Dear colleagues,

Following open ended consultations on our draft resolution entitled "preventing the risk of radiological terrorism", we received several proposals by delegations to improve the text. Additional suggestions were made by the IAEA. We held a co-sponsors meeting yesterday to discuss these inputs and agree on a revised text.

I am pleased to present to you this revised version of draft resolution L.39

The main changes compared to the original version read as follow:

- We included in pp1 a mention making clear that the benefits of radioactive materials are for all states.

- We re-drafted some paragraphs to stick more closely to agreed language from IAEA General conference resolutions. This is the case for pp5 (which we replaced with agreed language from pp(e) of IAEA GC resolution 10), pp 8 (replaced by vocabulary from OP 58 of IAEA GC resolution 10), pp 12 (replaced by vocabulary from OP 6 of IAEA GC resolution 10) and OP4 (which we re-drafted using vocabulary from OP2 of IAEA GC resolution 9, to take on board a reference to the IAEA nuclear security plan suggested to us by the Agency, and from OP 58 and 59 of IAEA GC resolution 9).

- In order to mention transport and the risk of terrorism in a way that would not overlap with the Nigeria resolution on nuclear waste which specifically addresses transport, we added the following formula to the pp8 which refers to recently adopted IAEA GC resolutions 9 and 10: "which address measures to strengthen international cooperation in nuclear radiation and transports safety and waste management, and measures to protect against nuclear and radiological terrorism". This is an exact quote from these resolutions' titles.
In order to take into account demands to reflect consistency of measures recommended in the draft with international law, we inserted in PP/0 and OP/1 a formula that reads “in accordance with their national legal principles and consistent with international law”. That formulation draws from art 8.1 of the convention on the financing of terrorism (“in accordance with their national legal principles”) and from OP 3 C of UNSC Resolution 1540 (“...and consistent with international law”).

We’ve been advised not to quote too often UNSC resolution 1540. Since it is already referred to in PP 5, we decided to drop the second reference (in PP 11).

In PP13 we dropped the word “urgently” as the required actions are going to be a time consuming process; we replaced the words “threat to international security” by the words “arising concern”.

We encompassed terrorist attacks against nuclear facilities among the actions states shall seek to prevent or suppress (in OP2) following a wise suggestion by two delegations.

Last, we followed advice to specify, at OP 5, that cooperations referred to are between member states and through international and, were appropriate, regional organizations.

François Rivaserva
Head of the French delegation to the first Committee

To All Heads of Delegations to the first Committee