

**NEXT STEPS FOR THE AMENDMENT TO THE CONVENTION ON  
THE PHYSICAL PROTECTION OF NUCLEAR MATERIAL (A/CPPNM)**  
*How the next Conference of the Parties to the A/CPPNM can be even better  
than the last*

Sarah Case Lackner, Ph.D.  
Vienna Center for Disarmament and Nonproliferation  
Vienna, Austria  
Email: scaselackner@vcdnp.org

**Abstract**

The first Conference of the Parties to the Amendment to the Convention on the Physical Protection of Nuclear Material (A/CPPNM) following its entry into force was convened by the IAEA Director General in March 2022. The 2022 Conference was broadly considered a success, in large part due to the agreement on a consensus outcome document for the Conference. Prior to the conclusion of the Conference, a majority of Parties requested that the Director General convene a second such Conference in no less than five years, as per Article 16.2 of the A/CPPNM. A second Conference will provide opportunities for Parties to build on the success of the 2022 Conference, both in the preparations and during the Conference itself. This paper will address some of these opportunities, such as further encouraging the universalization of the CPPNM and its Amendment, seeking to establish a regular and structured process for discussing implementation of the Convention under the aegis of the Conference process and ways in which Parties could seek to strengthen implementation of the Convention in a consensus outcome document of the next Conference.

1. INTRODUCTION

The threat of nuclear terrorism impacts all countries in the world. While the peaceful use of nuclear material has many potential benefits, for example, as a source of carbon-free energy, such material can also pose significant danger in the wrong hands. Universal adherence to and robust implementation of the Convention on the Physical Protection of Nuclear Material (CPPNM) [1] and its 2005 Amendment (A/CPPNM) [2] is an essential part of ensuring the security of nuclear material, as underscored by the large and growing number of adherents to these instruments: as of 29 February 2024, out of 193 UN Member States, there were 164 Parties to the CPPNM and 135 to its Amendment. [3]

The Amendment to the CPPNM came into force 11 years after its adoption in July 2005, when two thirds of the Parties to the original CPPNM joined the Amendment. Article 16.1 of the CPPNM as Amended states that “(a) conference of States Parties shall be convened by the depositary five years after the entry into force of the Amendment ... to review the implementation of this Convention and its adequacy as concerns the preamble, the whole of the operative part and the annexes in the light of the then prevailing situation.” The conference organized pursuant to this article, the 2022 Conference of the Parties to the A/CPPNM (the 2022 Conference) was convened on 28 March – 1 April 2022 by the Depositary, the Director General of the International Atomic Energy Agency (IAEA).

The preparations for the 2022 Conference began in late 2018 and consisted of an initial meeting to develop a provisional roadmap for the preparations for the 2022 Conference, two Open Ended Meetings of Legal and Technical Experts, and two Preparatory Committee meetings. The latter two meetings focused primarily on building consensus among Parties to the A/CPPNM (the Parties) around a draft Rules of Procedure and programme for the 2022 Conference. The length and format of the Conference was discussed in depth, as were topics such as the role of non-Parties, CPPNM-only Parties, NGOs and IGOs in the Conference, and their associated privileges. Ways to assist Parties to prepare for the Conference were also discussed, and some broader topics, such as emerging technology, were also raised, particularly during the informal phase of preparations [4, 5, 6]. The focus on organizational and procedural matters in these meetings was due to the lack of explicit instruction for convening the Conference provided in the Convention and the fact that this was the first such Conference to be convened under the CPPNM as Amended.

The 2022 Conference was broadly considered by the participants to be a success, particularly in light of the organizational and diplomatic complications introduced by the then-ongoing COVID-19 pandemic<sup>1</sup> and the start of the war in Ukraine in February 2022. Following a months-long negotiation process led by the Presidents of the Conference, Ambassador Suleiman Dauda Umar of Nigeria and Ambassador Benno Laggner of Switzerland, the 2022 Conference closed on 1 April 2022 with an outcome document agreed by consensus among the Parties. [7]

The 2022 Conference also concluded with an announcement by the IAEA Secretariat that a majority of the Parties had requested the Director General to convene a second Conference in not less than five years time, subsequent to Article 16.2 of the Convention as Amended. [7] Thus, a second Conference of the Parties to the A/CPPNM will be convened by the Agency in the coming years, as early as 2027. This means that the preparations for this second Conference could begin as early as next year.

