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MEASURES AGAINST ILLICIT TRAFFICKING IN NUCLEAR MATERIALS AND OTHER RADIOACTIVE SOURCES¹

BACKGROUND

1. On 25 September 1998, the General Conference adopted resolution GC(42)/RES/18 on "Measures against illicit trafficking in nuclear materials and other radioactive sources".
2. In that resolution, the General Conference, inter alia,
 - invited the Director General "to submit a report to the Board of Governors on possibilities of enhancing co-operation in this field",
 - requested the Director General "to submit a report to the General Conference at its next regular session on activities undertaken by the Agency in the intervening period" and
 - invited the UN General Assembly to bear in mind, in its work on elaborating an international convention for the suppression of acts of nuclear terrorism, "the Agency's activities in preventing and combating illicit trafficking in nuclear material and other radioactive sources".
3. In responding to resolution GC(42)/RES/18, the Director General has assumed that the General Conference, in inviting him to submit to the Board a report on "possibilities of enhancing co-operation in this field", wished the Board to receive a report based on the Agency's programme of activities directed against illicit trafficking in nuclear materials and other radioactive sources being carried out in co-operation with Member States, international organizations and other international bodies. Consequently, the report includes sections on *International legally binding undertakings and IAEA standards*, *Co-operation with Member States* and *Co-operation with international organizations and other bodies* - and an *Outlook* for the future.

¹ This report is an amended and updated version of a report considered by the Board of Governors at its March 1999 session.

For reasons of economy, this document has been printed in a limited number.
Delegates are kindly requested to bring their copies of documents to meetings.

4. The section on *International legally binding undertakings and IAEA standards* in the following report deals, inter alia, with the work under way within the framework of the UN General Assembly on elaborating an international convention for the suppression of acts of nuclear terrorism.

INTERNATIONAL LEGALLY BINDING UNDERTAKINGS AND IAEA STANDARDS

5. The Agency has been and continues to be engaged in the updating of existing international legal instruments and the development of new international standards and norms in this area.

Convention on the Physical Protection of Nuclear Material

6. The Convention on the Physical Protection of Nuclear Material applies to nuclear material used for peaceful purposes while in international nuclear transport. Although the levels of physical protection prescribed in the Convention are required to be applied only to nuclear material used for peaceful purposes while in international nuclear transport, other provisions of the Convention (e.g., the requirements that relate to making specified acts criminal offences under national law, to establishing jurisdiction over those offences and to prosecuting or extraditing alleged offenders) apply also to nuclear material used for peaceful purposes while in domestic use, storage and transport.

7. The Senior Expert Group has recommended 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.*" In his comments on that recommendation the Director General has stated (see document GOV/1999/8, paragraph 40): "Some States party to the Convention on the Physical Protection of Nuclear Material have requested the Agency to hold an experts meeting in 1999 to discuss whether there is a need for a revision of the Convention. I am ready to convene such a meeting as soon as there is sufficient support among States. The Secretariat has repeatedly expressed the view that in a number of areas the scope of the Convention is too narrow and that a revision is desirable."

8. In light of the comments made at the IAEA's March session of the Board of Governors and additional views submitted to the Secretariat, the Director General has decided to convene an Informal Open-Ended Expert Meeting to discuss whether there is a need to revise the Convention on the Physical Protection of Nuclear Material to be held at IAEA Headquarters in Vienna from 15 to 19 November 1999.

UN General Assembly elaboration of an international convention for the suppression of acts of nuclear terrorism

9. The Secretariat was invited to assist the UN Ad Hoc Committee on International Terrorism with the elaboration of the draft convention. In 1998 and 1999, it participated in the meetings of the Ad Hoc Committee and the working group established by the Sixth Committee at the fifty-third session of the General Assembly, contributing information on the Agency's relevant responsibilities and activities.

10. By a letter to the UN Secretary-General dated 29 September 1998, the Director General requested the Secretary-General to arrange for the distribution of General Conference resolution GC(42)/RES/18 to the members of the UN General Assembly. The letter of the Director General and the resolution were subsequently circulated as a document of the Sixth (Legal) Committee of the General Assembly².

11. At its meeting in September-October 1998, the working group of the Sixth Committee continued work included in its report³ a revised text of a draft international convention for the suppression of acts of nuclear terrorism proposed by the "Friends of the Chairman" for consideration by the Sixth Committee.

