INTERNATIONAL COURT OF JUSTICE

REQUEST

FOR ADVISORY OPINION

transmitted to the Court under the United Nations General Assembly resolution 49/75 K of 15 December 1994

LEGALITY OF THE THREAT OR USE OF NUCLEAR WEAPONS

COUR INTERNATIONALE DE JUSTICE

REQUÊTE

POUR AVIS CONSULTATIF

transmise à la Cour en vertu de la résolution 49/75 K de l'Assemblée générale des Nations Unies du 15 décembre 1994

LICÉITÉ DE LA MENACE OU DE L'EMPLOI D'ARMES NUCLÉAIRES

1994
General List
No. 95

I. THE SECRETARY-GENERAL OF THE UNITED NATIONS TO THE PRESIDENT OF THE INTERNATIONAL COURT OF JUSTICE

19 December 1994.

I have the honour to inform you that at its 90th meeting held on 15 December 1994, under its agenda item 62 entitled "General and Complete Disarmament: Report of the First Committee" (A/49/699), the General Assembly adopted resolution 49/75 K, "Request for an Advisory Opinion from the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons". The text of the resolution is attached.

In this resolution, the General Assembly decided, pursuant to Article 96, paragraph 1, of the Charter of the United Nations:

> "to request the International Court of Justice urgently to render its advisory opinion on the following question: 'Is the threat or use of nuclear weapons in any circumstance permitted under international law?'"

Pursuant to Article 65, paragraph 2, of the Statute of the International Court of Justice, the Secretariat is now in the process of preparing a dossier containing "all documents likely to throw light upon the question", which will be transmitted to the Court as soon as possible.

(Signed) Boutros BOUTROS-GHALI.

1994
Rôle général
n° 95

I. LE SECRÉTAIRE GÉNÉRAL DE L'ORGANISATION DES NATIONS UNIES AU PRÉSIDENT DE LA COUR INTERNATIONALE DE JUSTICE

[Traduction]

Le 19 décembre 1994.

J'ai l'honneur de vous faire connaître qu'à sa 90e séance tenue le 15 décembre 1994, au titre du point 62 de son ordre du jour intitulé «Désarmement général et complet: rapport de la Première Commission» (A/49/699), l'Assemblée générale a adopté la résolution 49/75 K, «Demande d'avis consultatif de la Cour internationale de Justice sur la légalité de la menace ou de l'emploi d'armes nucléaires». Le texte de cette résolution est joint à la présente lettre.

Par cette résolution, l'Assemblée générale a décidé, conformément au paragraphe 1 de l'article 96 de la Charte des Nations Unies:

> «de demander à la Cour internationale de Justice de rendre dans les meilleurs délais un avis consultatif sur la question ci-après: «Est-il permis en droit international de recourir à la menace ou à l'emploi d'armes nucléaires en toute circonstance?»

Conformément aux dispositions du paragraphe 2 de l'article 65 du Statut de la Cour internationale de Justice, le Secrétariat a commencé à préparer un dossier contenant «tout document pouvant servir à élucider la question», qui sera transmis à la Cour dans les meilleurs délais.

(Signé) Boutros BOUTROS-GHALI.

II. RESOLUTION 49/75 K ADOPTED BY THE GENERAL ASSEMBLY AT ITS 90TH PLENARY MEETING ON 15 DECEMBER 1994

Request for an Advisory Opinion from the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons

The General Assembly,

Conscious that the continuing existence and development of nuclear weapons pose serious risks to humanity,

Mindful that States have an obligation under the Charter of the United Nations to refrain from the threat or use of force against the territorial integrity or political independence of any State,

Recalling its resolutions 1653 (XVI) of 24 November 1961, 33/71 B of 14 December 1978, 34/83 G of 11 December 1979, 35/152 D of 12 December 1980, 36/92 I of 9 December 1981, 45/59 B of 4 December 1990 and 46/37 D of 6 December 1991, in which it declared that the use of nuclear weapons would be a violation of the Charter and a crime against humanity,

Welcoming the progress made on the prohibition and elimination of weapons of mass destruction, including the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction[1] and the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction[2],

Convinced that the complete elimination of nuclear weapons is the only guarantee against the threat of nuclear war,

Noting the concerns expressed in the Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons that insufficient progress had been made towards the complete elimination of nuclear weapons at the earliest possible time,

Recalling that, convinced of the need to strengthen the rule of law in international relations, it has declared the period 1990-1999 the United Nations Decade of International Law[3],

Noting that Article 96, paragraph 1, of the Charter empowers the General Assembly to request the International Court of Justice to give an advisory opinion on any legal question,

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[1] Resolution 2826 (XXVI), annex.