The period before these preparations begin in earnest provides a valuable opportunity for reflection among the Parties regarding lessons learned from the 2022 Conference, and how to use these lessons when planning for the second Conference. This paper identifies three key areas for consideration by Parties during the organization of the next Conference, which will be explored in more depth in the remainder of this paper. These are:

- Increasing technical discussion on the implementation of the CPPNM as Amended in the preparations for the Conference, as well as during the next Conference;
- Ensuring that this technical discussion is used to strengthen the Conference outcomes; and
- Strengthening the impact of the Conference and any follow on Conferences into the future.

An analysis of each of these areas is provided in the following sub-sections, and summary proposals for the preparation of the next Conference are provided at the end of this paper.

## 2. INCREASING DISCUSSION ON THE IMPLEMENTATION OF THE CPPNM AS AMENDED

While the objective of the Conference of the Parties to the A/CPPNM is to review the adequacy of the CPPNM as Amended [2], not to review its implementation by Parties, substantive discussion on implementation of the Convention still serves a necessary function. Substantive discussions on implementation allow Parties to gain a global view of the implementation of the Convention outside the borders of their own States and provide context for a judgment on its adequacy. Further, discussions on implementation can provide background for conclusions set out in the outcome document of the Conference. Finally, they can provide States with the opportunity to consider lessons learned from others and to improve their own implementation of the Convention's provisions.

The preparations for the 2022 Conference were understandably dominated by a need to settle organizational issues related to its status as the first Conference of its kind. [5, 6] The next Conference will be a follow-on Conference, and thus, there is likely to be more bandwidth for substantive discussions during the preparations, including on national implementation of the Convention and the best way to reflect these discussions during the Conference. By introducing several changes during the preparation process for the next Conference, Parties could take full advantage of this potential additional bandwidth and build on the lessons learned from the 2022 Conference.

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<sup>1</sup> Due to the COVID-19 pandemic from 2020-2022, all negotiations and discussions after the start of 2020 on the organization of the Conference, including the Preparatory Committee Meetings, were held virtually.

## 2.1. Taking a regional approach

Countries in a region typically have common challenges and interests, and shared borders mean that countries often are more invested in the policies of their neighbours than those of more distant States. Thus, regional consultations are often used in international meetings to support fruitful discussion on challenging issues, and a regional structure is used to good effect in the review Conferences associated with other Conventions.<sup>2</sup> However, a decision was taken during the preparations for the 2022 Conference to hold all discussions in the Conference in plenary, with all Parties in attendance. Most of the preparations were also held in a plenary style, with only one set of virtual regional meetings organized, focused on the development of national statements.

While convening plenary-style preparations is logical for developing an agenda and Rules of Procedure, the primary focus of the 2022 Conference preparations, it is less productive for encouraging discussion on the implementation of the CPPNM as Amended, including national and regional challenges and successes. If the next Conference considers in more depth the global technical implementation of the CPPNM as Amended, including as context for its decisions and outcomes, it could pay dividends to convene a series of preparatory consultations regionally to discuss implementation challenges and prepare input for the overall preparatory process. This has the added benefit of strengthening ties among the regions on this topic, in a long-term, continuous way. Such regional consultations could be modelled on the most recent review cycle for the Non-Proliferation Treaty.

It could also be possible to introduce more regional elements into the Conference itself as an organizing principle. There are no regional groupings explicitly identified in the CPPNM as Amended, and, thus, should more regional elements be desired in the Conference, Parties would need to determine how to incorporate them into the agenda. Parties would also need to decide on the regional groupings, and it would need to be stressed that no review of individual States' implementation would be undertaken. However, there could be benefits to using regions as an organizational tool during the Conference, as representatives would then be able to discuss in depth their regional challenges and solutions during the Conference itself, and to highlight issues relevant to their regions.

## 2.2. Expanding the role of Non-Governmental Organizations (NGOs) in the preparation process

Conferences subsequent to Article 16.1 of the CPPNM as Amended are convened to address a legal obligation of the Parties to make a determination on the adequacy of the Convention. However, Parties are not the only stakeholders in this process, and are not the only entities that can provide valuable input for Parties' consideration. As recognized by Parties at the 2022 Conference, including through reference to the inclusion of NGOs in the Conference in the Rules of Procedure [8], NGO participation in such Conferences can be valuable.