12. On 8 December 1998, upon the recommendation of the Sixth Committee,⁴ the General Assembly adopted resolution 53/108, by which it, inter alia:

- decided that the Ad Hoc Committee which was established by its resolution 51/210 of 17 December 1996 "shall continue to elaborate a draft international convention for the suppression of acts of nuclear terrorism with a view to completing the instrument;"
- decided further that the Ad Hoc Committee shall meet from 15 to 26 March 1999, "devoting appropriate time to the consideration of the outstanding issues relating to the elaboration of a draft international convention for the suppression of nuclear terrorism;" and
- requested the Ad Hoc Committee to report to the General Assembly at its fifty-third session "in the event of the completion of the draft international convention for the suppression of acts of nuclear terrorism".

² UN document A/C.6/53/WG.1/INF.2.

³ UN document A/C.6/53/L.4.

⁴ UN document A/53/636.

13. At the Ad Hoc Committee's meeting in March 1999, no changes were introduced in the revised draft text proposed by the "Friends of the Chairman" but consultations were initiated on outstanding issues during the inter-sessional period with a view to enabling the adoption of the draft convention at the next meeting on this matter, to be held from 27 September to 8 October 1999.

14. The provisions in the draft text proposed by the "Friends of the Chairman" which are of particular relevance to the Agency are set out in the Attachment to this report.

INFCIRC/225/Rev.4 The Physical Protection of Nuclear Material and Nuclear Facilities

15. During 1998, the Secretariat, together with 35 Member States, completed a review of document INFCIRC/225/Rev.3, "The Physical Protection of Nuclear Material", which has been widely accepted as an international standard for physical protection and is referred to - inter alia - in export control regimes and in supply agreements. The review has resulted in strengthened requirements for the protection of nuclear material in transport, use and storage and for the protection of nuclear facilities against sabotage as documented in INFCIRC/225/Rev.4 *The Physical Protection of Nuclear Material and Nuclear Facilities*. The Secretariat will maintain contact with and provide guidance to Member States regarding implementation of the revised recommendations.

IAEA Safety Guide on Preventing, Detecting and Responding to Illicit Trafficking in Radioactive Materials

16. The Secretariat, in close co-operation with the World Customs Organization (WCO) and the International Criminal Police Organization (INTERPOL) developed a Safety Guide on Preventing, Detecting and Responding to Illicit Trafficking in Radioactive Materials. The regulations, controls and methods described within this Safety Guide and the five supplementary Technical Manuals, are intended to help customs officers, border police, and other law enforcement officers, as well as regulatory authorities and other relevant bodies in Member States, in their efforts to prevent, detect and respond to illicit trafficking in radioactive materials. This Safety Guide is co-sponsored by WCO and INTERPOL and will also be distributed to the Member States of these organizations. Co-operation with Member States in implementing the recommendations in the Safety Guide will focus on procedures for the detection of radioactive materials crossing borders and on response measures in the event of illicit trafficking incidents. The main part of the Guide is presently in print. Three of the five supporting technical manuals are in final draft stage and are expected to be distributed by early 2000.

CO-OPERATION WITH MEMBER STATES

Information exchange

17. The Secretariat maintains a data base of illicit trafficking of nuclear material and other radioactive sources dating from 1993. Presently, 60 Member States participate in this Illicit Trafficking Database Programme. The Secretariat is encouraging all Member States to participate in the Illicit Trafficking Database Programme and to report all incidents of illicit trafficking in nuclear materials and other radioactive sources. In the period covered by the database the number of reports on illicit trafficking incidents has decreased compared to the first years. However, recent analyses have revealed a small increase in the number of reported incidents during the last two years.

18. The Secretariat has initiated efforts to increase bilateral information exchange and general co-operation with States in Central Asia, inter alia, to encourage them to participate in the Illicit Trafficking Database Programme. Arrangements are underway for a regional seminar in late 1999.

Legal and regulatory frameworks

19. In implementing its programme for the provision of legislative assistance requested by Member States, the Secretariat is emphasizing the need to ensure that national legal regimes provide for measures aimed at preventing illicit trafficking in nuclear materials and other radioactive sources.

20. The Legal Activities programme now covers: training seminars and the training of individual professionals; advice on specific national nuclear and radiation safety legislation (for example, in connection with International Physical Protection Advisory Service - IPPAS - missions); and the assessment of existing national nuclear legislation. The Secretariat is also developing reference material to assist Member States in the assessment of national nuclear regulatory regimes and in the drafting of nuclear legislation. These activities also contribute to the support given within technical co-operation projects.

