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NOTE

Subject: COUNCIL DECISION on Union support for the universalisation and effective implementation of the International Convention for the Suppression of Acts of Nuclear Terrorism (ICSANT)
- Annex

ANNEX

PROJECT DOCUMENT

Supporting the universalization and effective implementation of the International Convention for the Suppression of Acts of Nuclear Terrorism

Executive summary

Background

The 2005 International Convention for the Suppression of Acts of Nuclear Terrorism (ICSANT) is one of the 19 international legal instruments against terrorism, essential for international peace and security. As of March 2023, ICSANT has 120 Parties, meaning that more than one third of the world is not yet protected by the Convention. In order to reach ICSANT's full potential, and to avoid safe havens and legal loopholes, universalization remains a key goal. However, becoming a party is only the first necessary step and effective implementation (legislative and technical) is also key.

Joining ICSANT entails adopting the necessary national implementing legislation to ensure that all requirements set forth in the Convention are adequately transposed into national legal systems. This provides comprehensive legal coverage for crimes involving nuclear or other radioactive material, including terrorist acts, as well as mechanisms to prevent and respond to such conduct.

The first project between the European Union and the United Nations on *Promoting universalization and effective implementation of the International Convention for the Suppression of Acts of Nuclear Terrorism*, began in 2019 and will be finalized in June 2023. It represents an important multilateral security partnership that serves to address the persisting threat of nuclear or other radioactive material being acquired or used by non-State actors for terrorist or other criminal purposes. This is especially relevant at a time when political attention to the issue of nuclear security has increased worldwide.

Project rationale

ICSANT remains highly relevant, not only for countries with nuclear material and nuclear power programmes, but also for all other countries, given that ICSANT covers also other radioactive material commonly used – *inter alia* - in medicine, industry and agriculture. Therefore, it is necessary to continue promoting and supporting the universalization and effective implementation of the Convention, by demonstrating the benefit for all States to join the treaty and prevent and prohibit terrorist and other criminal conduct by non-State actors involving nuclear or other radioactive material. In this regard, the European Union and the United Nations will partner again in a new project on *Supporting the universalization and effective implementation of the International Convention for the Suppression of Acts of Nuclear Terrorism*.

Project Goal

The project aims to ensure that there is no safe haven for those who commit or seek to commit terrorist or other criminal acts involving nuclear or other radioactive material, by supporting the universalization and effective implementation of ICSANT.

Project Duration

1 July 2023 – 30 June 2026 (36 months)

Project Geographical Scope

Global, regional, national

Project Approach

This project will be implemented by the United Nations Office on Drugs and Crime (UNODC) Terrorism Prevention Branch (TPB), through its CBRN Terrorism Prevention Programme, and by the United Nations Office of Counter-Terrorism (UNOCT), through its United Nations Counter-Terrorism Centre (UNCCT) Programme on Preventing and Responding to Weapons of Mass Destruction/Chemical, Biological, Radiological and Nuclear Terrorism (WMD/CBRN), in close collaboration with relevant field offices as well as international and non-governmental organizations, as appropriate, including the Delegations of the European Union, the European Union CBRN Risk Mitigation Centres of Excellence (EU CBRN CoE) Initiative, the International Atomic Energy Agency (IAEA), the United Nations Interregional Crime and Justice Research Institute (UNICRI), the United Nations Office for Disarmament Affairs (UNODA) and the Group of Experts of the United Nations Security Council Committee established pursuant to resolution 1540 (2004).

The project will be divided into two components, each to be implemented by UNODC and by UNOCT/UNCCT, respectively, in accordance with their mandates and expertise. This will result in some outputs and activities being implemented by UNODC, while others will be implemented by UNOCT/UNCCT. In some cases, both entities will be involved.

The project will build on the activities delivered and tools developed during the project set out in Council Decision (CFSP) 2018/1939 of 10 December 2018.

It will be conducted in line with relevant United Nations Security Council resolutions and with the United Nations Global Counter-Terrorism Strategy (GCTS) which strongly emphasize that all measures to counter terrorism must be in compliance with international human rights obligations. Existing international human rights norms and standards (as contained in treaties, customary law and other instruments) will be integrated into the project.

