

International Symposium on Nuclear Security - Legal Issues -

31 March 2009

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Director
Office of Legal Affairs**



IAEA

International Atomic Energy Agency

The international legal framework



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Fifty-ninth session
Agenda item 14E

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Working Group

1. Add
Nuclear Terror
General to op
New York from

2. Cal
Convention.

Annex
Internation
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The State

Having
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States.

Recalling
United Nation

Recogniz
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derived from the peaceful application of nuclear energy.

04-49453

INTERNATIONAL MARITIME O

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Agenda item 8

ADOPTION OF THE
AND RESOLUTION

PROTOCOL OF
UNLAWFUL ACTS A

THE STATES PARTIES

BEING PARTIES
of Fixed Platforms Local

RECOGNIZING
the Suppression of Unlaw
apply to fixed platforms

TAKING account

HAVE AGREED

For the purposes of this P

1 "1988 Protocol"
the Safety of F
on 10 March 1988

2 "Organization" m

3 "Secretary-Gen

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United Nations
Security Council

Resolution 1373 (2001)
Adopted by the Security Council
at its 5618th meeting,
28 September 2001

The Security Council,
Recalling its resolutions 1269
of 12 September 2001,
Recalling also its unequivocal
statement in New York, Washington,
and expressing its determination to
Recalling further that such
constitute a threat to international peace
and security,
Recalling the inherent right
recognized by the Charter of the United
Nations (2001),
Recalling the need to combat
the United Nations, threats to interna
tional peace and security,
Deeply concerned by the increas
ing terrorism motivated by intolerance or
hatred,
Calling on States to work together
to prevent, suppress and eliminate
relevant international conventions relating
to terrorism,
Recognizing the need for States
to take additional measures to prevent
terrorism, the financing and support
of terrorism,
Recalling the principle en
shrined in its resolution 1189 (1998)
that the duty to refrain from organ
izing, supporting, financing or providing
territory directed towards the commis
sioning of acts of terrorism,
Acting under Chapter VII of the
Charter of the United Nations,
Adopts the following resolution:

01-55743 (E)

United Nations
Security Council

S/RES/1540 (2004)
Dist.: General
28 April 2004

Resolution 1540 (2004)
Adopted by the Security Council at its 4956th meeting,
on 28 April 2004

The Security Council,
Affirming that proliferation of nuclear, chemical and biological weapons, as
well as their means of delivery,* constitutes a threat to international peace and
security,
Recalling, in this context, the Statement of its President adopted at the
Council's meeting at the level of Heads of State and Government on 31 January
1992 (S/23500), including the need for all Member States to fulfil their obligations
in relation to arms control and disarmament and to prevent proliferation in all its
aspects of all weapons of mass destruction,
Recalling also that the Statement underlined the need for all Member States to
resolve peacefully in accordance with the Charter any problems in that context
threatening or disrupting the maintenance of regional and global stability,
Affirming its resolve to take appropriate and effective actions against any
threat to international peace and security caused by the proliferation of nuclear,
chemical and biological weapons and their means of delivery, in conformity with its
primary responsibilities, as provided for in the United Nations Charter,
Affirming its support for the multilateral treaties whose aim is to eliminate or
prevent the proliferation of nuclear, chemical or biological weapons and the
importance for all States parties to these treaties to implement them fully in order to
promote international stability,

* Definitions for the purpose of this resolution only:
Means of delivery: missiles, rockets and other unmanned systems capable of delivering nuclear,
chemical, or biological weapons, that are specially designed for such use.
Non-State actor: individual or entity, not acting under the lawful authority of any State in
conducting activities which come within the scope of this resolution.
Related materials: materials, equipment and technology covered by relevant multilateral treaties
and arrangements, or included on national control lists, which could be used for the design,
development, production or use of nuclear, chemical and biological weapons and their means of
delivery.