21. Within the framework of the technical co-operation programme, project RER/0/015, "Legislative assistance for the utilization of nuclear energy" the Secretariat assists States of Central and Eastern Europe and Newly Independent States, to establish, develop and review national laws and regulations and to implement international undertakings in the areas. An advanced training seminar on "Rules governing international transfers of nuclear and nuclear-related material, equipment and technology and the transport of radioactive materials" was held in Tallinn, Estonia, in August 1998. The seminar, organized with the collaboration of the Nuclear Energy Agency of OECD and the European Commission, was attended by participants from 17 countries. It focused, from a legal point of view, on how safeguards, physical protection and import/export controls can contribute to the prevention of illicit trafficking in nuclear materials and other radioactive sources.

22. Also within project RER/0/015, a training course on "Basic definitions for use in national nuclear legislation and the independence of the Regulatory Authority" was held in Vienna in July 1999. The course focused on how to ensure the independence of Regulatory Authorities, which is essential if legal infrastructures for controlling nuclear materials and other radioactive sources are to be adequate.

23. The technical co-operation project RAS/9/023, entitled "Legislation for safe and peaceful nuclear activities", is to assist a number of Member States in East Asia and the Pacific region in establishing legal frameworks that comply with the basic requirements of relevant treaties, conventions and protocols and with relevant international recommendations. A regional workshop was held in South Korea at the end of May 1999 within the framework of this project, aimed at consolidating legislation governing safe and peaceful nuclear applications, dealing with relevant issues and aspects, including illicit trafficking.

24. A workshop - primarily for Newly Independent States - on nuclear import/export controls jointly sponsored by the United States, Finland and the Agency was held in November 1998 at the Agency's Headquarters within the framework of the Co-ordinated Technical Support Programme to the Newly Independent States. Assistance was provided to the participants to permit a self-assessment of the strength of their current systems and prioritize specific needs for assistance in nuclear legislation, nuclear licensing, and nuclear related customs and border controls. The workshop was attended by participants from 22 States.

Protection of nuclear material

Physical Protection

25. Since 1995, the Secretariat has been organizing, upon request, IPPAS missions for the purpose of reviewing States' physical protection systems and assessing whether they meet international standards - and making suggestions for improvement where necessary. So far, IPPAS missions have been requested by Central and East European States and one State in Latin America. As a substantial number of other States could benefit from such missions (for example, when addressing security concerns or fulfilling requirements for the supply of nuclear material and equipment), the Secretariat will approach States with proposals for future interaction.

26. Through IPPAS missions the Secretariat has been able to convey the assistance needs of the States where the missions took place to States willing to provide assistance. As a result, bilateral and Agency assistance has been provided in several cases.

27. In addition, the Secretariat stands ready to assist States, upon request, with self-assessments of their physical protection and nuclear material control systems.

28. At a recent Agency seminar on the year 2000 (Y2K) issue and how it affects nuclear safeguards and physical protection, recommendations regarding assistance to Member States in the area of physical protection were made. Although it was recognized that responsibility in this area lies with States, the participants agreed that the Secretariat should, upon request, provide advice and guidance to Member States in their efforts to address the Y2K issue in relation to physical protection⁵.

29. A regional course on the design of physical protection systems was held in Argentina for Latin American countries in November 1998. A workshop on the same subject was held in Cyprus for North African and Middle East countries in January 1999 during which the participants gained a basic understanding of the need for physical protection, of the existing international norms for physical protection and of the way in which States meet their international obligations in this field. A regional course was also held in the Czech Republic in April 1999, supported by technical co-operation project RER/9/060, and a regional course is planned to be held in China in 2000.

30. Through fellowship and scientific visit awards the Agency is enabling qualified professionals to work with physical protection organizations. The Secretariat would like to see an increase in the number of awards made for that purpose and will approach States for help with this by offering more opportunities for working with such organizations.

31. In implementing the recently approved technical co-operation project RER/9/060, "Physical protection and security of nuclear material", the Secretariat has consulted the Member States offering bilateral support in order to ensure proper co-ordination of the support provided. It is expected that, as a result of this multi-disciplinary project, the complex of measures needed in order to prevent illicit trafficking will be better understood and actually implemented in the recipient Member States. A meeting between representatives of prospective donor and recipient States was held in March 1999. Plans, based on the needs of individual States, as expressed during this meeting, are being developed for the support through this project and through bilateral support.

