
Mr. Chairman,

On behalf of my delegation and the 29 co-sponsoring member states, namely, Angola, Bangladesh, Benin, Brunei, Cambodia, Costa Rica, Cote D’Ivoire, Cuba, Ecuador, Egypt, Fiji, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Lao People’s Democratic Republic, Myanmar, Nicaragua, Peru, Philippines, Sierra Leone, Singapore, Sudan, Syria, Thailand, Viet Nam and Zimbabwe, I would like to express our collective appreciation to the Secretary General for his report on the ‘Follow-up to the Advisory Opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons’ as reflected in document A/67/133 which was submitted under agenda item 95(aa).

Mr. Chairman,

2. The International Court of Justice, in 1996, issued an Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons. This Opinion constitutes a significant milestone in the international efforts aimed at nuclear disarmament and non-proliferation, by lending a moral argument for the total elimination of such devastating weapon.

3. Today, there remain 19,000 nuclear weapons still ready to be used. The Resolution on the ‘Follow-up to the Advisory Opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons’ underscores Malaysia’s concerns of the threat nuclear weapons pose to mankind and our whole civilization. This threat is real and is reflected in the decision of the International Court of Justice to which should be given serious consideration by all Member States.
Mr. Chairman,

4. Malaysia has, since 1996, tabled this resolution and will continue to do so this year. Through this draft resolution A/C.1/67/L.9, important decisions of the International Court of Justice have been retained in their existing form, specifically in operative paragraphs 1 and 2 of the document. References to some of the elements contained in the action plan on nuclear disarmament that were consensually agreed during the 2010 NPT Review Conference have also been retained in its original form and language.

5. The elements contained in this draft resolution centers on the Nuclear Weapons Convention that prohibits the development, production, testing, deployment, stockpiling, transfer, threat or use of nuclear weapons and provides for their elimination. The incremental-comprehensive approach that is contained in the Convention will enable States to reach a balanced implementation of nuclear disarmament and nuclear non-proliferation. It also ensures that the NPT remains the cornerstone in the maintenance of international peace and security by totally eliminating nuclear weapons. In order to move ahead, we require consensus on commencing this important multilateral process.

Mr. Chairman,

6. The Advisory Opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons remains a significant contribution to the field of nuclear disarmament. Its humanitarian context gives weight to a moral argument in calling for the total elimination of nuclear weapons. We believe that more support for this resolution would reaffirm our commitment to the multilateral process in disarmament and non-proliferation. We thank all the co-sponsors and we further invite more delegations to come on board and co-sponsor this draft resolution. We sincerely hope that all delegations will be able to support the draft resolution.

I thank you, Mr. Chairman.
Sixty-seventh session
First Committee
Agenda item 94 (an)

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

[Malaysia]: 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
54/54 Q of 1 December 1999, 55/33 X of 20 November 2000, 56/24 S of
of 5 December 2007, 63/49 of 2 December 2008, 64/55 of 2 December 2009, 65/76
of 8 December 2010 and 66/46 of 2 December 2011,

Convinced that the continuing existence of nuclear weapons poses a threat to
humanity and 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 realization
of the goal of a nuclear-weapon-free world through the total elimination of nuclear
weapons,

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 the unequivocal commitment of nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, agreed at the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,3 and the action points agreed at the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons as part of the conclusions and recommendations for follow-on actions on nuclear disarmament,4

Sharing the deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons, and in this context reaffirming the need for all States at all times to comply with applicable international law, including international humanitarian law,

Calling upon all nuclear-weapon States to undertake concrete disarmament efforts, and stressing that all States need to make special efforts to achieve and maintain a world without nuclear weapons,

Noting the five-point proposal for nuclear disarmament of the Secretary-General,5 in which he proposes, inter alia, the consideration of negotiations on a nuclear weapons convention or agreement on a framework of separate mutually reinforcing instruments, backed by a strong system of verification,

Recalling the adoption of the Comprehensive Nuclear-Test-Ban Treaty in its resolution 50/245 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 Treaty,6 the treaties of Tlatelolco,7 Rarotonga,8 Bangkok9 and Pelindaba10 and the Treaty on a Nuclear-Weapon-Free Zone in Central Asia, as well as Mongolia's nuclear-weapon-free status, are gradually freeing the entire southern hemisphere and adjacent areas covered by those treaties from nuclear weapons,

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 pending the total elimination of nuclear weapons,

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7 Ibid., vol. 634, No. 9068.
8 See The United Nations Disarmament Yearbook, vol. 10: 1985 (United Nations publication, Sales No. E.86.IX.7), appendix VII.
10 A/50/426, annex.
Reaffirming the central role of the Conference on Disarmament as the sole multilateral disarmament negotiating forum,

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 time,

Stressing the urgent need for the nuclear-weapon States to accelerate concrete progress on the thirteen practical steps to implement article VI of the Treaty on the Non-Proliferation of Nuclear Weapons leading to nuclear disarmament, contained in the Final Document of the 2000 Review Conference,3

Taking note of the Model Nuclear Weapons Convention that was submitted to the Secretary-General by Costa Rica and Malaysia in 2007 and circulated by the Secretary-General,11

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 1996,12

1. Underlines once again the unanimous conclusion of the International Court of Justice that there exists 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 immediately to fulfil 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 with respect to 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-eighth session;

4. Decides to include in the provisional agenda of its sixty-eighth 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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11 See A/62/650, annex.
12 A/51/218, annex; see also Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, I.C.J. Reports 1996, p. 226.