The project will be implemented in a gender sensitive manner, with gender perspectives mainstreamed throughout the project. The project will promote gender perspectives and integrate gender dimension in its methodology and, to the extent possible, ensure equal opportunities for female and male officials to participate in all project events, underlining the benefits of inclusion of female public servants in the national institutions. All feedback collected from pre- and post-workshop surveys and tests will be disaggregated by gender, to ensure the project is able to capture and report on the perspective of female officials. Project indicators will collect and report data disaggregated by gender.

UNODC and UNOCT will coordinate as appropriate on the implementation of their respective activities.

Whenever external expertise is sought to implement activities, UNODC and UNOCT will endeavour to engage experts from European Union Member States.

The project will include cooperation with the international community and national authorities, including Parliaments, Ministries of Justice and other relevant stakeholders, to promote universalization of ICSANT, enhance visibility on the importance of adherence and build capacities for its effective implementation.

Project Outcomes

Outcome 1: Increased number of States considering/initiating processes/becoming Parties to ICSANT and heightened awareness and knowledge of ICSANT among beneficiaries (national policy and decision makers, including parliamentarians) and in international fora. Synergies with other relevant international legal instruments (CPPNM, ACPPNM, UNSC resolution 1540) are exploited as appropriate.

Outcome 2: Improved national legislation and capacity of criminal justice officials and other relevant national stakeholders in beneficiary countries to investigate, prosecute and adjudicate cases in which ICSANT would be of relevance.

Outcome 3: Enhanced policies, practices, and procedures to prevent, detect and respond to the threat of non-State actors, including terrorists, acquiring, possessing and/or using nuclear or other radioactive material and improved knowledge and understanding of the threat of radiological and nuclear terrorism and other criminal conduct involving such materials.

Outcome 4: Enhanced national and international cooperation, including information exchange, within and among States Parties in devising and adopting effective and practical measures to effectively implement the Convention.

Project Outputs and Activities

Outcome 1: Increased number of States considering/initiating processes/becoming Parties to ICSANT and heightened awareness and knowledge of ICSANT among beneficiaries (national policy and decision makers, including parliamentarians) and in international fora. Synergies with other relevant international legal instruments (CPPNM, ACPPNM, UNSC resolution 1540) are exploited as appropriate.

Output 1.1: The importance of universalization and effective implementation of ICSANT, through visibility, advocacy and contribution to relevant events, is promoted

Activity 1.1.1: Project launch and presentation of results from previous activities (UNODC/UNOCT)

UNODC and UNOCT/UNCCT will organize a project launch in Vienna and New York respectively, inviting local Permanent Missions of Member States. The implementers will endeavour to include representation from key Member States, both from the European Union, as well as from the Member States of focus regions to build interest and momentum for this second project and facilitate implementation at national and regional levels. These events will also provide an opportunity to share results and lessons learned from the previous project.

Activity 1.1.2: Promotion of the *Study on Reasons and Challenges of United Nations Member States for Not Becoming Party to ICSANT and Tools for its Effective Implementation* (UNOCT)

UNOCT/UNCCT will organise three (3) sessions to promote and disseminate the *Study on Reasons and Challenges of United Nations Member States for Not Becoming Party to ICSANT and Tools for its Effective Implementation* developed during the ICSANT project, which will conclude in June 2023. The study presents the deeper understanding of the reasons and challenges for Member States not becoming Party to ICSANT and issues a number of recommendations on how to ensure increased adherence and effective implementation. In particular, UNOCT/UNOCT will follow up with key Member States that could benefit from the results and guidance of the Study.

Activity 1.1.3: Visibility, advocacy and contribution to ICSANT-related events hosted by other organizations (UNODC/UNOCT)

Within their respective mandates and as appropriate, UNODC and UNOCT/UNCCT will contribute expertise and promote ICSANT and their work under the project in relevant international fora, such as events related to/ organized by:

- international legal frameworks, including, but not limited to, the Convention on the Physical Protection of Nuclear Material and its Amendment, United Nations Security Council resolution 1540 (2004), the Treaty on the Non-Proliferation of Nuclear Weapons;
- international organizations, including, but not limited to, IAEA, the International Criminal Police Organization (INTERPOL), UNICRI, the United Nations Institute for Disarmament Research (UNIDIR), UNODA, the United Nations Office of Legal Affairs (OLA);
- civil society, including non-governmental organizations;
- international initiatives including, but not limited to, the EU CBRN CoE, the Global Partnership Against the Spread of Weapons and Materials of Mass Destruction, the Nuclear Threat Initiative and the United Nations Global Counter-Terrorism Coordination Compact.