32. Likewise, the newly approved technical co-operation project RLA/9/034, "Physical protection of nuclear material and installations", is designed to provide a basis for physical protection support to Member States in Latin America.

Strengthening the States' System of Accountancy and Control

33. Integral to combating illicit trafficking is a strengthened State System of Accounting and Control. Since 1992 the IAEA's Co-ordinated Technical Support Programme (CTSP) to

⁵ See also GOV/INF/1998/24, paras. 11 and 15.

the Newly Independent States (NIS) has been used as a mechanism to co-ordinate bilateral donor State assistance for the establishment/improvement of nuclear material accountancy and control systems, export/import control systems and physical protection systems in the NIS. Extensive assistance from donor States has been forthcoming. Training courses, workshops and seminars have taken place and are planned to provide assistance in implementing and running these systems.

34. The third Annual Review Meeting for the CTSP took place in November 1998 and was attended by 14 NIS and 9 donor States. The NIS requested assistance in establishing a methodology for performing self-assessment of their SSAC, more focused training and evaluation of their state control systems. The fourth Annual Review Meeting is scheduled for November 1999.

35. In December 1998, the Secretariat held, under the framework of the CTSP to the NIS, a regional workshop in Belarus on Agency Safeguards activities and NDA measurement techniques as part of an effort to assist States in strengthening their nuclear material control systems. A second regional workshop was held in Belarus in May 1999 and an additional workshop is planned for Uzbekistan in October 1999.

36. Two meetings under the CTSP to the NIS have been organized by the Secretariat for State officials and power plant operators from Ukraine to exchange information and develop action plans for the improvement of their SSAC. Similar meetings will be organized on a regional basis.

Protection of radioactive materials

37. Since 1997 the Secretariat has been conducting, at the request of Member States, missions for the purpose of analysing the legal and technical requirements involved in ensuring the adequate security of radiation sources, and thereby preventing illicit trafficking in such sources, and of identifying the associated training needs. In future missions there will be an increased emphasis on the problems caused by the so-called "orphan" sources. It may be noted in this connection that the safety and security of radiation sources are discussed in more detail in document GOV/1999/46-GC/(43)10.

38. Through technical co-operation Model Project INT/9/143, "Upgrading radiation protection infrastructure", the Model Projects RAF/9/024, RAW/9/006, RER/9/056, RLA/9/030, "Upgrading radiation protection infrastructure", the radiation safety infrastructures in 52 States are being strengthened in order to comply with the safety standards established by the Agency for protection against ionizing radiation and for the safety of radiation sources.

39. The Secretariat has intensified its co-operation with the Austrian and Hungarian authorities in the joint project on the evaluation of radiation monitoring equipment for use at national borders. The testing of equipment conducted at the Austrian Research Centre,

Seibersdorf has been successfully completed. The systems are now being installed at the Austrian/Hungarian border and the Vienna airport for field testing. Based on the results of the laboratory tests internationally agreed minimum requirements for border monitoring systems have been drafted and are planned to be issued as an IAEA recommendation. The result of this project will be useful to States when they are selecting, installing and operating equipment for border monitoring.

40. The Secretariat has designed, together with the World Customs Organization and INTERPOL, for customs and other officials, a detection and response training programme consisting of a five-day "train-the-trainers" course on the prevention of nuclear smuggling. Through the TC project RER/9/060 a further joint IAEA/WCO/Interpol training course will be conducted in September 1999.

41. The Secretariat and the European Commission, which have intensified their co-operation, are planning to hold a joint detection and response training course for customs officials in Malta in November 1999.

CO-OPERATION WITH INTERNATIONAL ORGANIZATIONS AND OTHER BODIES

42. In order to enhance co-operation with other international organizations which, through their mandates, have an interest in preventing, detecting or responding to illegal cross-border movements of radioactive materials, the Director General has invited such organizations to participate in the *Inter-Agency Co-ordination Committee on the Illicit Cross-Border Movement of Nuclear Materials and Other Radioactive Sources* established at a meeting held in October 1998 in Vienna. At that meeting, it was agreed that the Committee would endeavour

- to co-ordinate the illicit trafficking databases kept by various organizations,
- to contribute to the development of a scale for use in assessing the proliferation potential and radiation risk implications of individual illicit trafficking incidents, and
- to develop joint training programmes for combating nuclear smuggling.

