference. That paragraph was accordingly, referred to the Plenary for decision. With this exception, the Committee recommends the attached text of the Amendment to the Plenary for adoption.

11. The Committee examined and approved the draft Final Act submitted by the Drafting Committee, and it recommends the attached text of the draft Final Act for adoption by the Plenary.

Status of the Convention on the Physical Protection of Nuclear Material

[Reproduced from IAEA table dated
20 February 2008, Registration No. 1533]

Notes: The Convention entered into force on 8 February 1987, i.e. on the thirtieth day following the deposit of the twenty-first instrument of ratification, acceptance or approval with the Director General pursuant to Article 19, paragraph 1.

Last change of status: 20 February 2008

Parties: 135 (subject to entry into force date)

Signatories: 45

Country/Organisation	Signature	Instrument	Date of deposit	Declaration etc. /Withdrawal		Entry into force
Afghanistan		accession	12 Sep 2003	<input type="checkbox"/>	<input type="checkbox"/>	12 Oct 2003
Albania		accession	05 Mar 2002	<input type="checkbox"/>	<input type="checkbox"/>	04 Apr 2002
Algeria		accession	30 Apr 2003	<input checked="" type="checkbox"/>	<input type="checkbox"/>	30 May 2003
Andorra		accession	27 Jun 2006	<input checked="" type="checkbox"/>	<input type="checkbox"/>	27 Jul 2006
Antigua and Barbuda		accession	04 Aug 1993	<input type="checkbox"/>	<input type="checkbox"/>	03 Sep 1993
Argentina	28 Feb 1986	ratification	06 Apr 1989	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06 May 1989
Armenia		accession	24 Aug 1993	<input type="checkbox"/>	<input type="checkbox"/>	23 Sep 1993
Australia	22 Feb 1984	ratification	22 Sep 1987	<input type="checkbox"/>	<input type="checkbox"/>	22 Oct 1987
^a Austria	03 Mar 1980	ratification	22 Dec 1988	<input checked="" type="checkbox"/>	<input type="checkbox"/>	21 Jan 1989
Azerbaijan		accession	19 Jan 2004	<input checked="" type="checkbox"/>	<input type="checkbox"/>	18 Feb 2004
Bangladesh		accession	11 May 2005	<input type="checkbox"/>	<input type="checkbox"/>	10 Jun 2005
Belarus		succession	09 Sep 1993	<input checked="" type="checkbox"/>	<input type="checkbox"/>	14 Jun 1993
[*] , ^a Belgium	13 Jun 1980	ratification	06 Sep 1991	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06 Oct 1991
Bolivia		accession	24 Jan 2002	<input type="checkbox"/>	<input type="checkbox"/>	23 Feb 2002
Bosnia and Herzegovina		succession	30 Jun 1998	<input type="checkbox"/>	<input type="checkbox"/>	01 Mar 1992
Botswana		accession	19 Sep 2000	<input type="checkbox"/>	<input type="checkbox"/>	19 Oct 2000
Brazil	15 May 1981	ratification	17 Oct 1985	<input type="checkbox"/>	<input type="checkbox"/>	08 Feb 1987
Bulgaria	23 Jun 1981	ratification	10 Apr 1984	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	08 Feb 1987
Burkina Faso		accession	13 Jan 2004	<input type="checkbox"/>	<input type="checkbox"/>	12 Feb 2004
Cambodia		accession	04 Aug 2006	<input type="checkbox"/>	<input type="checkbox"/>	03 Sep 2006
Cameroon		accession	29 Jun 2004	<input type="checkbox"/>	<input type="checkbox"/>	29 Jul 2004
Canada	23 Sep 1980	ratification	21 Mar 1986	<input type="checkbox"/>	<input type="checkbox"/>	08 Feb 1987
Cape Verde		accession	23 Feb 2007	<input type="checkbox"/>	<input type="checkbox"/>	25 Mar 2007
Central African Republic		Accession	20 Feb 2008	<input type="checkbox"/>	<input type="checkbox"/>	21 Mar 2008
Chile		accession	27 Apr 1994	<input type="checkbox"/>	<input type="checkbox"/>	27 May 1994
China		accession	10 Jan 1989	<input checked="" type="checkbox"/>	<input type="checkbox"/>	09 Feb 1989
Colombia		accession	28 Mar 2003	<input type="checkbox"/>	<input type="checkbox"/>	27 Apr 2003
Comoros		Accession	18 May 2007	<input type="checkbox"/>	<input type="checkbox"/>	17 Jun 2007
Costa Rica		accession	02 May 2003	<input type="checkbox"/>	<input type="checkbox"/>	01 Jun 2003
Croatia		succession	29 Sep 1992	<input type="checkbox"/>	<input type="checkbox"/>	08 Oct 1991
Cuba		accession	26 Sep 1997	<input checked="" type="checkbox"/>	<input type="checkbox"/>	26 Oct 1997
Cyprus		accession	23 Jul 1998	<input checked="" type="checkbox"/>	<input type="checkbox"/>	22 Aug 1998
Czech Republic		succession	24 Mar 1993	<input type="checkbox"/>	<input type="checkbox"/>	01 Jan 1993
Democratic Rep. of the Congo		accession	21 Sep 2004	<input type="checkbox"/>	<input type="checkbox"/>	21 Oct 2004
[*] Denmark	13 Jun 1980	ratification	06 Sep 1991	<input type="checkbox"/>	<input type="checkbox"/>	06 Oct 1991
Djibouti		accession	22 Jun 2004	<input type="checkbox"/>	<input type="checkbox"/>	22 Jul 2004
Dominica		accession	08 Nov 2004	<input type="checkbox"/>	<input type="checkbox"/>	08 Dec 2004
Dominican Republic	03 Mar 1980			<input type="checkbox"/>	<input type="checkbox"/>	
Ecuador	26 Jun 1986	ratification	17 Jan 1996	<input type="checkbox"/>	<input type="checkbox"/>	16 Feb 1996
El Salvador		accession	15 Dec 2006	<input checked="" type="checkbox"/>	<input type="checkbox"/>	14 Jan 2007
Equatorial Guinea		accession	24 Nov 2003	<input type="checkbox"/>	<input type="checkbox"/>	24 Dec 2003
Estonia		accession	09 May 1994	<input type="checkbox"/>	<input type="checkbox"/>	08 Jun 1994
^a Finland	25 Jun 1981	acceptance	22 Sep 1989	<input checked="" type="checkbox"/>	<input type="checkbox"/>	22 Oct 1989
[*] , ^a France	13 Jun 1980	approval	06 Sep 1991	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06 Oct 1991
Gabon		Accession	19 Feb 2008	<input type="checkbox"/>	<input type="checkbox"/>	20 mar 2008

