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Department:
Energy
REPUBLIC OF SOUTH AFRICA

PRESENTATION TO THE PORTFOLIO COMMITTEE ON ENERGY

Amendment to the Convention On Physical Protection Of Nuclear Material And Facilities (CPPNM)

Date : 20 November 2018

Venue : V226; 2nd Floor; Old Assembly

Time : 11h00 - 12h30



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Outline of the Presentation

- Purpose of the Briefing
- Background on the Convention on Physical Protection of Nuclear Material (CPPNM)
- New obligations on the Amended CPPNM
- Strategic importance of CPPNM
- Status on the Ratification of the CPPNM
- Implementation Plan
- Explanatory Memorandum for the Amendment to the CPPNM
- Conclusion

Purpose of the Briefing

- To apprise Portfolio of Committee on Energy (PCE) on the Amended Convention on the Physical Protection of Nuclear Material (CPPNM);
- To present the progress in terms of the acceptance of the amended CPPNM.

Background

- The Convention on Physical Protection of Nuclear Material (CPPNM) is the only legally binding international undertaking in the area of physical protection of nuclear material.
- The CPPNM was adopted in 1979 and entered into force in 1987 (**Annexure A**).
- The Convention focuses on the physical protection of nuclear material used for peaceful purposes during **international transportation** with the objective of preventing **theft or unauthorized use**.

Background.....Cont

- Key provisions of the Convention cover international transport of nuclear material as well as establishment of a list of offenses that involve nuclear material.
- Member States undertake to make these offenses punishable under their national Law (Article 7 of the original CPPNM).
- South Africa signed the CPPNM in May 1981 and ratified it in September 2007.

Background.....Cont

The 9/11 (11 September 2001) incident attack in the USA resulted in the following:

- Increased security concerns of large-scale terrorism for nuclear facilities
- Prompted the initiation of the amendment, to expand the scope of the Convention considering terrorism as a threat to nuclear facilities, hence, the amended convention of the physical protection of nuclear material and nuclear facilities.

State Parties to the CPPNM adopted, by consensus, an amendment to the CPPNM to strengthen its provisions on 08 July 2005 (**Annexure B**).

New Obligations

- The Amendment broadens the scope of the CPPNM to also include physical protection requirements for nuclear facilities and nuclear material in **domestic use, storage and transport.**
- It provides for expanded cooperation between and among States regarding rapid measures to
 1. *locate and recover stolen or smuggled nuclear material,*
 2. *mitigate any radiological consequences of sabotage, and*
 3. *prevent and combat related offences.*

New Obligations....Cont

- The Convention also provides for the criminalisation of new and extended specified acts (Paragraph 9 - 10 of the amended CPPNM).
- It provides for the sharing of information on potential and actual attacks on nuclear material and facilities, and the provision of assistance if such attacks should occur.

New Obligations...Cont

- It recognises the right of all States to ***develop and apply nuclear energy for peaceful purposes*** and their legitimate interests in the potential benefits to be derived from the peaceful application of nuclear energy.
- The Amendment augments the national security of a state by providing a strengthened international framework which include the need to implement legislative, regulatory and administrative obligations.

Strategic Importance

- Protection of nuclear material is indeed one of the most effective ways of preventing or mitigating the catastrophic consequences that could result from terrorists gaining access to a nuclear material.
- Security of nuclear facilities is also recognized as an important aspect that needs national and global attention. Nuclear safety accidents at nuclear power plants and other nuclear facilities have demonstrated that the environmental and economic impact of these accidents can be severe.

Strategic Importance..Cont

- Protection of nuclear material and facilities involves a broad range of activities on the international level as well as in individual countries.
- International law recognizes that each state has responsibility for implementing these measures and for providing adequate protection for the material in its possession.
- At the same time, the international community has established a set of international arrangements that help to create and maintain the international nuclear security regime hence the importance of ratifying the amended CPPNM.

Strategic Importance..Cont

- The Amended Convention entered into force in May 2016.
- Department of Energy presented the Convention to the Cabinet on 23 May 2018.
- The Cabinet granted approval for the Convention to be presented to Parliament in terms of section 231(2) of the Constitution.
- Upon approval, Cabinet furthermore prescribed that the nuclear physical infrastructure be protected by individuals who hold the relevant security clearance and hold South African citizenship.
- The directive has been communicated with the relevant institutions and compliance will be monitored accordingly

Strategic Importance..Cont

- Letters requesting tabling to Parliament have been submitted to both the Speaker of the National Assembly and the Chairperson of the National Council of Provinces
- Once all the processes have been completed, the instrument of acceptance will be deposited with the Depositary through the Diplomatic Channel.

Implementation Plan

- The provisions of the Amendment to CPPNM will be implemented in accordance with the legislative process as stipulated in the Constitution of the Republic of South Africa.
- The implementation of Amended CPPNM provisions will be in accordance with the following:
 - Nuclear Energy Act; 1999, (Act No. 46 of 1999)
 - National Nuclear Regulator Act; 1999, (Act No. 47 of 1999)
 - National Key Point Act; 1980, (Act No 02 of 1980)
 - Protection of Information Act; 1982, (Act No. 84 of 1982)
 - National Strategic Intelligence Act; 1994, (Act No. 39 of 1994)
 - Minimum Information Security Standard document;
 - Design Basis Threat document and
 - Any other relevant legislation.

Explanatory Memorandum for the Amendment to the CPPNM

- The explanatory memorandum gives background to the Amendment of the CPPNM, covered in the presentation.
- The explanatory memorandum is attached (**Annexure C**).

Conclusion

- It is important to note that the international community support universalisation of the amendment to the CPPNM, which is regarded as an important step towards making the world more secure, by providing assurance that the same level of physical protection is applied throughout the world.
- Universalization is important especially in the transfer of nuclear material because all State Parties to this Convention will maintain same level of physical protection.
- South Africa is supportive of this international community initiative, hence the acceptance of the Amended CPPNM.

End