Output 1.2: Adherence to ICSANT and synergies with other relevant international legal instruments are promoted and increased

Activity 1.2.1: Promotion of adherence via country visits (UNODC)

Building upon the extensive outreach conducted by UNODC towards universalization and its vast field office network, UNODC will organize eight (8) country visits to States not yet party to ICSANT which on the basis of UNODC's analysis and previous engagement would most benefit from in-person consultations in capital. UNODC to engage relevant national stakeholders including Members of Parliament as appropriate in the country visits.

Activity 1.2.2: Promotion of adherence through engagement with the national Parliaments of Member States not Parties to ICSANT (UNOCT)

UNOCT/UNCCT will organize three (3) national events to jointly appeal to the Parliaments of Member States that are not yet Parties to the Convention. Other relevant stakeholders, including Ministry of Foreign Affairs, Ministry of Justice, nuclear regulatory authorities, law enforcement agencies will also be invited to join the briefing. The national events will focus on the relevance of ICSANT to enhance nuclear security, the complementarity and synergies with other international legal instruments, the benefits of adherence and risk of not adhering, good practices in implementation and the threat of terrorism involving nuclear and radioactive material.

UNOCT/UNCCT, in collaboration with the UNOCT Programme on Parliamentary Engagement in Preventing and Countering Terrorism, Programme Office in Doha, will work closely with international and regional parliamentary organizations to promote adherence to the Convention.

Activity 1.2.3: Promotion of adherence via regional workshops (UNODC)

UNODC, in order to enhance sustainability of the universalization efforts undertaken under the first EU ICSANT project, will organize four (4) follow-up virtual regional, interregional and subregional workshops for policy- and decision-makers of States not yet party to ICSANT (three (3) in English, one (1) in French).

The virtual workshops will build on activities delivered under the previous Council Decision in order to ensure sustainability. Relevant materials developed under the project such as e-learning and training manuals as well as electronic awareness-raising materials (which are already available in all six UN official languages) will be deployed prior to and during the workshops as appropriate. In addition to focusing on ICSANT, the workshops will address synergies with the Convention on the Physical Protection of Nuclear Material and the Amendment thereto, as well as UNSC resolution 1540 (2004), and involve relevant stakeholders as appropriate (e.g. IAEA). UNODC will encourage States to include Members of Parliament among the nominees for the virtual workshops.

Activity 1.2.4: Second joint IAEA-UNODC seminar to promote universalization of ICSANT and the Amendment to CPPNM (UNODC)

Building on the successful first joint event held on 11-12 November 2021, UNODC will organize together with the IAEA the second event of this kind. The event will be held in Vienna, Austria.

Activity 1.2.5: Promoting adherence through a high-level event on the margins of the 2024 IAEA International Conference on Nuclear Security (UNODC)

Building upon the successful side event that UNODC held in 2020 on the margins of the IAEA International Conference on Nuclear Security (ICONS), UNODC will hold a high-level event at the next ICONS in Vienna, Austria, in 2024. The Conference is a key nuclear security gathering that comprises a ministerial segment and a scientific and technical programme thus featuring high-level policy discussions and parallel technical sessions. The last Conference in 2020 was attended by over 57 ministers and more than 2000 experts from over 130 countries and 35 international organizations.

Activity 1.2.6: Promoting adherence through a high-level event on the margins of the Counter-Terrorism Week in New York (UNOCT)

UNOCT/UNCCT will organise a high-level event during the Counter-Terrorism Week at the United Nations in New York, a high visibility biennial gathering of Member States and international counter-terrorism partners.

Activity 1.2.7: Side event on human rights dimensions while implementing ICSANT (UNODC/UNOCT)

UNODC and UNOCT will conduct a side event on human rights provisions of ICSANT. Invited speakers will include the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and representatives of other intergovernmental and non-governmental organizations. The event will, *inter alia*, build upon UNODC's Counter-Terrorism Legal Training Curriculum No. 4 on *Human Rights and Criminal Justice Responses to Terrorism*, as well as UNODC's Counter-Terrorism Legal Training Curriculum No. 1 on *Counter-Terrorism in the International Law Context*.