Georgia		accession	07 Sep 2006	<input type="checkbox"/>	<input type="checkbox"/>	07 Oct 2006
* ^a Germany	13 Jun 1980	ratification	06 Sep 1991	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06 Oct 1991
Ghana		accession	16 Oct 2002	<input type="checkbox"/>	<input type="checkbox"/>	15 Nov 2002
* ^a Greece	03 Mar 1980	ratification	06 Sep 1991	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06 Oct 1991
Grenada		accession	09 Jan 2002	<input type="checkbox"/>	<input type="checkbox"/>	08 Feb 2002
Guatemala	12 Mar 1980	ratification	23 Apr 1985	<input checked="" type="checkbox"/>	<input type="checkbox"/>	08 Feb 1987
Guinea		accession	29 Nov 2005	<input type="checkbox"/>	<input type="checkbox"/>	29 Dec 2005
Guyana		Accession	13 Sep 2007	<input type="checkbox"/>	<input type="checkbox"/>	13 Oct 2007
Haiti	09 Apr 1980			<input type="checkbox"/>	<input type="checkbox"/>	
Honduras		accession	28 Jan 2004	<input type="checkbox"/>	<input type="checkbox"/>	27 Feb 2004
Hungary	17 Jun 1980	ratification	04 May 1984	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	08 Feb 1987
Iceland		accession	18 Jun 2002	<input type="checkbox"/>	<input type="checkbox"/>	18 Jul 2002
India		accession	12 Mar 2002	<input checked="" type="checkbox"/>	<input type="checkbox"/>	11 Apr 2002
Indonesia	03 Jul 1986	ratification	05 Nov 1986	<input checked="" type="checkbox"/>	<input type="checkbox"/>	08 Feb 1987
* ^a Ireland	13 Jun 1980	ratification	06 Sep 1991	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06 Oct 1991
Israel	17 Jun 1983	ratification	22 Jan 2002	<input checked="" type="checkbox"/>	<input type="checkbox"/>	21 Feb 2002
* ^a Italy	13 Jun 1980	ratification	06 Sep 1991	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06 Oct 1991
Jamaica		accession	16 Aug 2005	<input type="checkbox"/>	<input type="checkbox"/>	15 Sep 2005
Japan		accession	28 Oct 1988	<input type="checkbox"/>	<input type="checkbox"/>	27 Nov 1988
Kazakhstan		accession	02 Sep 2005	<input type="checkbox"/>	<input type="checkbox"/>	02 Oct 2005
Kenya		accession	11 Feb 2002	<input type="checkbox"/>	<input type="checkbox"/>	13 Mar 2002
Korea, Republic of	29 Dec 1981	ratification	07 Apr 1982	<input checked="" type="checkbox"/>	<input type="checkbox"/>	08 Feb 1987
Kuwait		accession	23 Apr 2004	<input checked="" type="checkbox"/>	<input type="checkbox"/>	23 May 2004
Latvia		accession	06 Nov 2002	<input type="checkbox"/>	<input type="checkbox"/>	06 Dec 2002
Lebanon		accession	16 Dec 1997	<input type="checkbox"/>	<input type="checkbox"/>	15 Jan 1998
Libyan Arab Jamahiriya		accession	18 Oct 2000	<input type="checkbox"/>	<input type="checkbox"/>	17 Nov 2000
Liechtenstein	13 Jan 1986	ratification	25 Nov 1986	<input type="checkbox"/>	<input type="checkbox"/>	08 Feb 1987
Lithuania		accession	07 Dec 1993	<input type="checkbox"/>	<input type="checkbox"/>	06 Jan 1994
* ^a Luxembourg	13 Jun 1980	ratification	06 Sep 1991	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06 Oct 1991
Madagascar		accession	28 Oct 2003	<input type="checkbox"/>	<input type="checkbox"/>	27 Nov 2003
Mali		accession	07 May 2002	<input type="checkbox"/>	<input type="checkbox"/>	06 Jun 2002
Malta		accession	16 Oct 2003	<input type="checkbox"/>	<input type="checkbox"/>	15 Nov 2003
Marshall Islands		accession	07 Feb 2003	<input type="checkbox"/>	<input type="checkbox"/>	09 Mar 2003
Mauritania		Accession	29 Jan 2008	<input type="checkbox"/>	<input type="checkbox"/>	28 Feb 2008
Mexico		accession	04 Apr 1988	<input type="checkbox"/>	<input type="checkbox"/>	04 May 1988
Monaco		accession	09 Aug 1996	<input type="checkbox"/>	<input type="checkbox"/>	08 Sep 1996
Mongolia	23 Jan 1986	ratification	28 May 1986	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	08 Feb 1987
Montenegro		succession	21 Mar 2007	<input type="checkbox"/>	<input type="checkbox"/>	03 Jun 2006