[2] See *Official Records of the General Assembly, Forty-seventh Session, Supplement No. 27* (A/47/27), appendix I.

[3] Resolution 44/23.

II. RÉSOLUTION 49/75 K ADOPTÉE PAR L'ASSEMBLÉE GÉNÉRALE À SA 90E SÉANCE PLÉNIÈRE LE 15 DÉCEMBRE 1994

Demande d'avis consultatif de la Cour internationale de Justice sur la légalité de la menace ou de l'emploi d'armes nucléaires

L'Assemblée générale,

Considérant que l'existence des armes nucléaires et la poursuite de leur mise au point font courir de graves dangers à l'humanité,

Sachant que les Etats ont en vertu de la Charte des Nations Unies l'obligation de s'abstenir de recourir à la menace ou à l'emploi de la force contre l'intégrité territoriale ou l'indépendance politique de tout Etat,

Rappelant ses résolutions 1653 (XVI) du 24 novembre 1961, 33/71 B du 14 décembre 1978, 34/83 G du 11 décembre 1979, 35/152 D du 12 décembre 1980, 36/92 I du 9 décembre 1981, 45/59 B du 4 décembre 1990 et 46/37 D du 6 décembre 1991, dans lesquelles elle a déclaré que l'emploi d'armes nucléaires constituerait une violation de la Charte et un crime contre l'humanité,

Se félicitant des progrès accomplis en ce qui concerne l'interdiction et l'élimination des armes de destruction massive, notamment la conclusion de la convention sur l'interdiction de la mise au point, de la fabrication et du stockage des armes bactériologiques (biologiques) ou à toxines et sur leur destruction[1] et de la convention sur l'interdiction de la mise au point, de la fabrication, du stockage et de l'utilisation d'armes chimiques et sur leur destruction[2],

Convaincue que l'élimination complète des armes nucléaires est la seule garantie contre la menace d'une guerre nucléaire,

Notant l'inquiétude exprimée lors de la quatrième conférence des parties chargée de l'examen du traité sur la non-prolifération des armes nucléaires devant le peu de progrès accomplis vers l'élimination complète des armes nucléaires dans les meilleurs délais,

Rappelant que, convaincue qu'il faut renforcer la primauté du droit dans les relations internationales, elle a déclaré la periode 1990-1999 Décennie des Nations Unies pour le droit international[3],

Notant qu'elle peut, en vertu du paragraphe 1 de l'article 96 de la Charte, demander à la Cour internationale de Justice un avis consultatif sur toute question juridique,

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[1] Résolution 2826 (XXVI), annexe.

[2] Voir *Documents officiels de l'Assemblée générale, quarante-septième session, supplément n° 27* (A/47/27), appendice I.

[3] Résolution 44/23.

Recalling the recommendation of the Secretary-General, made in his report entitled "An Agenda for Peace" [1], that United Nations organs that are authorized to take advantage of the advisory competence of the International Court of Justice turn to the Court more frequently for such opinions,

Welcoming resolution 46/40 of 14 May 1993 of the Assembly of the World Health Organization, in which the organization requested the International Court of Justice to give an advisory opinion on whether the use of nuclear weapons by a State in war or other armed conflict would be a breach of its obligations under international law, including the Constitution of the World Health Organization,

Decides, pursuant to Article 96, paragraph 1, of the Charter of the United Nations, to request the International Court of Justice urgently to render its advisory opinion on the following question: "Is the threat or use of nuclear weapons in any circumstance permitted under international law?".

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[1] A/47/277-S/24111.