During the 2022 Conference, a session was explicitly set aside for NGOs to present perspectives to the Parties, in which they were able to provide them with outside perspectives and insights regarding the CPPNM as Amended. While this session was valuable, NGOs could provide even more useful input to the Parties if opportunities for their participation were provided in the preparation process as well as at the Conference itself. Typically, by the time a Conference such as the 2022 Conference begins, international discussions have long been underway, national positions have been set, and the broad outlines of the outcomes are often already negotiated. Outside perspectives and insights, such as those NGOs provide, could be more useful for Parties' deliberations if opportunities to hear these perspectives were included as part of the preparations for the Conference rather than only at the Conference itself.

Including NGOs in some way in the official preparations could also improve coordination between the official preparatory process and the efforts NGOs will likely undertake in the run up to the Conference. For

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<sup>2</sup> Examples include the Convention on Nuclear Safety and the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management. A regional structure is also used to facilitate discussions during the Open Ended Meetings of Technical and Legal Experts convened to discuss the implementation of non-binding Code of Conduct for the Safety and Security of Radioactive Sources.

example, in 2022, several meetings with this goal were organized by the Nuclear Threat Initiative (NTI) and regional partners, such as the Middle East Scientific Institute for Security (MESIS), African Centre for Science and International Security (AFRICISIS) and Fundación Argentina Global, including to assist Parties in their preparations for the Conference. If these NGO efforts are not well-coordinated with the official preparations, they could result in conflicting or duplicative efforts. However, if they are well-coordinated, they could amplify the messages that Parties and the IAEA would like to emphasize throughout the preparations.

### **2.3. Seeking input on implementation from the IAEA CPPNM Points of Contact (POC) meetings**

According to Article 5 of the CPPNM as Amended, “States Parties shall identify and make known to each other directly or through the International Atomic Energy Agency 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 credible threat thereof” [2]. The IAEA maintains, on its Nuclear Security web portal (NUSEC), a list of these Points of Contact provided by States. In addition, since 2015, the IAEA has organized a yearly meeting of these Points of Contact (POC meeting) at its headquarters in Vienna, to discuss the national implementation of the Convention.

These meetings are distinct from those needed to prepare for the Conference of the Parties to the A/CPPNM, as they do not typically involve a strong legal or diplomatic element, and States typically nominate different, lower-level officials to the POC Meeting as opposed to Review Conferences for Conventions. In addition, the Conference is explicitly for the Parties of the A/CPPNM, although CPPNM parties were provided an observer status in the Rules of Procedure for the 2022 Conference [8], and the POC meetings are for CPPNM and A/CPPNM Parties, on equal footing. For these reasons, there was no formal link established between the POC meetings and the preparations for the 2022 Conference, although the initial Roadmap meeting was held directly after the December 2018 POC meeting, and there was significant overlap in attendance [4].

However, the substantive discussions on implementation that take place in the POC meeting could provide useful input for the Conference, as they involve many experts from around the world on the CPPNM and its Amendment, including many from developing countries. It could be worthwhile for IAEA to further explore how the discussions in the POC meeting could be leveraged to provide useful input to the next Conference as they initiate the preparations.

### **2.4. Encouraging further discussion on the then prevailing situation and emerging technologies**

According to Article 16.1 of the CPPNM as Amended, the review of the implementation of the Convention and its adequacy is to take place “in light of the then prevailing situation” [2]. In 2019, during the Meetings of Legal and Technical Experts convened prior to the Preparatory Committee for the 2022 Conference, there was some substantive discussion regarding the interpretation of the “then prevailing situation”. Notably, the Report of the Co-Chairs states: “[w]hen considering how to prepare for and what should be discussed at the 2021 Conference as concerns the ‘then prevailing situation’, many representatives stressed that it should not be viewed in isolation. Rather, they considered that it was important for framing the contemporary context for the review of implementation and adequacy. Some representatives noted that the prevailing situation is dynamic and has changed since 2005, when the Amendment to the CPPNM was adopted.” [5]. This topic is further elaborated on in Annex VI of the Report of the Co-Chairs, where examples of specific emerging technologies that could be considered in discussions of the then prevailing situation are provided.

