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As we mark 20 years since the adoption of United Nations Security Council resolution 1540 (2004) (UNSCR 1540), the United Nations Office on Drugs and Crime (UNODC) continues to provide assistance to Member States which may help them fulfil some of their obligations under the resolution, building upon the synergies between the latter

and the seven international legal instruments against chemical, biological, radiological and nuclear (CBRN) terrorism discussed in the next paragraphs. According to the final report of the 2022 Comprehensive Review of the status of implementation of UNSCR 1540, slightly more than half of the measures envisaged in UNSCR 1540

have been implemented by UN Member States.

By providing a solid foundation for States to combat the proliferation of weapons of mass destruction (WMDs) by non-State actors, seven international legal instruments against CBRN terrorism align closely with the resolution's objectives and may significantly reinforce

the effective implementation of UNSCR 1540 by Member States. These seven instruments are actively promoted by the CBRN Terrorism Prevention Programme of UNODC.

UNODC'S MANDATE AND RELEVANT INSTRUMENTS

UNODC's mandate to promote adherence to and effective implementation of the international legal instruments dealing with CBRN terrorism stems from UN General Assembly resolutions.¹ These instruments deal with the criminalization of certain conduct by non-State actors involving CBRN weapons or materials. The conduct ranges from the illicit possession, handling and use of CBRN material to discharging WMDs from or against ships or aircraft, to nuclear smuggling. The seven instruments also require States to criminalize ancillary offences, such as attempts, participation, and several forms of assistance.

It should be highlighted that not all the above-mentioned instruments make terrorist motivation a necessary condition for a conduct to be criminalized under national

law. In some cases, it is an element of the offence, and in others, the possibility remains open to national legislators to include such intent as an aggravating factor.

By obliging States to criminalize certain acts involving CBRN materials, the seven instruments assist them to fulfil several of their obligations under UNSCR 1540, specifically under its operative paragraph 2. This paragraph decides that all States shall “adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them.”

Additionally, the Convention on the Physical Protection of Nuclear Material (CPPNM) and its 2005 Amendment ask States to protect nuclear material at certain levels specified therein. It is worth noting that operative paragraph 3 of UNSCR 1540

Seven international legal instruments against terrorism:

- [1980 Convention on the Physical Protection of Nuclear Material](#) (CPPNM)
- [1997 International Convention for the Suppression of Terrorist Bombings](#)
- [2005 International Convention for the Suppression of Acts of Nuclear Terrorism](#) (ICSANT)
- [2005 Amendment to the CPPNM](#) (A/CPPNM)
- [2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation](#)
- [2005 Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf](#)
- [2010 Convention on the Suppression of Unlawful Acts relating to International Civil Aviation](#)

¹ The latest one is A/RES/78/226.



UNODC event on promoting universalization of International Convention for Suppression of Acts of Nuclear Terrorism;
Credit: UN Photo/Loey Felipe

asks States, among other things, to “develop and maintain appropriate effective physical protection measures.”

It is important to emphasize that the seven instruments are included in the 1540 Matrix template, which is the primary method used by the 1540 Committee to collect information about implementation of the resolution by Member States. The matrices are prepared by the Group of Experts based on information received from national reports sent to the 1540 Committee and from other official

government information. They are then approved by the 1540 Committee. Individual matrices are used as “a reference tool for facilitating technical assistance and to enable the Committee to continue to enhance its dialogue with States on their implementation” of UNSCR 1540.²

As for the obligation enshrined in the resolution to adopt and enforce laws prohibiting non-State actors from financing the acts described, the International Convention for the Suppression of the Financing of Terrorism is

also an instrument of key importance for States.

UNODC'S TECHNICAL ASSISTANCE

Adhering to and effectively implementing the international legal instruments against CBRN terrorism at the national level can be challenging. UNODC's CBRN Terrorism Prevention Programme can provide expertise through legislative and other technical assistance in that regard. The assistance is tailored to the individual needs of a beneficiary country and includes

² www.un.org/en/sc/1540/national-implementation/1540-matrices.shtml.

the following, available upon request:

- Raising awareness on the importance and benefits of adhering to and fully implementing the instruments;
- Assisting national policy-makers and legislators in drafting and reviewing relevant national legislation;
- Training criminal justice and law-enforcement officials in the effective investigation, prosecution and adjudication of relevant offences covered by the instruments;
- Enhancing international cooperation in criminal matters related to CBRN terrorism.

The key role played by UNODC in furnishing assistance to Member States to prevent CBRN terrorism has been recognized by the afore-mentioned UN General Assembly resolution, as well as in a variety of relevant *fora*. UNODC

is a member of the UN Global Counter-Terrorism Coordination Compact’s Emerging Threats and Critical Infrastructure Protection Working Group, an observer at the Global Partnership Against the Spread of Weapons and Materials of Mass Destruction and a corresponding organization at the Inter-Agency Committee on Radiological and Nuclear Emergencies, among others. In October 2022, the UN Office of Legal Affairs transferred to UNODC the task of receiving and disseminating notifications of designation of competent authorities and liaison points made by States Parties under article 7(4) of the International Convention for the Suppression of Acts of Nuclear Terrorism (ICSANT).