Rappelant que, dans son rapport intitulé «Un agenda pour la paix»[1], le Secrétaire général a recommandé aux organes des Nations Unies qui sont autorisés à demander des avis consultatifs à la Cour internationale de Justice de s'adresser plus souvent à la Cour pour obtenir d'elle de tels avis,

Se félicitant de la résolution 46/40 de l'Assemblée de l'Organisation mondiale de la Santé, en date du 14 mai 1993, dans laquelle l'Organisation demande à la Cour internationale de Justice de donner un avis consultatif sur la question de savoir si l'utilisation d'armes nucléaires par un Etat au cours d'une guerre ou d'un autre conflit armé constituerait une violation de ses obligations au regard du droit international, y compris la Constitution de l'Organisation mondiale de la Santé,

Décide, conformément au paragraphe 1 de l'article 96 de la Charte des Nations Unies, de demander à la Cour internationale de Justice de rendre dans les meilleurs délais un avis consultatif sur la question suivante: «Est-il permis en droit international de recourir à la menace ou à l'emploi d'armes nucléaires en toute circonstance?»

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[1] A/47/277-S/24111.

UNITED NATIONS

LEGALITY OF THE THREAT OR USE OF NUCLEAR WEAPONS

(REQUEST FOR AN ADVISORY OPINION)

Documents relating to the Question on which an Advisory Opinion is requested by General Assembly resolution 49/75 K of 15 December 1994, transmitted to the International Court of Justice by the Secretary-General of the United Nations in accordance with paragraph 2, Article 65 of the Statute of the Court

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PART I

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A. General Assembly resolution 49/75 K

1. General Assembly resolution 49/75 K entitled *"Request for an advisory opinion from the International Court of Justice on the legality of the threat or use of nuclear weapons"* (No. 1) was adopted at the forty-ninth session of the General Assembly on 15 December 1994 under agenda item 62 entitled *"General and Complete Disarmament"*. The legislative history of the resolution is as follows.

2. This item, which consists of ten sub-items, was included in the provisional agenda of the forty-ninth session pursuant to resolutions of the previous sessions.

3. On the recommendation of the General Committee, the General Assembly included the item as item 62 in its agenda and allocated it to the First Committee.

B. Proceedings in the First Committee

4. The First Committee decided to hold a general debate on all disarmament and international security items allocated to it (a total of 20 items), which included item 62. The general debate on those items took place at the third to tenth meeting, from 17 to 24 October 1994. Discussions of specific subjects took place from 25 to 27 October and on 31 October and 1 November. Consideration of draft resolutions on those items took place at the 12th to 16th meeting, on 3, 4, 7 and 9 November. Action on draft resolutions on those items took place at the 19th to 25th meetings from 14 to 18 November. The following paragraphs refer only to those which are particularly relevant to the present request.

5. At the 3rd meeting on 17 October, a statement was made by Benin (No. 2).

6. At the 5th meeting on 18 October, a statement was made by the United Arab Emirates (No. 3).

7. At its 6th meeting on 19 October, statements were made by Zimbabwe and Namibia (No. 4).

8. At the 7th meeting on 20 October, statements were made by Tanzania and Malaysia (No. 5).

9. On 3 November 1994, Indonesia submitted draft resolution A/C.1/49/L.36 entitled *"Request for an advisory opinion from the International Court of Justice on the legality of the threat or use of nuclear weapons"* (No. 6) on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries.

10. At the 15th meeting on 9 November, Indonesia introduced draft resolution A/C.1/49/L.36 (No. 7).

11. At the 22nd meeting on 17 November, statements were made by Malaysia, Senegal, Chile, Morocco, Benin, the Untied States of America, and Mexico (No. 8).

12. At the 24th meeting on 18 November, statements were made by Papua New Guinea and Senegal (No. 9, p. 1).

13. At the same meeting, Morocco proposed not to take action on the draft resolution (No. 9, p. 1). Germany and Hungary spoke in favour of the motion; Indonesia and Colombia spoke against the motion (No. 9, p. 2).

14. At the same meeting, the motion was rejected by a recorded vote of 67 votes to 45, with 15 abstentions (No. 9, p. 3).