Morocco	25 Jul 1980	ratification	23 Aug 2002	<input type="checkbox"/>	<input type="checkbox"/>	22 Sep 2002
Mozambique		accession	03 Mar 2003	<input checked="" type="checkbox"/>	<input type="checkbox"/>	02 Apr 2003
Namibia		accession	02 Oct 2002	<input type="checkbox"/>	<input type="checkbox"/>	01 Nov 2002
Nauru		accession	12 Aug 2005	<input type="checkbox"/>	<input type="checkbox"/>	11 Sep 2005
* ^a Netherlands	13 Jun 1980	acceptance	06 Sep 1991	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06 Oct 1991
New Zealand		accession	19 Dec 2003	<input type="checkbox"/>	<input type="checkbox"/>	18 Jan 2004
Nicaragua		accession	10 Dec 2004	<input type="checkbox"/>	<input type="checkbox"/>	09 Jan 2005
Niger	07 Jan 1985	ratification	19 Aug 2004	<input type="checkbox"/>	<input type="checkbox"/>	18 Sep 2004
^a Norway	26 Jan 1983	ratification	15 Aug 1985	<input checked="" type="checkbox"/>	<input type="checkbox"/>	08 Feb 1987
Oman		accession	11 Jun 2003	<input checked="" type="checkbox"/>	<input type="checkbox"/>	11 Jul 2003
Pakistan		accession	12 Sep 2000	<input checked="" type="checkbox"/>	<input type="checkbox"/>	12 Oct 2000
Palau		Accession	24 Apr 2007	<input type="checkbox"/>	<input type="checkbox"/>	24 May 2007
Panama	18 Mar 1980	ratification	01 Apr 1999	<input type="checkbox"/>	<input type="checkbox"/>	01 May 1999
Paraguay	21 May 1980	ratification	06 Feb 1985	<input type="checkbox"/>	<input type="checkbox"/>	08 Feb 1987
Peru		accession	11 Jan 1995	<input checked="" type="checkbox"/>	<input type="checkbox"/>	10 Feb 1995
Philippines	19 May 1980	ratification	22 Sep 1981	<input type="checkbox"/>	<input type="checkbox"/>	08 Feb 1987
Poland	06 Aug 1980	ratification	05 Oct 1983	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	08 Feb 1987
* ^a Portugal	19 Sep 1984	ratification	06 Sep 1991	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06 Oct 1991
Qatar		accession	09 Mar 2004	<input checked="" type="checkbox"/>	<input type="checkbox"/>	08 Apr 2004
Republic of Moldova		accession	07 May 1998	<input type="checkbox"/>	<input type="checkbox"/>	06 Jun 1998
Romania	15 Jan 1981	ratification	23 Nov 1993	<input checked="" type="checkbox"/>	<input type="checkbox"/>	23 Dec 1993
Russian Federation	22 May 1980	ratification	25 May 1983	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	08 Feb 1987
Rwanda		accession	28 Jun 2002	<input type="checkbox"/>	<input type="checkbox"/>	28 Jul 2002
Senegal		accession	03 Nov 2003	<input type="checkbox"/>	<input type="checkbox"/>	03 Dec 2003
Serbia	15 Jul 1980	succession	05 Feb 2002	<input type="checkbox"/>	<input type="checkbox"/>	27 Apr 1992
Seychelles		accession	13 Aug 2003	<input type="checkbox"/>	<input type="checkbox"/>	12 Sep 2003
Slovakia		succession	10 Feb 1993	<input type="checkbox"/>	<input type="checkbox"/>	01 Jan 1993
Slovenia		succession	07 Jul 1992	<input type="checkbox"/>	<input type="checkbox"/>	25 Jun 1991
South Africa	18 May 1981	ratification	17 Sep 2007	<input checked="" type="checkbox"/>	<input type="checkbox"/>	17 Oct 2007
* ^a Spain	07 Apr 1986	ratification	06 Sep 1991	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06 Oct 1991
Sudan		accession	18 May 2000	<input type="checkbox"/>	<input type="checkbox"/>	17 Jun 2000
Swaziland		accession	17 Apr 2003	<input type="checkbox"/>	<input type="checkbox"/>	17 May 2003
^a Sweden	02 Jul 1980	ratification	01 Aug 1980	<input checked="" type="checkbox"/>	<input type="checkbox"/>	08 Feb 1987
^a Switzerland	09 Jan 1987	ratification	09 Jan 1987	<input checked="" type="checkbox"/>	<input type="checkbox"/>	08 Feb 1987
Tajikistan		accession	11 Jul 1996	<input type="checkbox"/>	<input type="checkbox"/>	10 Aug 1996
The Fmr.Yug.Rep. of Macedonia		succession	20 Sep 1996	<input type="checkbox"/>	<input type="checkbox"/>	17 Nov 1991
Togo		accession	07 Jun 2006	<input type="checkbox"/>	<input type="checkbox"/>	07 Jul 2006