43. The Secretariat and the World Customs Organization have signed a Memorandum of Understanding that provides for increased co-operation in areas such as information exchange and training. An annual meeting between the IAEA and the WCO was conducted in July 1999.

44. Co-operation in the field of information exchange could be enhanced through, inter alia, the regular testing of communications between the Secretariat and the points of contact established by the States participating in the *Programme for Preventing and Combating Illicit Trafficking in Nuclear Materials* being implemented by the Group of Eight's Non-Proliferation Experts Group (NPEG).⁶ The Secretariat is maintaining a list of the points of contact, whose main function in a crisis situation would be to channel necessary information to senior policy-makers in a timely manner. A test of the points of contact system was successfully carried out in June 1999. Further analysis of the test results is presently being carried out to identify possible improvements of the system.

45. In this connection, it may be noted that the NPEG has established an International Technical Working Group (ITWG) to advise on methods of characterizing and tracing nuclear materials discovered in the course of efforts to prevent or combat illicit trafficking. The Secretariat is participating in the ITWG's work and has agreed to host the 2000 annual meeting at the Agency's Headquarters.

OUTLOOK

46. It is generally agreed that the problems of the unlawful use of and illicit trafficking in nuclear materials and other radioactive sources should first be addressed through prevention. A comprehensive system of prevention - and detection and response - involves: complying with international obligations; maintaining and implementing national legislation and regulations; and operating nuclear material accountancy systems, systems for the notification and authorization of radioactive sources, systems for the physical protection of nuclear materials, export/import control systems, law enforcement systems, border control systems and systems to communicate information on trafficking incidents. All these activities are essential for effective prevention, detection and response.

47. The Secretariat will increase its efforts to address the need of States for improved systems for the physical protection of nuclear materials, and it will further enhance co-operation to this end.

48. Assistance is still needed to bring the SSACs in the NIS and other States to an international standard in fulfilling requirements of the Safeguards Agreements and the Model Additional Protocol, thereby facilitating an effective and efficient IAEA safeguards implementation. The Secretariat will continue its efforts to strengthen the SSACs in the NIS Member States through mechanisms established within the CTSP.

⁶ The *Programme for Preventing and Combating Illicit Trafficking in Nuclear Materials* was agreed upon by the Group of Eight in 1996, at the Moscow Summit (see document INFCIRC/509), and confirmed in 1997, at the Denver Summit.

49. The Secretariat will increase its efforts relating to the safety and security of radioactive sources and other radioactive material. The reported cases of radiation sources outside regulatory control ("orphan" sources) point to the need to strengthen the regulatory control arrangements in States, with the definition and implementation of technical and administrative measures to detect and properly respond to incidents of illicit trafficking in radioactive materials and deal with the problems caused by "orphan" sources. Already concrete steps have been taken to assist one Member State, Georgia, to detect and properly store lost sources under a Reserve Fund Technical Co-operation project.

50. The Secretariat is guided in its increased efforts - inter alia - by the outcome of the Board's discussion of the relevant recommendations of the Senior Expert Group. This is further outlined in the draft IAEA Medium Term Strategy⁷

51. The Agency's Regular Budget for 1999 and budget estimates for the year 2000 and resources allocated through the TC fund reflect a long-term commitment of the Agency to more effectively addressing the problems of preventing, detecting and responding to such unauthorized uses of nuclear materials and other radioactive sources that could result in illicit trafficking in such materials.

52. To provide a better focus for the Agency's programme of activities directed against illicit trafficking and to facilitate communication with Member States and other international organizations, the Director General has established an Office of Physical Protection and Material Security which will, inter alia, ensure the necessary co-ordination of all programme activities.

53. A Programme Performance Assessment System evaluation of the programme "Security of Material" will be performed in 2000, with the assistance of experts from Member States.

⁷ GOV/1999/37, presently under revision.

THE DRAFT INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF ACTS OF NUCLEAR TERRORISM

(Articles of particular relevance to the Agency)

“Article 1

For the purpose 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 isotopes 235 or 233; uranium containing the mixture of isotopes as occurring innature 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 sources 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 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 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 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 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 subparagraph 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 international 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 7

1. States Parties shall co-operate 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 of and subject to the conditions specified herein, and co-ordinating 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 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 it 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 consultation (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(1) 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(2) 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.

3(2) 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 as soon as possible placed 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 item pursuant to paragraph 3 of the present article, a separate decision concerning its disposition shall, subject to paragraph 3(2) 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 co-operation 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.”