15. At the same meeting, explanations of vote before the vote was made by the Russian Federation, France, Malta, Germany, United Kingdom, Iran, Mexico, United Arab Emirates and Benin (No. 9, pp. 3-6).

16. At the same meeting, the Committee adopted draft resolution A/C.1/49/L.36 in a recorded vote by 77 votes to 33, with 21 abstentions (No. 9, p. 7).

17. At the same meeting, explanations of vote after the vote were made by Canada, Australia and Sweden (No. 9, pp. 7-8).

18. At the 25th meeting on 18 November, explanations of vote after the vote were made by Chile, Japan and China (No. 10).

19. The First Committee recommended to the General Assembly the adoption of draft resolution A/C.1/49/L.36, which was submitted as draft resolution K in paragraph 60 of the Report of the First Committee on item 62 (A/49/699, No. 11, p. 43).

C. Proceedings at the 90th Plenary Meeting of the General Assembly

20. At the 90th meeting of the General Assembly, on 15 December 1994, the Rapporteur of the First Committee introduced the Report of the First Committee on item 62 (No. 12, pp. 13-14).

21. At the same meeting, France moved that no decision be taken on draft resolution K (No. 12, p. 25). Germany and Hungary spoke in support of the motion; Malaysia and Indonesia spoke against the motion (No. 12, pp. 26-27). The motion was rejected in a recorded vote by 68 votes to 58, with 26 abstentions (No. 12, p. 27).

22. At the same meeting, France then submitted an oral amendment calling for the deletion of the word "urgently" from the text of the operative paragraph of draft resolution K (No. 12, pp. 27-28).

Indonesia moved that no action be taken on the French amendment (No. 12, p. 28). France and the United States spoke against the motion; Malaysia and Iran spoke in favour of the motion (No. 12, p. 28). The motion was adopted in a recorded vote by 61 votes to 56, with 30 abstentions (No. 12, p. 29).

23. At the same meeting, Maldives explained its vote before the vote on draft resolution K (No. 12, p. 30).

24. At the same meeting, draft resolution K was then adopted in a recorded vote by 78 votes to 43, with 38 abstentions (No. 12, pp. 35-36). It became General Assembly resolution 49/75 K.

25. At the same meeting, Sweden spoke in explanation of vote after the vote (No. 12, p. 39).

UNITED
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General Assembly

Distr.
GENERAL

A/RES/49/75
9 January 1995

Forty-ninth session
Agenda item 62

RESOLUTIONS ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the First Committee (A/49/699)]

49/75. General and complete disarmament

K

Request for an advisory opinion from the International Court of Justice on the legality of the threat or use of nuclear weapons

The General Assembly,

Conscious that the continuing existence and development of nuclear weapons pose serious risks to humanity,

Mindful that States have an obligation under the Charter of the United Nations to refrain from the threat or use of force against the territorial integrity or political independence of any State,

Recalling its resolutions 1653 (XVI) of 24 November 1961, 33/71 B of 14 December 1978, 34/83 G of 11 December 1979, 35/152 D of 12 December 1980, 36/92 I of 9 December 1981, 45/59 B of 4 December 1990 and 46/37 D of 6 December 1991, in which it declared that the use of nuclear weapons would be a violation of the Charter and a crime against humanity,

Welcoming the progress made on the prohibition and elimination of weapons of mass destruction, including the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction 23/ and the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, 17/

Convinced that the complete elimination of nuclear weapons is the only guarantee against the threat of nuclear war,

Noting the concerns expressed in the Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons that insufficient progress had been made towards the complete elimination of nuclear weapons at the earliest possible time,

Recalling that, convinced of the need to strengthen the rule of law in international relations, it has declared the period 1990-1999 the United Nations Decade of International Law, 24/

Noting that Article 96, paragraph 1, of the Charter empowers the General Assembly to request the International Court of Justice to give an advisory opinion on any legal question,

Recalling the recommendation of the Secretary-General, made in his report entitled "An Agenda for Peace", 25/ that United Nations organs that are authorized to take advantage of the advisory competence of the International Court of Justice turn to the Court more frequently for such opinions,

Welcoming resolution 46/40 of 14 May 1993 of the Assembly of the World Health Organization, in which the organization requested the International Court of Justice to give an advisory opinion on whether the use of nuclear weapons by a State in war or other armed conflict would be a breach of its obligations under international law, including the Constitution of the World Health Organization,

Decides, pursuant to Article 96, paragraph 1, of the Charter of the United Nations, to request the International Court of Justice urgently to render its advisory opinion on the following question: "Is the threat or use of nuclear weapons in any circumstance permitted under international law?".