However, the Report of the Preparatory Committee made no mention of this topic [6], and the Outcome Document of the Conference did not highlight any of the emerging technologies, such as artificial intelligence (AI), social media and uncrewed autonomous vehicles, whose implications and potential risks are being actively discussed in many international fora or provide guidance for Parties on how to account for them. The document instead provided only a fleeting reference to the prevailing situation and emerging technologies, noting “that key

changes and factors related to the prevailing situation include expanding peaceful uses of nuclear energy, novel advanced reactor technologies, and changes in the threat and risk environment, including those related to technological developments in general. The Conference emphasized that new technologies are also used to strengthen nuclear security, including physical protection.” [7]

However, paradigm-shifting technological advances, such as AI, cannot be ignored. They are actively changing the threat and security landscape in which the provisions of the CPPNM as Amended are implemented. Even if no change is needed to the CPPNM as Amended itself, the potential impact on its implementation by Parties needs to be considered. This includes both how these technologies could be misused by a malicious non-State actor and how a State could use these technologies to strengthen their implementation of the CPPNM as Amended. While some States may be prepared to do this at a purely national level, others are not. Thus, discussions of emerging technologies and how they influence States’ implementation of the Convention should be included as part of the preparations for the Conference and potentially the Conference itself.

There are many political and national sensitivities at play when considering the possible implications of emerging technologies for the CPPNM as Amended and its implementation. This is not a reason to avoid considering them, or to consider them only on a national level. However, it could mean that NGOs or other outside bodies would be a natural fit for initiating these conversations, rather than States or International Organizations such as the IAEA. If these conversations bear fruit, their conclusions and proposals could be then introduced into the preparatory stages of the planning for the next Conference.

### 3. USING THE TECHNICAL DISCUSSIONS TO IMPROVE THE CONFERENCE OUTCOMES

From the outset of discussions among Parties in 2018 and 2019, it was clear that there was little appetite among most Parties for introducing the possibility of a further Amendment to the Convention, particularly given the Convention’s flexible language and the reality that neither the CPPNM nor its 2005 Amendment have yet achieved universal adherence. This is likely to be the case in 2027 or 2028 as well, unless the global situation in which this Convention is applied is demonstrated to have changed significantly from 2022.

However, a judgment that the CPPNM as Amended is adequate does not prevent Parties from choosing to provide an assessment of the need for further action to ensure the CPPNM as Amended continues to be robustly implemented, to support the judgment of adequacy. However, such an assessment would require as a basis a substantive technical discussion of implementation.

There are several forms that such an assessment might take. For example, in the Final Statement for the CPPNM Review Conference in 1992, while the Convention was judged to be adequate, Parties used this opportunity to request further investigation of and development of international guidance on topics supplementing the Convention. [9] This enabled the Convention to be strengthened indirectly, while judging it as adequate and not calling for an Amendment for another 20 years after this initial Conference of the Parties to the CPPNM.

Technical discussions on implementation could, for example, demonstrate that actions on the part of the IAEA Secretariat or A/CPPNM Parties are needed to support adequacy of the CPPNM as Amended. If this were to occur, language indicating the need for such action could be included, as in 1992, in the outcome document. Such actions and statements could provide a method of maintaining the relevance of the CPPNM as Amended over a longer period without the need to initiate discussions on a further Amendment or introduce the possibility of judging the Convention to be inadequate.

This is of particular importance to maintain the strength of the CPPNM as Amended, given the rapidly changing threat environment in which it is currently being implemented. A detailed technical discussion on the implementation of the Convention as Amended, both in the preparation phase and during the Conference itself, as set out in the earlier part of this paper, would be able to identify and develop a range of areas in which Parties could recommend such action.

#### 4. STRENGTHENING THE IMPACT OF THE CONFERENCES INTO THE FUTURE

Significant effort and resources by States as well as by the IAEA will need to be dedicated to the preparation for and convening of the next Conference of the Parties to the A/CPPNM. For this reason, as well as for the continued health and progress of the international nuclear security regime, it is essential to look towards the future to ensure that the impact of convening these Conferences is maximized.

In the coming sub-sections, we explore three ways in which a future Conference (or Conferences) could contribute to maintaining a high level of nuclear security globally, by ensuring continuity, reducing time spent on administrative preparatory matters and working towards global adherence to both the CPPNM and its Amendment.