Tonga		accession	24 Jan 2003	<input type="checkbox"/>	<input type="checkbox"/>	23 Feb 2003
Trinidad and Tobago		accession	25 Apr 2001	<input type="checkbox"/>	<input type="checkbox"/>	25 May 2001
Tunisia		accession	08 Apr 1993	<input type="checkbox"/>	<input type="checkbox"/>	08 May 1993
Turkey	23 Aug 1983	ratification	27 Feb 1985	<input checked="" type="checkbox"/>	<input type="checkbox"/>	08 Feb 1987
Turkmenistan		accession	07 Jan 2005	<input type="checkbox"/>	<input type="checkbox"/>	06 Feb 2005
Uganda		accession	10 Dec 2003	<input type="checkbox"/>	<input type="checkbox"/>	10 Jan 2004
Ukraine		accession	06 Jul 1993	<input type="checkbox"/>	<input type="checkbox"/>	05 Aug 1993
United Arab Emirates		accession	16 Oct 2003	<input type="checkbox"/>	<input type="checkbox"/>	15 Nov 2003
[*] , ^a United Kingdom	13 Jun 1980	ratification	06 Sep 1991	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06 Oct 1991
United Republic of Tanzania		accession	24 May 2006	<input type="checkbox"/>	<input type="checkbox"/>	23 Jun 2006
United States of America	03 Mar 1980	ratification	13 Dec 1982	<input type="checkbox"/>	<input type="checkbox"/>	08 Feb 1987
Uruguay		accession	24 Oct 2003	<input type="checkbox"/>	<input type="checkbox"/>	23 Nov 2003
Uzbekistan		accession	09 Feb 1998	<input type="checkbox"/>	<input type="checkbox"/>	11 Mar 1998
^a EURATOM	13 Jun 1980	confirmation	06 Sep 1991	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06 Oct 1991

