

General Conference

GC(51)/COM.5/L.14

Date: 19 September 2007

Limited Distribution

Original: English

Fifty-first regular session

Item 16 of the agenda

(GC(51)/22)

COMMITTEE OF THE WHOLE

Nuclear security – Measures to protect against nuclear terrorism

Progress on measures to protect against nuclear and radiological terrorism

Draft resolution submitted by Portugal on behalf of the European Union and by Canada, Norway, the United States of America and Yemen

The General Conference,

- (a) Recalling its previous resolutions on measures to improve the security of nuclear materials and other radioactive materials, and on measures against illicit trafficking in nuclear materials and other radioactive materials,
- (b) Considering, in view of the ever growing number of tragic terrorist attacks worldwide, the need to continue to devote specific attention to the potential implications of terrorist acts for the security of nuclear materials and other radioactive materials in use, storage and transport involving associated facilities, and emphasizing the importance of physical protection and other measures against illicit trafficking and national control systems for ensuring protection against nuclear terrorism and other malicious acts, including the use of radioactive material in a radiological dispersion device,
- (c) Noting the four-year Nuclear Security Plan 2006-2009 adopted by the Board of Governors in September 2005,
- (d) Recognizing that threat-based risk assessment methodology is relevant for nuclear and other radioactive materials,
- (e) Mindful of the obligations of every Member State to keep its peaceful nuclear programmes safe and secure, asserting that responsibility for nuclear security within a State rests entirely with that State, and noting the important contribution of international cooperation in supporting the efforts of States to fulfil their responsibilities,

- (f) Noting United Nations Security Council resolution 1373, which calls upon all States to cooperate, particularly through bilateral and multilateral arrangements and agreements, to prevent and suppress terrorist attacks,
- (g) Noting also that actions of and initiatives by the international community to combat the proliferation of weapons of mass destruction and prevent access by non-State actors to weapons of mass destruction and related material, notably United Nations Security Council resolution 1540, constitute valuable contributions to the protection against nuclear and radiological terrorism,
- (h) Welcoming the adoption of United Nations Security Council Resolution 1673, which extend the mandate of the 1540 Committee in promoting the full implementation of the resolution and intending to continue working actively at national and international levels to achieve this important aim,
- (i) Noting in this context the various contributions of the G-8 since the adoption of the Global Partnership Against the Spread of Weapons and Materials of Mass Destruction at the Kananaskis summit in June 2002, including the Heiligendamm Statement on Counter-Terrorism of 8 June 2007 and the Report on G-8 Support to the United Nations' Counter-Terrorism Efforts, and noting also the implementation of the European Union strategy against proliferation of weapons of mass destruction adopted in December 2003 and other national and international contributions, such as the Global Initiative to Combat Nuclear Terrorism,
- (j) Recalling that international conferences have expressed their appreciation for international assistance and support for national programmes to secure and control unsecured nuclear and other radioactive materials, consistent with national laws and regulations,
- (k) Reaffirming the importance of the Convention on the Physical Protection of Nuclear Material, as the only multilateral legally binding instrument dealing with the physical protection of nuclear material,
- (l) Noting the role of the Agency in facilitating the development of relevant nuclear security documents that establish fundamentals, recommendations, principles and guidance to assist States in implementing the legally binding and non-binding international instruments,
- (m) Recalling, in this context, the important role that the recommendations contained in "The Physical Protection of Nuclear Material and Nuclear Facilities" (INFCIRC/225) have played in providing internationally accepted criteria for effective physical protection, and noting that INFCIRC/225, which was last revised in 1999, again needs revision to address the current threat environment,
- (n) Noting United Nations General Assembly resolution 60/78 of 8 December 2005, which inter alia calls upon all Member States to support international efforts to prevent terrorists from acquiring weapons of mass destruction and their means of delivery, and welcoming the entry into force of the International Convention for the Suppression of Acts of Nuclear Terrorism on 7 July 2007,
- (o) Recalling that other international agreements negotiated under the auspices of the Agency are relevant to an integrated approach to nuclear security and the physical protection of nuclear material and other radioactive materials against the threat of nuclear and radiological terrorism, based on prevention, those agreements including the Convention on Early Notification of a Nuclear Accident, the Convention on Assistance in the Case of a Nuclear Accident or

Radiological Emergency, the Convention on Nuclear Safety and the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management,

- (p) Reaffirming the importance of the Code of Conduct on the Safety and Security of Radioactive Sources as a valuable instrument for enhancement of the safety and security of radioactive sources, while recognizing that the Code is not a legally binding instrument,
- (q) Noting the central contribution of Agency safeguards agreements and additional protocols, and also of States' Systems of Accounting for and Control of Nuclear Materials, to preventing illicit trafficking and to deterring and detecting the diversion of nuclear materials,
- (r) Recognizing the work done by the Agency in cooperation with Member States to ensure the effectiveness and reliability of equipment used to detect illicit movement of nuclear and radiological materials and the need to continue its work in this regard, and
- (s) Stressing the essential importance of ensuring the confidentiality of information relevant to nuclear and radiological security, in particular information that might be of interest to terrorists,