##### 4.1. Regularizing the convening of Conferences under Article 16.1

As noted in Section 2.4 of this paper, the current rapid pace of technological change has many implications for nuclear security that are not yet fully understood. Combined with a potential sharp increase in nuclear energy generation around the world with the goal of increasing the worldwide share of low-carbon energy generation [10], including by many newcomer States, the nuclear security landscape is likely to change dramatically in the coming decades.

Given these approaching shifts in the international environment for nuclear security, Parties should agree to review the CPPNM as Amended and assess its continued adequacy at regular intervals into the future. This will provide assurance that the CPPNM as Amended is still adequate for its task, as well as provide Parties with an opportunity to provide regular feedback on its global implementation.

While there is no requirement in the CPPNM as Amended for review Conferences to be convened at regular intervals into the future, there are provisions that would enable this. Notably, Article 16.2 states, “(a)t intervals of not less than five years thereafter, the majority of States Parties may obtain, by submitting a proposal to this effect to the depositary, the convening of further conferences with the same objective.” [2] Thus, if the majority of Parties are in agreement, a regular schedule could be agreed to for requesting repeated Conferences under Article 16.2 into the future, as long as the Conferences are convened more than 5 years apart.<sup>3</sup> However, there are also challenges associated with the convening of regular Conferences of the Parties to the A/CPPNM that would need to be managed.

Foremost, convening future Conferences at regular intervals would involve a significant resource burden that would need to be taken on by Parties and by the IAEA Secretariat. Given the Director General’s role as the Depositary for the Convention and that most Parties to the A/CPPNM are also Member States of the IAEA, regular budget resources—including staff time—should be assigned by Member States in the IAEA’s biennial Programme and Budget to support continued Conferences of the Parties to the A/CPPNM at regular intervals. The 2022 Conference was largely funded through extra-budgetary funds, a system that is not sustainable in the long term.

The regular budget resources allocated for this Conference would need to come from somewhere, especially in the current budget environment for the IAEA. Notably, there have historically been tensions associated with budget increases for nuclear security, notably the pressure on the Agency to ensure that the budget for technical assistance programmes is not reduced as part of the balance. However, the Convention is an essential piece of the international nuclear security infrastructure and ensuring it is adequate at regular intervals should be a high priority.

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<sup>3</sup> There are various options for the precise way in which the Conferences could be requested; the key point is the agreement of the majority of the Parties to the plan.

One way to reduce costs and continue to ensure adequacy could be to hold these regular Conferences at intervals further apart than the 5-6 years likely to occur between the 2022 Conference and its follow on. For example, the Conferences could be held at longer intervals than 5-6 years. Particularly at first, the regular budget resources may still need to be supplemented by extrabudgetary resources; however, the establishment of a significant contribution from regular budget would send an important message about the value of the CPPNM as Amended.

#### **4.2. Preparing guidelines for the preparation process**

While a number of precedents were set in the organization of the 2022 Conference, no guidelines for future Conferences were put in place. This was at least in part because the 2022 Conference was the only review Conference required to be convened under the Convention. However, should Parties seek to convene additional future Conferences beyond the next one, as urged in the previous section, they should consider the preparation of guidelines for the planning, organization and structure of future Conferences, ideally during the planning of the next Conference.

The preparation of guidelines could offset some of the effort involved in planning and negotiation of logistical and organization matters, and thus reduce the resources needed for future Conferences as well as allow for a stronger focus on substantive diplomatic, legal and technical matters. Such guidelines could set out information such as the duration of the Conference, how regions would be considered in the preparatory process and the Conference, how to appoint the Co-Presidents and the Bureau, how time in plenary is to be used, and other details considered to be relevant by the Parties. It would be a matter for the Parties to consider how to establish such guidelines such that they would be available for use for the organization of future Conferences.

#### **4.3. Working together to prioritise universalisation of the CPPNM and its Amendment**

A key goal for the international nuclear security community is to further progress towards ensuring that all countries around the world are party to the CPPNM and its Amendment, recognizing that there should be no safe havens for nuclear terrorists, and that all States should have a stake in the international legal framework for nuclear security. This goal is frequently referred to as “universalisation” of the CPPNM and its Amendment.