* signed/ratified as a EURATOM Member State

^a Deposited an objection to the declaration of Pakistan

Statement on the Nuclear Terrorism Convention by the IAEA Director General Mohamed ElBaradei

[Excerpt reproduced from the Introductory Statement to the Board of Governors; Vienna, 11 June 2007]

(Eds.)[...]

The *International Convention for the Suppression of Acts of Nuclear Terrorism* will enter into force on 7 July 2007. The *Convention* recognizes important functions of the Agency, and is an important step forward in global efforts to protect against nuclear terrorism.

Taken together, the *International Convention on the Suppression of Acts of Nuclear Terrorism*, and the *Amendment to the Convention on the Physical Protection of Nuclear Material*, when in force, will serve to further strengthen international efforts to improve physical protection of nuclear facilities and nuclear and other radioactive material.

[...](eds.)

Status of Amendment to the Convention on the Physical Protection of Nuclear Material

[As of 3 April 2008]

Notes: Pursuant to Article 20, the amendment shall enter into force for each State Party that deposits its instrument of ratification, acceptance or approval of the amendment on the thirtieth day after the date on which two thirds of the States Party have deposited their instruments of ratification, acceptance or approval with the depositary.
International Atomic Energy Agency

Contracting States: 15
Last change of status: 20 March 2008

Country/Organization	Signature	Instrument	Date of deposit	Declaration etc. / Withdrawal		Entry into force
Algeria		ratification	25 Apr 2007	<input type="checkbox"/>	<input type="checkbox"/>	
Austria		ratification	18 Sep 2006	<input type="checkbox"/>	<input type="checkbox"/>	
Bulgaria		ratification	17 Mar 2006	<input type="checkbox"/>	<input type="checkbox"/>	
Croatia		approval	11 Sep 2006	<input type="checkbox"/>	<input type="checkbox"/>	
Gabon		acceptance	20 Mar 2008	<input type="checkbox"/>	<input type="checkbox"/>	
India		ratification	19 sep 2007	<input type="checkbox"/>	<input type="checkbox"/>	
Kenya		acceptance	01 Aug 2007	<input type="checkbox"/>	<input type="checkbox"/>	
Libyan Arab Jamahiriya		ratification	19 Jul 2006	<input type="checkbox"/>	<input type="checkbox"/>	
Mauritania		ratification	28 Feb 2008	<input type="checkbox"/>	<input type="checkbox"/>	
Nigeria		ratification	04 May 2007	<input type="checkbox"/>	<input type="checkbox"/>	
Poland		ratification	01 Jun 2007	<input type="checkbox"/>	<input type="checkbox"/>	
Romania		ratification	06 Feb 2007	<input type="checkbox"/>	<input type="checkbox"/>	
Seychelles		acceptance	09 Jan 2006	<input type="checkbox"/>	<input type="checkbox"/>	
Spain		acceptance	09 Nov 2007	<input type="checkbox"/>	<input type="checkbox"/>	
Turkmenistan		acceptance	22 Sep 2005	<input type="checkbox"/>	<input type="checkbox"/>	