1. Welcomes the Nuclear Security Report 2007 submitted by the Director General in document GC(51)/15 on measures to improve nuclear security and protection against nuclear and radiological terrorism, produced in response to resolution GC(50)/RES/11, commends the Director General and the Secretariat for the implementation of both the 2002-2005 Plan of Activities and the Nuclear Security Plan for 2006-2009, and looks forward to their continued efforts to improve nuclear and radiological security and prevent nuclear and radiological terrorism;
2. Calls upon all Member States to provide political, financial and technical support, including in-kind contributions, to improve nuclear and radiological security and prevent nuclear and radiological terrorism, and to provide the Nuclear Security Fund the political and, on a voluntary basis, financial support it needs, and welcomes the contributions to the Nuclear Security Fund already received;
3. Welcomes the adoption by consensus, at the Conference held in July 2005 in Vienna of an important amendment to the Convention on the Physical Protection of Nuclear Material (CPPNM) which substantially strengthens the Convention, extending its scope to cover the physical protection of nuclear facilities and the domestic transport, storage and use of nuclear material, thereby strengthening the global nuclear security, calls on States Parties to the Convention to accelerate the ratification of the amendment and to act for its early entry into force and encourages them to act in accordance with the object and purpose of the amendment until such time as it enters into force, and calls on all States that have not done so to adhere to the Convention and the amendment as soon as possible;
4. Requests the Secretariat to facilitate the early revision of INFCIRC/225 by Member States within the framework of the Agency's Nuclear Security Series;
5. Expresses its deep satisfaction at the entry into force on 7 July 2007 of the International Convention for the Suppression of Acts of Nuclear Terrorism as the 13th multilateral legal instrument dealing with terrorism, recalls the functions assigned to the Agency by the Convention, and calls upon all States that have not yet done so to ratify the Convention as soon as possible;
6. Welcomes the unanimous adoption in September 2006 of the General Assembly resolution on the United Nations Global Counter-Terrorism Strategy encouraging the Agency to help States to build capacity to prevent terrorists from accessing nuclear materials, ensure security at related facilities and respond effectively in the event of an attack using such materials;

7. Encourages the Secretariat to continue to play a constructive role in international nuclear security related initiatives inter alia the Global Initiative to Combat Nuclear Terrorism, within its nuclear security programme;
8. Calls on all States not to provide any form of support to non-State actors that commit or intend to commit acts of terrorism, including in particular acts of nuclear or radiological terrorism, and to take all necessary steps required by United Nations Security Council resolution 1540 to, inter alia, prevent illicit trafficking in nuclear and other radioactive material; and invites the Secretariat, subject to the availability of resources, to provide assistance upon request to Member States in fulfilling their commitment under the resolution and to the 1540 Committee;
9. Welcomes the activities in the physical protection of nuclear materials and facilities and the prevention and detection of and response to illicit activities involving nuclear material and other radioactive materials undertaken by the Agency to improve nuclear and radiological security and prevent nuclear and radiological terrorism;
10. Welcomes also the activities undertaken to provide for an exchange of information with Member States, including continued maintenance of the Illicit Trafficking Database programme, invites all States to participate in the Illicit Trafficking Database programme on a voluntary basis, and further invites all States to consider the potential danger of illicit trafficking across their borders and within their countries;
11. Welcomes the Agency's work in the field of nuclear forensics, in particular the establishment of a Coordinated Research Project on the improvement of technical measures to detect and respond to illicit trafficking in nuclear material and other radioactive materials, and urges Member States to provide continued support to the Agency's activities in connection with the detection of the origin of illicitly trafficked nuclear or radioactive material;
12. Welcomes the efforts of the Agency to assist countries which, on a voluntary basis have chosen to convert research reactors from HEU to LEU fuel;
13. Notes with appreciation the work of the Advisory Group on Nuclear Security in providing advice from Member States' experts on the orientations and the implementation of Agency activities relevant to nuclear and radiological security, and in reviewing associated documents and services;
14. Takes note of the steps taken by the Secretariat to ensure confidentiality of information relevant to nuclear and radiological security and requests the Secretariat to continue its efforts to implement appropriate confidentiality measures and to report as appropriate to the Board of Governors on the status of the implementation of the new confidentiality measures;
15. Invites the Director General to continue to implement, in consultation and coordination with Member States, pursuant to the Nuclear Security Plan for 2006-2009, and subject to the availability of resources, Agency activities relevant to nuclear and radiological security and protection against nuclear and radiological terrorism;
16. Welcomes the Agency's initiative to assist States, as appropriate, in planning their future nuclear security activities, in particular through Integrated Nuclear Security Support Plans (INSSP), and encourages the Agency to prepare an annual report, highlighting significant accomplishments of the prior year and establishing goals and priorities for the year to come; and
17. Requests the Director General to submit to the General Conference at its fifty-second (2008) regular session a report on activities regarding these issues undertaken by the Agency.