

# **Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons**

Distr.: General  
15 March 2013

Original: English

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## **Second session**

Geneva, 22 April-3 May 2013

### **Enhancing international partnerships to prevent nuclear terrorism: A new dimension of non-proliferation**

**Working paper submitted by Morocco, the Netherlands and Spain**

#### **I. Background: Action plan of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons**

1. The Treaty on the Non-Proliferation of Nuclear Weapons (NPT) entered into force 43 years ago, becoming the cornerstone of the international nuclear non-proliferation regime. NPT Review Conferences are aimed at updating and strengthening the implementation of the Treaty. At the 2010 Review Conference, States parties to the NPT adopted a final document, in which they agreed on an action plan with 64 actions in order to implement the obligations contained in the three pillars of the NPT: nuclear disarmament, nuclear non-proliferation and the peaceful uses of nuclear energy. In this action plan, mention is made of the prevention of nuclear terrorism as one of the goals of the international community in the years to come.

#### **II. Addressing asymmetric threats**

2. Nuclear asymmetric threats by non-State actors for terrorist purposes add a new dimension to the issue of the proliferation of weapons of mass destruction and pose a threat to international peace and security. We need to prevent new risks linked to possible terrorist access to nuclear weapons or materials that could be used in the manufacture of nuclear explosive devices or radiological dispersal devices and, in this context, we stress the need for compliance with obligations under Security Council resolutions 1540 (2004) and 1887 (2009). Implementing the 2010 NPT action plan requires a common effort by the international community; addressing asymmetric threats in particular requires actions in different areas.



## **A. Nuclear terrorism**

3. The fundamental institutional framework is established by, inter alia, the 2005 International Convention for the Suppression of Acts of Nuclear Terrorism and the 2006 report by the Director General of the International Atomic Energy Agency (IAEA) on Nuclear Security: Measures to Protect against Nuclear Terrorism (GOV/2006/46-GC(50)/13), which focus on the danger of the proliferation of nuclear material into the possession of so-called non-State actors. Action 45 of the action plan encourages all States parties to sign and ratify the Convention for the Suppression of Acts of Nuclear Terrorism. This Convention requires ensuring adequate respective national legal and regulatory frameworks sufficient to provide for the implementation of appropriate criminal and, if applicable, civil liability for terrorists and those who facilitate acts of nuclear terrorism.

## **B. Secure trade for peaceful uses**

4. Responsible trade of nuclear technology and materials is a condition for secure peaceful uses, and fundamental for the prevention of terrorists gaining access to nuclear material and the illicit trafficking of such material.

5. Action 44 of the action plan calls upon all States parties to improve their national capabilities to detect, deter and disrupt illicit trafficking in nuclear materials throughout their territories, in accordance with their relevant international legal obligations, and calls upon those States parties in a position to do so to work to enhance international partnerships and capacity-building in that regard. It also calls upon States parties to establish and enforce effective domestic controls to prevent the proliferation of nuclear weapons in accordance with their relevant international legal obligations.

6. On this subject, the publication *Guidance on the Import and Export of Radioactive Sources* approved by the IAEA Board of Governors in 2004 offers a set of concrete actions. IAEA INFCIRC/254 provides a set of guidelines for the transfer of such material, as used by the Nuclear Suppliers Group.

## **C. Physical protection of nuclear material, radioactive sources and nuclear facilities**

7. The Convention on the Physical Protection of Nuclear Material entered into force on 8 February 1987. It is the only legally binding international instrument in the area of physical protection of nuclear material. It establishes measures in respect of the prevention, detection and punishment of offences relating to nuclear material. The Convention has 145 States parties and 44 States Signatories. Forty-eight NPT States parties are still not parties to the Convention.

8. In 2005, IAEA held a conference to amend the Convention. Pursuant to the amendment adopted at the conference, States parties are legally bound to protect nuclear facilities and material in peaceful and domestic use, storage and transport.<sup>1</sup>

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<sup>1</sup> For the amendment to enter into force, two thirds of the States parties to the Convention must ratify, accept or approve the amendment. At the time of the conclusion of the NPT Review Conference in May 2010, 35 contracting parties had ratified the amendment. At 7 February 2013, 64 States had ratified, accepted or approved the amendment.

