Sixteenth session
First Committee

Agenda Item 97 (a)

General and complete disarmament:
follow-up to the advisory opinion of the
International Court of Justice on the
Legality of the Threat or Use of Nuclear Weapons

Algeria, Bangladesh, Bolivia, Brunei Darussalam, Chile, Congo, Costa Rica,
Ecuador, Egypt, Guatemala, India, Indonesia, Iran (Islamic Republic of), Iraq,
Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Libya,
Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mexico, Myanmar, Nepal,
Nicaragua, Pakistan, Peru, Philippines, Qatar, Sao Tome and Principe, Sierra
Leone, Singapore, Sri Lanka, Syrian Arab Republic, Thailand, Timor-Leste,
Uganda, Viet Nam, Yemen, Zambia and Zimbabwe: draft resolution

Follow-up to the advisory opinion of the International Court of
Justice on the Legality of the Threat or Use of Nuclear Weapons

The General Assembly,

Recalling its resolutions 49/75 K of 15 December 1994, 51/45 M of
54/44 Q of 1 December 1999, 55/33 X of 20 November 2000, 56/24 S of
29 November 2001, 57/85 of 22 November 2002, 58/46 of 8 December 2003 and
59/93 of 3 December 2004,

Convinced that the continuing existence of nuclear weapons poses a threat to
all humanity and that their use would have catastrophic consequences for all life on
Earth, and recognizing that the only defence against a nuclear catastrophe is the
total elimination of nuclear weapons and the certainty that they will never be
produced again,

Reaffirming the commitment of the international community to the goal of the
total elimination of nuclear weapons and the creation of a nuclear-weapon-free
world,
Mindful of the solemn obligations of States parties, undertaken in article VI of the Treaty on the Non-Proliferation of Nuclear Weapons,1 particularly to pursue negotiations in good faith on effective measures relating to cessation of the nuclear-arms race at an early date and to nuclear disarmament,

Recalling the principles and objectives for nuclear non-proliferation and disarmament adopted at the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,2

Emphasizing the unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, adopted at the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,3

Recalling the adoption of the Comprehensive Nuclear-Test-Ban Treaty in its resolution 50/145 of 10 September 1996, and expressing its satisfaction at the increasing number of States that have signed and ratified the Treaty,

Recognizing with satisfaction that the Antarctic Treaty4 and the treaties of Tlatelolco,5 Bangkok,6 and Pelindaba7 are gradually freeing the entire southern hemisphere and adjacent areas covered by those treaties from nuclear weapons,

Stressing the importance of strengthening all existing nuclear-related disarmament and arms control and reduction measures,

Recognizing the need for a multilaterally negotiated and legally binding instrument to assure non-nuclear-weapon States against the threat or use of nuclear weapons,

Reaffirming the central role of the Conference on Disarmament in the single multilateral disarmament negotiating forum, and regretting the lack of progress in disarmament negotiations, particularly nuclear disarmament, in the Conference during its 2005 session,

Emphasizing the need for the Conference on Disarmament to commence negotiations on a phased programme for the complete elimination of nuclear weapons with a specified framework of times,

Expressing its regret over the failure of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to reach agreement on any substantive issues,

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5 (ibid., vol. 634, No. 906).
7 Treaty on the South-East Asia Nuclear-Weapon-Free Zone.
8 A/52/419, annexes.
Expressing its deep concern at the lack of progress in the implementation of the thirteen steps to implement article VI of the Treaty on the Non-Proliferation of Nuclear Weapons agreed to at the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,9

Desiring to achieve the objective of a legally binding prohibition of the development, production, testing, deployment, stockpiling, threat or use of nuclear weapons and their destruction under effective international control,

Recalling the advisory opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons, issued on 8 July 1996,10

Taking note of the relevant portions of the report of the Secretary-General relating to the implementation of resolution 59/83,11

1. Underlines once again the unanimous conclusion of the International Court of Justice that there exist an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control;

2. Calls once again upon all States to fulfill that obligation by commencing multilateral negotiations leading to an early conclusion of a nuclear weapons convention prohibiting the development, production, testing, deployment, stockpiling, transfer, threat or use of nuclear weapons and providing for their elimination;

3. Requests all States to inform the Secretary-General of the efforts and measures they have taken on the implementation of the present resolution and nuclear disarmament, and requests the Secretary-General to apprise the General Assembly of that information at its sixty-first session;

4. Decides to include in the provisional agenda of its sixty-first session the item entitled "Follow-up to the advisory opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons".

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10 A/51/216, issues, see also Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, ICJ Reports, 1996, p. 238.
11 A/60/11 and Add.1.