In the past four years, UNODC aided over 120 countries within the framework of two projects funded by the Government of Canada and the European Union (EU) that focus on three out of the seven instruments (ICSANT, CPPNM and A/CPPNM). These efforts contributed to the adherence of 20 new States to these in-

struments against nuclear terrorism, raised awareness of some 750 officials and trained over 170 national criminal justice officials, to mention just a few examples.³ Additionally, nearly 3,000 professionals completed UNODC’s eLearning modules on the international legal framework against CBRN terrorism⁴ and on ICSANT.⁵

Complementing the technical assistance provided by UNODC’s CBRN Terrorism Prevention Programme, additional assistance within the scope of operative paragraph 3(c) of resolution 1540 is provided through UNODC’s Border Management Branch (BMB) Passenger and Cargo Border Team programme. Within this programme’s framework, strategic trade and export control (STEC) training is delivered to participating Member State’s frontline officer units.

STEC training is considered an advanced course, building on the fundamentals of targeting and risk analysis to select the cargo shipments presenting the highest potential risk

3 www.unodc.org/icsant/en/events/Events.html.

4 www.unodc.org/icsant/en/web-stories/unodcs-elearning-module-on-the-international-legal-framework-against-chemical-biological-radiological-and-nuclear-terrorism.html.

5 www.unodc.org/icsant/en/icsant-elearning-module.html.



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for examination, while facilitating legitimate trade. The advantage for the participating Member States is that this enhances their capabilities to meet their UNSCR 1540 responsibilities in one aspect (in other words, through effective border controls), especially when combined with other programmes such as the World Customs Organization's Strategic Trade Control Enforcement (STCE) project.

ADDRESSING CHALLENGES

Legislative incorporation of the international legal instru-

ments may pose some difficulties for Member States due to a variety of factors, such as the complexity of the issues covered, as well as differences in scope and definitions between some conventions. Accordingly, in addition to offering legislative assistance to States, UNODC developed model legislative provisions for the implementation of the criminalization provisions of: (1) the international legal instruments against terrorism, which also include those dealing with CBRN issues; and (2) ICSANT, CPPNM and its 2005 Amendment.⁶ The latter were produced in co-

operation with the International Atomic Energy Agency (IAEA) in 2009. Furthermore, UNODC launched a regularly updated website on [ICSANT](#), the use of which has been recently encouraged by UN General Assembly resolution A/RES/78/226.⁷ It hosts a panoply of materials related to the Convention in all six United Nations official languages, with some also translated into other non-official languages. Among other resources, the website currently contains submissions from over 50 States Parties to the Convention on the legislation they enacted to implement its criminalization

⁶ www.unodc.org/icsant/en/model-legislation.html.

⁷ Para. 12.

provisions, which may serve as reference for other States.

UNODC continues to raise awareness on the benefits and importance of Member States becoming party to the international legal instruments against CBRN terrorism, apart from being synergetic with the implementation of UNSCR 1540 that is binding on all of them. Some States nevertheless may not recognize these benefits.

For example, a country that does not have nuclear material might perceive the threat of nuclear terrorism as minimal and hence not prioritize these treaties. However, the country may be at risk, as nuclear and other radioactive material may be smuggled into its territory, or its citizens might fall victim to a nuclear terrorist attack abroad, or the perpetrator of such an attack might find refuge in its territory. Being

a party to the international legal instruments and having the relevant domestic legislation in place would enable this country to effectively prosecute offenders for smuggling nuclear material, or claim jurisdiction over the terrorist act involving its citizens and have a legal basis to prosecute perpetrators found in its territory (or, alternatively, extradite them to another country also having jurisdiction for prosecution).



Signs warning of potential danger related to radioactive material; Credit: Dan Meyers

Another challenge many States face is the lack of experience and expertise to effectively implement the provisions of the international legal framework against CBRN terrorism. To tackle these issues and assist States with the adherence to and legislative implementation of that framework, UNODC has developed multiple tools, resources and activities that include, among others, the following:

- **Self-assessment questionnaire for countries considering adherence to ICSANT;**
- **Manual on fictional cases related to offences under ICSANT;**
- **eLearning module on the Convention's key provisions;**
- **eLearning module on the international legal framework against CBRN terrorism (including a section on UNSCR 1540);**
- **Webinar series on international legal approaches and criminal justice responses to countering CBRN terrorism;**

- **Mock trial and table-top exercises;**
- **National seminars on ICSANT for judicial education and training centres.**

COOPERATION WITH THE 1540 COMMITTEE, ITS GROUP OF EXPERTS AND OTHER ENTITIES

UNODC has excellent working relations with the 1540 Committee and its Group of Experts. The Office positively responds to requests for assistance, within its mandate, submitted by Member States through the 1540 Committee's matchmaking mechanism, and has worked with several Member States on related matters. UNODC also holds regular informal meetings with the Group of Experts to coordinate efforts and further explore opportunities for cooperation.

In carrying out activities relevant to promoting the international legal framework against CBRN terrorism, UNODC also works with multiple international and regional organizations and

entities, as well as academia and non-governmental organizations.

CONCLUSION

Member States still have a chance to enhance their implementation rate of measures envisaged by UNSCR 1540 during the next comprehensive review of the status of implementation, which is due before December 2027.⁸ Through its longstanding and successful assistance programme, UNODC continuously devotes resources to assist Member States in adhering to and implementing the international legal instruments against CBRN terrorism, which in turn enhances national compliance relevant with obligations under UNSCR 1540. In doing so, UNODC will further strengthen and expand its partnerships with the 1540 Committee, its Group of Experts and other relevant entities, building upon synergies and striving to maximize results to better assist Member States through customized activities and tools.

8 S/RES/2663.