
CONVENTION ON THE PHYSICAL PROTECTION OF NUCLEAR MATERIAL (CPPNM)

Opened for Signature: 3 March 1980.

Entered into Force: 8 February 1987.

The Convention does not set any limits on its duration.

Number of Signatories: 45 States and the European Atomic Energy Community (EURATOM).

Number of Parties: 115 States and EURATOM.

Depositary: [International Atomic Energy Agency \(IAEA\)](#) Director-General (INFCIRC/274/Rev.1).

Treaty Text

Scope of Application: Pursuant to Article 2, the Convention applies to nuclear material used for peaceful purposes while in international nuclear transport. The Convention does not apply to nuclear materials used for military purposes or to those used for peaceful purposes but not in international transport. The latter are covered by the information circular INFCIRC/225/Rev4, a set of recommendations for the physical protection of nuclear material.

The limited scope of the Convention corresponds to States' positions, during its negotiation, that physical nuclear protection should fall in the domestic sphere. It therefore remains a national responsibility—not subject to binding international standards. However, increasing security concerns of large-scale terrorism, prompted by the September 11th attacks, have led to the initiation of an amendment process that would expand the Convention's scope to cover, *inter alia*, the physical protection of nuclear material in domestic use, storage, and transport, and the protection of nuclear materials and facilities against sabotage. While points of political difference remain, States have developed a renewed interest in convening a Diplomatic Conference to amend and strengthen the Convention, which will be convened in July 2005.

Provisions: The CPPNM obligates parties to:

- make specific arrangements and meet defined standards of physical protection for international shipments of nuclear material for peaceful purposes (plutonium, uranium 235, uranium 233 and irradiated fuel), according to Annexes I and II and IAEA INFCIRC/225;

- undertake not to export or import nuclear materials or to allow their transit through their territory unless

they have received assurances that these materials will be protected during international transport in accordance with the levels of protection determined by the Convention;

- co-operate in the recovery and protection of stolen nuclear material, by sharing information on missing nuclear materials;

- criminalize specified acts, including misusing or threatening to misuse nuclear materials to harm the public; and

- prosecute or extradite those accused of committing such acts. States Parties undertake to include those offenses as extraditable offenses in every future extradition treaty to be concluded between them.

The Convention also promotes international cooperation in the exchange of physical protection information.

Verification and Compliance: Verification: States Parties must identify and make known to each other directly or through the IAEA their central authority and point of contact having responsibility for physical protection of nuclear material and for coordinating recovery and response operations in the event of any unauthorized removal, use, or alteration of nuclear material or in the event of a credible threat thereof. The Convention does not provide for inspections. Compliance: Article 17 provides for dispute settlement procedures, but allows parties to opt out of those procedures.

Reservations: Several States Parties, including Argentina, Belarus, China, Cuba, Cyprus, France, Guatemala, Indonesia, Israel, Pakistan, Peru, Republic of Korea, Romania, the Russian Federation, South Africa, Spain, and Turkey, declared that they were not bound by the provision of Article 17, paragraph 2, which provides for the submission of disputes to arbitration or their referral to the International Court of Justice in the case of an inability to resolve the dispute on the basis of negotiations between the States Parties.

Review Conferences: Pursuant to Article 16 of the Convention, a Review Conference five years after its entry into force was held in Vienna from 29 September to 1 October 1992 and attended by 35 States Parties. The Review Conference unanimously expressed its full support for the Convention. Subsequently,

repeated calls have been made by the IAEA and its Member States for the strengthening of the CPPNM as an important contributor to nuclear security.

2005: The Conference to Consider and Adopt Proposed Amendments to the Convention on the Physical Protection of Nuclear Materials was held 4-8 July in Vienna to discuss strengthening existing provisions and expand the scope of the convention.

Delegates from 89 countries agreed on “fundamental changes” to strengthen the treaty to better address issues of nuclear terrorism, smuggling, and sabotage. The amended CPPNM legally binds states to the protection of nuclear facilities and material in peaceful domestic use, storage, and transport. It also provides for enhanced cooperation between states regarding the rapid location and recovery of stolen or smuggled nuclear materials, mitigation of radiological consequences of sabotage, and prevention of combat-related offenses.

The new rules dictated by the amendments will come into effect once two-thirds of the 112 States Parties to the convention ratify the changes. The IAEA states that it would actively assist Member States in their efforts to ratify and implement the obligations of the CPPNM.

2004: During the first half of the year, further consultations were held among a number of States Parties to the CPPNM on the outstanding issues of the Final Report of the “Open-Ended Group of Legal and Technical Experts to Prepare a Draft Amendment of the Convention on the Physical Protection of Nuclear Material.”

On 5 July, the IAEA Director General circulated proposed amendments to the CPPNM suggested by the governments of Austria, Australia, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Finland, France, Greece, Hungary, Ireland, Italy, Japan, Lithuania, Luxemburg, Norway, Poland, Portugal, Sweden, Switzerland, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, and the United States. Should a majority of States Parties to the CPPNM so request, the Director General will invite all States Parties to the CPPNM to a conference for consideration of the proposed amendments.

2003: From 3 to 14 March 2003, the group of legal and technical experts held its last meeting to prepare its recommendation on a well-defined amendment to the Convention. Under the chairmanship of Mr. Dennis Flory, the group adopted a Final Report that recommended the extension of the scope of the CPPNM to cover, inter alia, the physical protection of nuclear

material in domestic use, storage and transport, and the protection of nuclear materials and facilities against sabotage. However, the prepared text still contained a number of bracketed clauses on which the group was not able to reach agreement. On June, the IAEA Director General distributed the Final Report to the States Parties urging them to work rapidly towards consensus on the text in order to have a Diplomatic Conference to adopt the proposed amendments at an early date.