Outcome 2: Improved national legislation and capacity of criminal justice officials and other relevant national stakeholders in beneficiary countries to investigate, prosecute and adjudicate cases in which ICSANT would be of relevance.

Output 2.1: Legislative assistance to requesting States is provided

Activity 2.1.1: Relevant legislative assistance to give effect to ICSANT provisions and enable application of the law by frontline officers, law enforcement, prosecutors and the judiciary (UNODC)

UNODC will provide relevant legislative assistance to requesting States via desk reviews, upon request and as appropriate, building upon the joint UNODC-IAEA model criminalization provisions against nuclear terrorism, the self-assessment questionnaire developed by UNODC and hosted on UNODC's ICSANT website, UNODC's Manual on Mutual Legal Assistance and Extradition and UNODC's Mutual Legal Assistance Request Writer Tool, good practices identified through UNODC's compilation of national implementing legislation of Article 2 of ICSANT, as well as tools to be developed by UNODC under Output 2.3. UNODC will offer beneficiaries the possibility to present the legislative amendments suggested to Parliamentarians.

Output 2.2: The capacity of national criminal justice systems to prevent, detect, suppress, investigate, prosecute and adjudicate ICSANT-related offences is enhanced

UNODC will organize five (5) national seminars for alumni of judicial education and training centres and ten (10) webinars on various aspects of the application of ICSANT. UNODC will rely on the long-standing, proven record of subject matter expertise developed by its CBRN Terrorism Prevention Programme in accordance with the mandate granted to UNODC by the UN General Assembly.

Activity 2.2.1: National seminars for judicial education and training centres (UNODC)

UNODC will conduct five (5) seminars for centres of judicial education and training in States Parties in order to enhance their capacity to effectively implement ICSANT and raise awareness vis-à-vis the Convention. The seminars will, inter alia, present the manual on fictional cases related to offences under ICSANT and other materials developed by UNODC, including those developed under Output 2.3, and will apply a train-the-trainer methodology in order to ensure sustainability.

Activity 2.2.2: Series of webinars (UNODC)

UNODC will conduct ten (10) webinars on various key aspects of ICSANT, such as jurisdiction, extradition, human rights, and evidence preservation, among others. The webinars will be conducted in several languages. Other international entities will be invited, such as IAEA, INTERPOL, EU CBRN CoE, and 1540 Committee, among others. The webinar recordings will be available online to ensure sustainability. Invitations to Permanent Missions will encourage the participation of relevant national stakeholders, including Parliamentarians.

Output 2.3: Technical assistance tools are developed, updated, expanded and/or specialized

Activity 2.3.1: ICSANT website (UNODC)

The UNODC ICSANT website (unodc.org/icsant) has become the point of reference for practitioners around the world as it contains all available resources on the Convention, including its procedural history, status of adherence, analytical articles, a collection of national implementing legislation, capacity building tools and related UNODC technical and legislative assistance. Since its launch in September 2021, the website was consulted by over 10,000 users. UNODC will maintain, regularly update and further populate the website in all UN official languages (Arabic, Chinese, English, French, Russian and Spanish). For example, the website will host all new tools developed, event reports and additional national legislation implementing Article 2 of ICSANT.

Furthermore, the website will host a database of ICSANT designated authorities (as per output 4.1).

Activity 2.3.2: Specialized technical assistance tools (UNODC)

UNODC will develop and publish in hardcopy and in electronic version on the UNODC ICSANT website (unodc.org/icsant) additional and specialized technical assistance tools on ICSANT in all six UN official languages. The materials will include:

- Toolkits on different aspects of ICSANT (e.g., jurisdiction, human rights, seizure and protection of material out of regulatory control and international cooperation)
- Toolkit on synergies with the Convention on the Physical Protection of Nuclear Material (CPPNM) and its Amendment
- Toolkit on synergies with UN Security Council resolution 1540 (2004)
- Toolkit on the model criminal provisions covering the offences set forth in ICSANT, CPPNM and the Amendment thereto, jointly developed by the IAEA and UNODC

Activity 2.3.3: Video on ICSANT's procedural history and main provisions (UNODC)

UNODC will produce a video explaining the procedural history and main provisions of ICSANT. The video will feature testimonies of several States Parties and other stakeholders, ensuring geographical and gender balance, highlighting the importance of ICSANT. The video will be available in all six UN official languages on the UNODC ICSANT website (unodc.org/icsant).