9. In this area, actions should concentrate on:

(a) Maintaining the highest possible standards of security and physical protection of nuclear materials and facilities and of high radioactive sources (as set in action 40 of the NPT action plan);

(b) Applying the IAEA recommendations on the physical protection of nuclear material and nuclear facilities (see INFCIRC/225/Rev.4 (Corrected)) (as set in action 41 of the NPT action plan);

(c) Ratifying the amendment to the Convention on the Physical Protection of Nuclear Material as soon as possible (as set in action 42 of the NPT action plan);

(d) Implementing the principles of the revised IAEA Code of Conduct on the Safety and Security of Radioactive Sources (as set in action 43).

#### **D. Response and mitigation capacities**

10. Establishing adequate response and mitigation capacities is another field that needs to be developed in order to be able to react to a nuclear terrorist act, or a nuclear safety incident. States should make efforts to develop national capacities for response and mitigation to protect their population from threats of nuclear terrorism, including through the design of practical mechanisms and activities such as exercises.

#### **E. Verification and confidence-building**

11. The conclusion and implementation of a comprehensive safeguards agreement on all source or special fissionable material in all peaceful nuclear facilities in accordance with article III of the NPT is a fundamental measure shared by all States parties (see action 24). The additional protocol is an indispensable measure for providing credible assurance of the absence of undeclared nuclear material and activities.

12. The promotion of the universalization of comprehensive safeguards agreements is a principle recognized in the action plan (see action 29). The universalization and strengthening of the IAEA safeguards system would contribute towards greater detectability of violations of non-proliferation obligations and would result in stronger confidence among national authorities.

13. Assisting the States parties in strengthening their national regulatory controls of nuclear material, including the establishment and maintenance of the State systems of accounting for and control of nuclear material, would also contribute to assuring greater control of the material and greater confidence among national authorities.

### **III. Enhancing international partnerships**

14. The development of national capacities through enhanced international cooperation among States for the prevention of nuclear proliferation and, in particular, nuclear proliferation among non-State actors, is key for reaching our common goal of preventing nuclear terrorism and achieving full compliance with Security Council resolution 1540 (2004).

15. Our international partnership cooperation should focus on the following aspects:

- Prevent illicit trafficking of nuclear and radiological materials
- Promote synergies among national capacities of States for detection, response and mitigation, in order to protect their populations from threats of nuclear terrorism
- Promote information-sharing pertaining to the suppression of acts of nuclear terrorism in the field of forensic investigation, taking appropriate measures consistent with national law and international obligations in order to protect the confidentiality of any information that States might decide to exchange in confidence
- Work to enhance international partnerships and capacity-building programmes to establish and enforce effective domestic controls to prevent nuclear proliferation among non-State actors and subsequent threats, in accordance with their relevant international legal obligations
- Promote nuclear security culture through nuclear security education; IAEA centres of excellence and other nuclear security training and support centres will make an important contribution in this regard
- Foster compliance with Security Council resolution 1540 (2004).

16. International partnerships would be aimed at strengthening national capacities to comply with the international obligations against nuclear terrorism and nuclear proliferation, as well as synergies among States' programmes. Regional approaches would be fundamental in setting up coherent and concrete frameworks of cooperation activities, while at the same time making best use of the potential instruments of support from IAEA and other multilateral mechanisms, such as the Global Initiative to Combat Nuclear Terrorism or the Global Partnership against the Spread of Weapons and Materials of Mass Destruction.

## **IV. Conclusion**

17. Our objective will be to strengthen the international nuclear non-proliferation regime by promoting a substantive and balanced outcome of the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

18. In our common effort to update the NPT to the 21st century, it is key to incorporate the new dynamics necessary to respond to asymmetric threats into the framework of the international nuclear non-proliferation regime.

19. Concerned by the risk that non-State actors may acquire, develop, traffic in or use nuclear and radiological materials for terrorist purposes, thereby shaping a new asymmetric threat, we intend to achieve tangible progress based on effective, pragmatic and consensual measures for stepping up international efforts.