2002: The Fourth Meeting for Legal and Technical Experts to prepare a draft for amendment of the Physical Protection Convention was held on 2-6 September, in which around 120 delegations from 46 States participated. During the meeting, the participants were anticipated concluding the draft, but failed to agree on the methodology to incorporate Fundamental Principles of Physical protection in the draft and the scope of sabotage and question of sanction for its environmental damage related to the international commission. Later an international conference on physical protection was held on 8-13 September, which was titled “Strengthening Practices for Protecting Nuclear Material.” The goal of the Conference was to strengthen the international regime of physical protection against new threats as well as to prepare political and technical countermeasures against illicit trafficking of nuclear material and other radioactive materials. The working groups were separated into three topics, international standards, research and development and training programs.

2001: In February, the Fourth Working Group meeting of the Informal Open-Ended Expert Meeting to discuss whether there was a need to revise the Convention was held. It adopted a Final Report, in which the working group recommended the strengthening of the existing Convention by a well-defined amendment that would cover, among other topics, domestic use, storage and transport of nuclear material with the exclusion of nuclear material and nuclear facilities for military use, mandatory international oversight, periodic national reporting, peer reviews, and mandatory use of INFCIRC/225. It also recommended drafting a resolution for the IAEA General Conference with the aim of strengthening the physical protection regime.

The June 2001 Informal Open-Ended Expert Meeting adopted this Final Report. The meeting concluded that an amendment to strengthen the Convention should be drafted and then be reviewed by the States Parties with the view to determine if it should be submitted to an amendment conference. It also recommended that the IAEA Director-General convene a group of legal and technical experts to draft such an amendment.

2000: On 22-24 February, the First Working Group meeting to discuss whether to revise the Convention took place in Vienna. The meeting participants decided to establish five working sub-groups on differ-

ent related matters, including illicit trafficking and physical protection assistance. The Second Working Group meeting, convened on 26-30 June, discussed five working papers related to the competency of the five working sub-groups established at the first meeting.

In May, the Review Conference of the Nuclear Non-Proliferation Treaty (NPT), in its Final Document, noted the paramount importance of effective physical protection of all nuclear material, the need for strengthened international cooperation in physical protection, and called on all States to maintain the highest possible standards of security and physical protection of nuclear materials. The Conference urged all States that had not yet done so to adhere to the Convention by the earliest possible date and to apply, as appropriate, the recommendations on the physical protection of nuclear material and facilities contained in IAEA document INFCIRC/225/Rev.4 (corrected) and in other relevant guidelines. The series of the IAEA documents INFCIRC/225Rev.1, Rev.2, Rev.3, and Rev.4 represent the existing international consensus guidelines and recommendations intended to apply to the physical protection of nuclear material in use, storage, and transport, whether domestic or international and whether peaceful or military. The Conference also welcomed the ongoing informal discussions among legal and technical experts, under the *aegis* of IAEA, to discuss whether there is a need to revise the Convention.

On 20-24 November, the Third Working Group meeting of the Informal Open-Ended Expert Meeting to discuss whether there was a need to revise the Convention was held in Vienna. The meeting was convened to discuss and review several papers presented by the IAEA and Member States. The Working Group recommended that a draft resolution on wider adherence to the Convention should be presented to the IAEA General Conference in 2001. It also recommended that the IAEA create a Standing Advisory Group on security.

1998-1999: In response to the request of some States Parties to the Convention to hold a meeting to discuss whether there is a need to revise the Convention, the Director-General of the IAEA decided to convene an Informal Open-Ended Expert Meeting at the IAEA Headquarters in Vienna from 15-19 November 1999. The meeting considered proposals by the United Kingdom, France Germany, Belgium, and Sweden to look more broadly at the question. The meeting concluded that the next meeting should be held in May 2001, and before that, a working group should be established to make recommendations to the Expert Meeting.

1997: In September, members of the IAEA Board of Governors voiced support to move towards a possible review of the Convention. They suggested that the Agency should consider the possibility of convening a meeting of interested States to address the issues

involved in such a review. It was agreed that in case of sufficient support for such a meeting, it would be convened in 1998.

1996: The participants at the Moscow Nuclear Safety and Security Summit in April recognized the importance of effective nuclear material accounting and control and physical protection and fundamental responsibility of nations to ensure the security of all nuclear material in their possession and the necessity for effective national systems for nuclear accounting, control, and physical protection. They urged all States that had not yet done so to ratify the Convention at the earliest possible date.

1992-1993: The first Review Conference, attended by 35 States Parties, was held from 29 September-1 October 1992 in Vienna. The Review Conference unanimously expressed its full support for the Convention and urged all States to take action to become party to the Convention. The conference reaffirmed that the Convention provides a sound basis for the physical protection of the transport of nuclear material, the recovery and return of any stolen material, and the application of sanctions against any person who may commit criminal acts involving nuclear material. It concluded that no changes were needed in the Convention. The Conference also called upon the IAEA to organize a meeting to examine the IAEA physical protection recommendations in IAEA document INFCIRC/225/Rev.2, and to consider the incorporation of further guidance on such issues as irradiated fuel, nuclear material contained in waste, and other matters. As a result of a Technical Committee meeting in June 1993, revised recommendations were issued in September 1993 (as INFCIRC/225/Rev.3) that reflect the Committee's views in these respects.