Outcome 3: Enhanced policies, practices, and procedures to prevent, detect and respond to the threat of non-State actors, including terrorists, acquiring, possessing and/or using nuclear or other radioactive material and improved knowledge and understanding of the threat of radiological and nuclear terrorism and other criminal conduct involving such materials.

Output 3.1: The capacity of Member States to prevent, detect, and respond to acquisition, possession and/or use of nuclear or other radioactive material is strengthened

UNOCT/UNCCT will organize four (4) regional workshops and table-top exercises to build the capacity of Member States in combating nuclear terrorism in Africa, Central Asia and the Caucasus and South East and Eastern Europe. The regional workshops and table-top exercises will enhance the capacity of Member States in detection, forensics, response and mitigation of radiological and nuclear terrorism including the use of a tailored methodology to assist national authorities to effectively implement ICSANT and enhance international cooperation, demonstrating the importance of being party to the Convention. The workshops will encourage the identification of regional champions and South-South exchanges of good practices. In addition, the selection of countries will be based, *inter alia*, on findings and conclusions of the joint UNOCT/UNCCT-INTERPOL *Global Threat Assessment on Non-State Actors and Their Potential Use of CBRNE Materials*.

Activity 3.1.1: Regional workshops and table-top exercises to build the capacity of Member States in combating nuclear terrorism (UNOCT)

UNOCT/UNCCT will organize four (4) regional workshops and table-top exercises building capacity in the following areas:

Combatting radiological and nuclear terrorism with a focus on detection to build capacity in the area of detection, focusing on identifying and applying good practices for radiological/nuclear material detection with information and instruments contributing to capacity-building in combating radiological and nuclear terrorism as it relates to border security management.

Combatting radiological and nuclear terrorism with a focus on forensics to build capacity in the area of detection forensics, focusing on demonstrating the importance of nuclear forensics, interagency coordination, contributing to capacity-building in combatting radiological and nuclear terrorism.

Combatting radiological and nuclear terrorism with a focus on response and mitigation to build capacity in the area of response and mitigation, focusing on the ability to respond in an effective, timely, and coordinated manner to terrorist incidents involving nuclear or other radioactive material as an essential element of a nuclear security framework.

Output 3.2. The knowledge and understanding of Member States of the threat of radiological and nuclear terrorism are improved

UNOCT/UNCCT will organise four (4) in-person targeted national trainings for four (4) Member States to build capacity in combating radiological and nuclear terrorism. The trainings will enhance the capacities of Member States to, *inter alia*, understand the risk and the threat, develop countermeasures, practice incident response, and identify and protect critical infrastructure and key resources. For these activities, UNOCT/UNCCT will benefit from the extensive experience of the portfolio of trainings developed and implemented by its Global Programme on Preventing and Responding to Weapons of Mass Destruction (WMD)/Chemical, Biological, Radiological, Nuclear (CBRN) Terrorism, which has trained over 1,500 officials.

Activity 3.2.1 : National in-person trainings on combatting R/N terrorism (UNOCT)

UNOCT/UNCCT will work with Member States in identifying the suitable counter-terrorism trainings, as per their priorities and needs, as followed:

National training - Basic Radiological and Nuclear Threats Course enabling personnel to effectively respond to a radiological and nuclear scene, providing recommendations for responders to be able to work in an environment that contains potentially hazardous radiological and nuclear agents.

National training - Intermediate Radiological and Nuclear Threats Course integrating relevant topics related to radiological and nuclear threats. This will include hands-on demonstrations and exercises, and culminate in realistic scenarios involving the detection and interdiction of radiological trafficking, identification of radiological or nuclear material in a crime scene setting, and recognition of radiological and nuclear hazards and evidence.

National training - Advanced Radiological and Nuclear Threats Course covering radiological and nuclear threats in greater detail with a particular emphasis on radiological dispersal devices and improvised nuclear devices.