90th plenary meeting
15 December 1994

17/ See Official Records of the General Assembly, Forty-seventh Session, Supplement No. 27 (A/47/27), appendix I.

23/ Resolution 2826 (XXVI), annex.

24/ Resolution 44/23.

25/ A/47/277-S/24111.

/...

United Nations A/C.1/49/PV.3

General Assembly

Forty-ninth session

Official Records

First Committee

3rd Meeting
Monday, 17 October 1994, 10 a.m.
New York

MR. WHANNOU, BENIN (p.22)

...

The delegation of Benin would like to emphasize that we should avoid any initiative which could be counter-productive and which might necessitate a legal ruling from the International Court of Justice on questions which are essentially political in nature, such as those of the legality of the use or a threat of the use of nuclear weapons. At the appropriate time my delegation will reiterate the views of our Government on this initiative which, in the current context of ongoing negotiations, is not likely to facilitate progress in the cause of general and complete disarmament under international control.

United Nations A/C.1/49/PV.5

General Assembly
Forty-ninth session
Official Records

First Committee

5th Meeting
Tuesday, 18 October 1994, 3 p.m.
New York

MR. SAMHAN, UNITED ARAB EMIRATES (pp. 11-12)

...

In this connection, I wish to refer to the need to promote the role and the work of the International Court of Justice so that it may contribute to the settlement of disputes between States.

In our view, such practice and measure represent the real means of relaxing the tensions that arise from disputes and friction between States and resolving such disputes by peaceful means and not by the use or threat of the use of force or of weapons of mass destruction. This measure will effectively contribute to creating a sound international environment, that is free from threats and risks, an environment of disarmament, development, security and stability.

United Nations

A/C.1/49/PV.6

General Assembly

Forty-ninth Session

Official Records

First Committee

6th Meeting

Wednesday, 19 October 1994, 3 p.m.

New York

MR. DZVAIRO, ZIMBABWE (p.18)

...

We should like to reiterate that nuclear disarmament is a multilateral issue and not a bilateral one. In this regard; the unanimous decision taken by the Meeting of Ministers of Foreign Affairs of the Non-Aligned Movement in Cairo in June this year — and reaffirmed unanimously by the Meeting, only two weeks ago, on 5 October 1994, of Foreign Ministers and Heads of Delegation of the Non-Aligned Movement to the forty-ninth session of the General Assembly — to resubmit and bring to the vote the draft resolution asking the General Assembly to request an advisory opinion from the International Court of Justice on the legality of the use or threat of use of nuclear weapons under international law is both appropriate and timely.

...

MR. TAAPOPI, NAMIBIA (p.20)

...

In conclusion, Namibia fully supports the proposal on the table on seeking an advisory opinion from the International Court of Justice on the legality of the use and threat of use of nuclear weapons. We feel this would have greater implications for the possession, development and deployment of such weapons, and, hopefully, would speed up their elimination.

...

United Nations A/C.1/49/PV.7

General Assembly

Forty-ninth Session

Official Records

First Committee

7th Meeting
Thursday, 20 October 1994, 3 p.m.
New York

MR. MWAKAWAGO, UNITED REPUBLIC OF TANZANIA (p.2)

...

I also wish to draw the Committee's attention to the decision taken at the Eleventh Ministerial Meeting of the Non-Aligned Movement, held in Cairo last June, to re-submit and put to the vote the draft resolution seeking an advisory opinion from the International Court of Justice on the legality of the threat or use of nuclear weapons. This move is important because it will help to sensitize the international community to the need for total elimination of nuclear arsenals.