Outreach efforts such as those undertaken by the International Atomic Energy Agency (IAEA), the United Nations Office on Drugs and Crime (UNODC) and bilaterally have been successful in recent years. This outreach has raised awareness and knowledge internationally regarding the benefits to joining the CPPNM and its Amendment, particularly at a technical and regulatory level, and has have resulted in an impressive level of adherence to the CPPNM and its Amendment. To bring the remaining States into the fold, continuing outreach will be essential in the period between the Conferences.

However, additional, differently focused efforts by a broad range of stakeholders may be needed to gain the last remaining adherences to these instruments. In some States, awareness of the CPPNM and its Amendment remains low. In others, States question why a convention focused on protecting nuclear material has relevance to them, when they do not have any nuclear material or plans to acquire any. Even in States where the importance of the CPPNM and its Amendment is recognized within the nuclear regulator and/or Ministry of Energy, needed voices in the State’s Parliament or the Attorney General’s Office may not see the value in adhering.

Notably, NGO engagements can be helpful to ensure that all States are aware of the CPPNM and its Amendment and the potential benefits of joining them. For example, a new effort by VCDNP in cooperation with the Inter-Parliamentary Union (IPU) aims to reach out directly to parliamentarians and high-level policymakers. These stakeholders are essential in moving forward efforts towards adherence to the CPPNM, its Amendment and related treaties such as the International Convention for the Suppression of Acts of Terrorism. The initial workshop

for parliamentarians and high-level officials on the universalization of legal instruments for nuclear security will be convened in Vienna by VCDNP and IPU in April 2024.

As outreach by multiple stakeholders involves a range of audiences and messaging styles, this approach can be highly effective, but only if the messages are well coordinated and are not duplicative or repetitive. Duplicative, poorly coordinated outreach could result in exhaustion from the stakeholders in target countries, potential misunderstandings resulting from inconsistent messaging, and wasting of donor resources. VCDNP has taken the lead in organizing discussions to ensure coordination among the NGO community, however, this is only a small fraction of the potential stakeholders.

A single entity should be responsible for organizing regular meetings among all stakeholders in this area. The most logical organizer for this effort is, of course, the IAEA, given its central role in international nuclear security, as emphasized in multiple General Conference nuclear security resolutions. Such an effort would need to actively include all stakeholders in this area, and not only a subset, to ensure the needed coordination and cohesion in messaging.

## 5. RECOMMENDATIONS

The many suggestions and ideas set out in this paper can be summarized into three key proposals for Parties to consider as the preparations for the next Conference of the Parties to the A/CPPNM are initiated.

First, Parties should encourage more substantive discussion on implementation of the CPPNM as Amended in the preparations for and during the next Conference, including by:

- Introducing regional consultations into the preparations for the next Conference, with a focus on discussion of the implementation of the CPPNM as Amended;
- Including NGOs in some discussions during the preparations for the Conference, as appropriate, to introduce their perspectives and insights at an early stage and to improve collaboration;
- Seeking ways to use the IAEA's meetings of the Points of Contact for the CPPNM and its Amendment as an additional source of input for substantive discussions on implementation;
- Initiating a conversation on the impact of emerging technologies on implementation of the CPPNM as Amended, as context for the discussions in preparation for and during the next Conference.

Second, Parties should leverage the more substantive discussion on implementation of the CPPNM as Amended to strengthen the Conference outcomes, including considering ways for the outcomes to help to improve the implementation of the CPPNM as Amended around the world.

Third, Parties should work to sustain the impact of the 2022 Conference and the upcoming Conference into the future, including by:

- Agreeing to a path forward for convening future Conferences at regular intervals, with the recognition that the resources to do so will be needed, potentially from the IAEA regular budget;
- Preparing guidelines for how future Conferences should be organized;
- Continuing efforts by IAEA as well as NGOs, other IGOs and individual Parties towards universalization of the CPPNM and its Amendment. These efforts must be coordinated and deconflicted, and the IAEA should consider taking on a stronger coordinating role among these many efforts.

Time is needed to consider and implement improvements in a process as large and complex as the preparation for the next Conference of the Parties to the A/CPPNM. As the preparatory process could begin as early as 2025, this leaves the international nuclear security community only a short time to consider how the next Conference could be better. Now is the time to act on these proposals to shape the next Conference.



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