National training - Radiological and Nuclear Countermeasures Course presenting the multi-agency approach that focuses on the development of countermeasures to radiological and nuclear threats, and on the joint response to radiological and nuclear incidents, by key national agencies, including law enforcement, customs, security agencies, first responders, intelligence, public health, regulatory authorities, industry, etc.

National training - Critical Infrastructure Protection Course focusing on sectors which can be attacked directly such as nuclear power plants, nuclear research reactors, locations containing radio sources, transportation nodes, as well sectors which can be targeted by non-State actors to obtain sensitive and controlled technologies.

Outcome 4: Enhanced national and international cooperation, including information exchange, within and among States Parties in devising and adopting effective and practical measures to effectively implement the Convention.

Output 4.1: Information exchange as required by ICSANT is facilitated

Effective 3 October 2022, UNODC was officially tasked, given its mandate, role and expertise on ICSANT, by the UN Office of Legal Affairs (OLA) – in its capacity as discharger of the Secretary-General's depositary functions for this Convention – with receiving and disseminating notifications of designation of authorities made by States Parties under article 7(4). All notifications of this kind shall thus be sent to the following e-mail address: unodc-icsant@un.org. The notifications received are to be posted on UNODC's ICSANT website and – subject to further transmission from UNODC to OLA – on the United Nations Treaty Collection website.

Activity 4.1.1: Campaign to encourage States Parties to ICSANT to designate a competent authority and liaison point pursuant to Article 7(4) of the Convention (UNODC)

UNODC will conduct awareness-raising activities aimed at encouraging States already party to ICSANT to fulfil the obligation set forth in Article 7(4), which requires States Parties to inform the United Nations of their competent authorities and liaison points responsible for sending and receiving ICSANT-related information. The activities will include sending letters to relevant Permanent Missions requesting them to fulfil their obligation under Article 7(4); conducting bilateral meetings; developing leaflets and other outreach material in all six UN official languages.

Activity 4.1.2: Meeting of ICSANT national competent authorities and liaison points (UNODC)

UNODC will organize the first meeting of such competent authorities and liaison points in Vienna, Austria, in the third year of the project. The meeting will include, among others, a mock coordination exercise and training of how to be an effective 7(4) liaison point. The meeting will target the national liaison points and other relevant national stakeholders.

Activity 4.1.3: ICSANT virtual briefings to UNODC's existing judicial and security networks (UNODC)

Building upon the long-standing cooperation networks composed of security and judicial focal points established by UNODC in different regions of the world (e.g., for Sahel, Middle-East and North Africa, and the Indian Ocean), UNODC will deliver online technical briefings and virtually work together with these networks applying a train-the-trainer methodology. The focal points of these long-standing networks regularly cooperate by analyzing operational challenges, sharing good practices in response to these challenges and discussing relevant cases.

Output 4.2: Best practices and lessons learned around joining and implementing ICSANT are utilized by target audiences at the regional level to increase effective implementation of ICSANT and nuclear security

Activity 4.2.1: Meetings of Communities of Practitioners (UNOCT)

UNOCT/UNCCT will organize four (4) meetings to promote national cooperation of radiological and nuclear and counter-terrorism practitioners in order to enhance information and intelligence sharing, as well as interagency coordination. These meetings will bring together communities of practitioners with representatives from counter-terrorism agencies, customs, first responders, intelligence, judiciary, law enforcement, policy/decision making bodies, public health officials, nuclear regulatory authorities, etc. The meetings will enable the communities of practitioners to identify gaps, challenges and lessons learned as well as share best practices related to information exchange, intelligence sharing and international cooperation. These communities will foster cooperation and coordination of stakeholders relevant to the effective implementation of ICSANT and nuclear security, and will benefit from UNOCT's Connect & Learn Platform. Launched in October 2021, this innovative online capacity-building tool brings together Member States, private sector, academia, think tanks, research institutes and civil society to reinforce in-person technical assistance delivery. The platform is a unique virtual tool overcoming barriers such as cost, geographic distances, and pandemic restrictions by making counter-terrorism (CT) and preventing and countering violent extremism (PCVE) resources accessible anytime and anywhere to various stakeholders and practitioners.