...

MR. RAZALI, MALAYSIA (p.6)

...

As is well known, the International Court of Justice has been requested by the World Health Organization to give an advisory opinion on the legality of the use of nuclear weapons. In this connection, Malaysia has recently made a submission to the Court arguing that the use of nuclear weapons is illegal. Consistent with this decision, we look forward to the submission of the resolution of the Movement of Non-Aligned Countries on this issue to this Committee.

...

UNITED
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General Assembly

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Forty-ninth session
FIRST COMMITTEE
Agenda item 62

GENERAL AND COMPLETE DISARMAMENT

Indonesia*: draft resolution

Request for an advisory opinion from the International Court of Justice on the legality of the threat or use of nuclear weapons

The General Assembly,

Conscious that the continuing existence and development of nuclear weapons pose serious risks to humanity,

Mindful that States have an obligation under the Charter of the United Nations to refrain from the threat or use of force against the territorial integrity or political independence of any State,

Recalling its resolutions 1653 (XVI) of 24 November 1961, 33/71 B of 14 December 1978, 34/83 G of 11 December 1979, 35/152 D of 12 December 1980, 36/92 I of 9 December 1981, 45/59 B of 4 December 1990 and 46/37 D of 6 December 1991, in which it declared that the use of nuclear weapons would be a violation of the Charter of the United Nations and a crime against humanity,

Welcoming the progress made on the prohibition and elimination of weapons of mass destruction, including the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction and the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction,

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* On behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries.

Convinced that the complete elimination of nuclear weapons is the only guarantee against the threat of nuclear war,

Noting the concerns expressed in the Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, that insufficient progress had been made towards the complete elimination of nuclear weapons at the earliest possible time,

Recalling that the General Assembly, convinced of the need to strengthen the rule of law in international relations, has declared the period 1990-1999 the United Nations Decade of International Law, 1/

Noting that Article 96, paragraph 1, of the Charter of the United Nations empowers the General Assembly to request the International Court of Justice to give an advisory opinion on any legal question,

Recalling the recommendation of the Secretary-General, made in his report entitled "An Agenda for Peace", 2/ that United Nations organs that are authorized to take advantage of the advisory competence of the International Court of Justice turn to the Court more frequently for such opinions,

Welcoming resolution 46/40 of 14 May 1993 of the Assembly of the World Health Organization, in which the organization requests the International Court of Justice to give an advisory opinion on whether the use of nuclear weapons by a State in war or other armed conflict would be a breach of its obligations under international law, including the Constitution of the World Health Organization,

Decides, pursuant to Article 96, paragraph 1, of the Charter, to request the International Court of Justice urgently to render its advisory opinion on the following question: "Is the threat or use of nuclear weapons in any circumstance permitted under international law?".

1/ Resolution 44/23.

2/ A/47/277-S/24111.

United Nations

A/C.1/49/PV.15

General Assembly
Forty-ninth Session

Official Records

First Committee

15th Meeting
Wednesday, 9 November 1994, 10 a.m.
New York

MR. SOEGARDA, INDONESIA (pp. 7-8)

I am honoured and privileged to introduce four draft resolutions under the rubric of "General and complete disarmament"...

... The third draft resolution, concerning a request for an advisory opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons, contained in document A/C.1/49/L.36, is introduced on behalf of the non-aligned countries.

It is undeniable that throughout history mankind has used every weapon invented, including nuclear weapons. The devastation of Hiroshima and Nagasaki, in terms of both immediate and long-term horror, provided a most poignant and practical demonstration of what is, by today's standards, not even considered a minimum destructive capability. It is perhaps one of the more ominous paradoxes of history that the horror and tragedy of these two events should have given rise to the compulsion to obtain these weapons in ever-increasing number and sophistication. It can therefore rightly be said that humanity continues to be confronted by the real danger of self-extinction.