04-32843 (E)
0432843



INTERNATIONAL ATOMIC ENERGY AGENCY, VIENNA, 1982

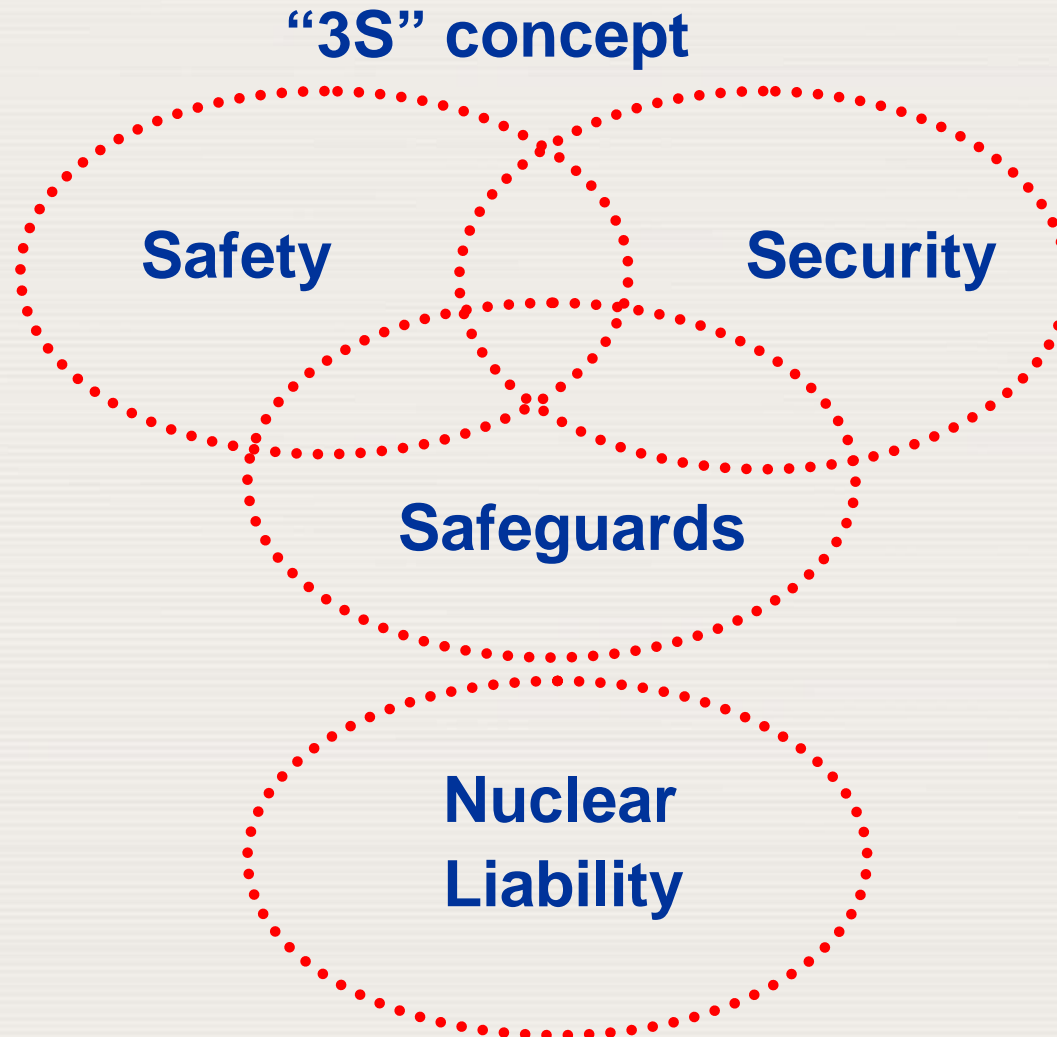
The national legal framework

Seven fundamental elements of national legislation relating to security

- **Regulatory Authority**
- **Licensing**
- **Inspection**
- **Criminalization**
- **Enforcement**
- **International Cooperation**
- **Import/Export Controls**

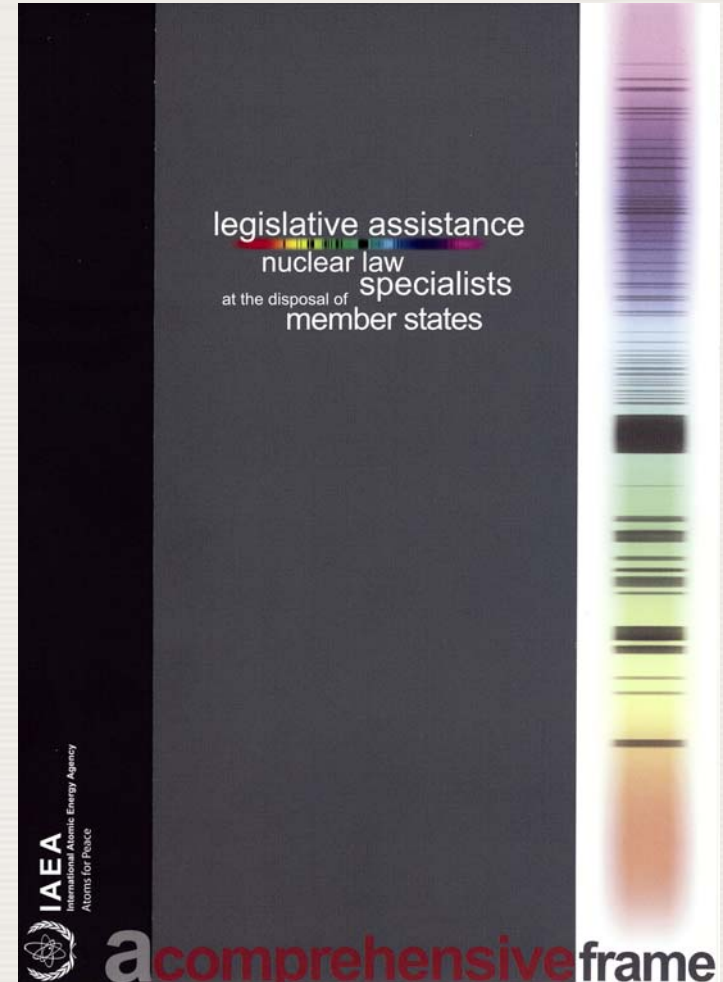
The “3S” Concept

On substance



Legislative Assistance Programme

- **Interaction with States**
- **Interface between legal and technical issues**
- **Multi-means approach to transfer of knowledge and know-how (new Nuclear Law Curriculum)**
- **More than 100 States have benefited from the programme**
- **Handbook on Nuclear Law, Parts I, II (on implementing legislation) and III (on other relevant fields of law)**



Challenges

- **Complex international legal framework**
- **Numerous international initiatives sometimes with unclear interrelation**
- **Nuclear *renaissance***
- **Increased risk requires increased efforts**
- **Increased universal adherence to and implementation of relevant instruments with broad national legislation**

Further information on the activities in nuclear law and nuclear security can be found in

<http://ola.iaea.org/OLA/default.asp>

THANK YOU FOR YOUR ATTENTION