

**2005 Review Conference of the Parties
to the Treaty on the Non-Proliferation
of Nuclear Weapons**

23 May 2005

Original: English

**Note verbale dated 20 May 2005 from the Permanent Mission of
Germany addressed to the Secretary-General of the Conference**

The Permanent Mission of Germany to the United Nations presents its compliments to the Secretary-General of the Conference, and with reference to the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), has the honour to request that the following German contribution submitted to the Preparatory Committee be circulated as a working paper of the Conference:

- Protection against nuclear terrorism and security of nuclear materials and nuclear installations (NPT/CONF.2005/PC.I/WP.12) of 18 April 2002
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**Preparatory Committee for the 2005 Review
Conference of the Parties to the Treaty on the
Non-Proliferation of Nuclear Weapons**

18 April 2002

Original: English

First session

New York, 8-19 April 2002

**Protection against nuclear terrorism and security of nuclear
materials and nuclear installations**

Working paper submitted by Germany

1. The terrorist attacks of 11 September made clear that the world is confronted with a new quality of threat with serious repercussions in, among others, fields such as nuclear non-proliferation, safety and security.
2. The international community agreed in Vienna on the necessity to respond effectively to the threat of nuclear terrorism, both nationally and internationally.
3. Upon a German initiative the General Conference of the International Atomic Energy Agency (IAEA) at its most recent session requested the Director General to review the Agency's ongoing work and areas relevant to the prevention and mitigation of the consequences of such terrorist acts.
4. Six months after the terrorist attacks of 11 September, the IAEA Board of Governors in March 2002 approved in principle an action plan designed to upgrade worldwide protection against acts of terrorism involving nuclear and other radioactive materials. In approving the plan, the Board recognized that the first line of defence against nuclear terrorism is the strong physical protection of nuclear facilities and materials, thus avoiding the possibility of nuclear materials being acquired by sub-national groups or individuals, resulting in a threat of nuclear or radiological weapons.
5. The commitment of safeguards based on the Treaty on the Non-Proliferation of Nuclear Weapons aiming at the timely detection of any diversion of significant quantities of nuclear material by States has to be clearly distinguished from physical protection, which is designed to prevent acts of sabotage or theft by sub-national groups or individuals.
6. In Germany, the competent regulatory authorities, the security authorities and the operators of nuclear installations have responded to the terrorist attacks in several areas. The security authorities carry out an ongoing assessment and an evaluation of the current threat situation. The licencees of all nuclear installations were instructed by the competent authorities on both the federal and the state level

to implement additional physical protection measures at their facilities. The regulatory authorities initiated measures regarding personnel and organizational issues to improve the safety culture at nuclear installations and with regard to transport. The current design basis threat for the physical protection of Germany's nuclear installations has been reviewed and assessed against several new scenarios. This ongoing process has led and is continuing to lead to improved technical measures and regulatory and administrative systems with respect to the physical protection of nuclear material and nuclear facilities.

7. States do have the primary responsibility for the security and safety of nuclear and other radioactive materials and nuclear facilities on their territory and have to take effective measures to that end. Based on the sensitivity of the issues, States have to decide for themselves on the extent to which they will take the measures and provide the services envisaged by IAEA or whether they prefer the avenue of bilateral exchange of information and cooperation.

8. Germany actively participates in the ongoing negotiations on the strengthening of the Convention on the Physical Protection of Nuclear Material. These negotiations should be successfully concluded in the near future. Germany urges all States that have not yet done so to adhere to the Convention at the earliest possible date and to apply the recommendations on the physical protection of nuclear material and facilities contained in IAEA document INFCIRC/225/Rev.4 (corrected).

9. The safeguards system of IAEA is the fundamental pillar of the global nuclear non-proliferation regime. Germany stresses that Additional Protocols, together with comprehensive Safeguards Agreements, form an integral part of the IAEA safeguards system, to which adherence is mandatory and essential for the fulfilment of the obligations in article III of the Non-Proliferation Treaty. Germany therefore urges all States which have not yet concluded a comprehensive Safeguards Agreement and an Additional Protocol with IAEA to do so without delay.