In the face of the enormity of the destruction that would ensue from the use of nuclear weapons, the General Assembly has unequivocally pronounced that such unconscionable use constitutes not only a violation of the Charter, but also a crime against humanity. Yet strategic doctrines have yet to be renounced, even in the post-cold-war era. Further aggravating the situation is the steadfast refusal to provide assurances of the non-use of nuclear weapons against the non-nuclear-weapon States. Hence their use as a deliberate political choice remains a frightening possibility for a great majority of nations. Furthermore, a nuclear disaster triggered by technical malfunction, misinformation or human error cannot be ruled out.

Thus, as the draft resolution rightly notes, it is only through the complete elimination of nuclear weapons that the security of all nations can be ensured. But, despite the significant nuclear-arms limitation measures already achieved in recent times, the prospect of nuclear disarmament is not yet sure. Until then, the safety, security and survivability of all nations must be assured by banning the use of nuclear weapons.

The political, military and ethical questions concerning nuclear weapons have been dealt with on numerous occasions by the Member States. It is the legal implications of the use of nuclear weapons that have yet to be addressed and clarified. And it is in this context that a request is made in the draft resolution for an advisory opinion by the International Court of Justice.

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United Nations A/C.1/49/PV.22

General Assembly
Forty-ninth Session
Official Records

First Committee
22nd Meeting
Thursday, 17 November 1994, 10.30 a.m.
New York

MS. ZACHARIAH, MALAYSIA (p.4)

I should like to make a statement on draft resolution A/C.1/49/L.36, entitled "Request for an advisory opinion from the International Court of Justice on the legality of the threat or use of nuclear weapons".

Malaysia would welcome an advisory opinion on the legal status of the use of nuclear weapons, as it desires world order and legal clarity on the question of the use of nuclear weapons.

Although the rule of international law and knowledge of the law may appear unimportant to the nuclear Powers, it is indispensable to the community of smaller nations, which feel insecure and vulnerable in a world in which stated threats of nuclear annihilation are apparently allowed to exist in a legal no-man's land.

The Government of Malaysia believes that no human catastrophe in the history of mankind can be compared to the consequences of a nuclear war. An understanding of the catastrophic levels of destruction, death and irremediable suffering as a result of an explosion of a single nuclear warhead near a populated area compels only one conclusion: no such explosion must ever happen, whether by accident, through a terrorist act or in war.

Although the end of the cold war has considerably reduced the chances of a global nuclear war, the nuclear-weapon States still subscribe to the strategy of nuclear deterrence. In the present post-cold-war climate, the legal opinion of the International Court of Justice could make an important contribution to the realization of a nuclear-weapons-free world. It could not replace nuclear disarmament initiatives, but it could provide the legal and moral parameters within which such initiatives could succeed.

MR. SY, SENEGAL (p.4)

(Interpretation from French): My delegation proposes that the Committee postpone consideration of draft resolution A/C.1/49/L.36, on the legality of the threat or use of nuclear weapons in order to enable delegations to continue their consultations.

MR. LARRAIN, CHILE (p.4)

(Interpretation from Spanish): I support the proposal by the representative of Senegal that discussion of draft resolution A/C.1/49/L.36 be deferred so as to give time for further consultation.

MR. AMAR, MOROCCO (P.6)

Mr. Amar (Morocco) (*interpretation from French*): The delegation of Morocco fully supports the proposal by the representative of Senegal that action on draft resolution A/C.1/49/L.36, "Request for an advisory opinion from the International Court of Justice on the legality of the threat or use of nuclear weapons", be deferred so that broader consultation will be possible.

MR. WHANNOU, BENIN (p.6)

Mr. Whannou (Benin) (*interpretation from French*): We join the delegation of Morocco in supporting the proposal that the Committee defer its decision on draft resolution A/C.1/49/L.36.

MR. LEDOGAR, UNITED STATES OF AMERICA (p.6)

Mr. Ledogar (United States of America): The United States will vote against draft resolution A/C.1/49/L.36, by which the General Assembly would request an advisory opinion from the International Court of Justice on the legality of the threat or use of nuclear weapons. In our view, it would be inappropriate to ask the Court for an advisory opinion on such an abstract, hypothetical and essentially political matter. Further, a legal opinion would have no practical effect.

Successes achieved over the years in limiting and banning weapons have resulted from the negotiation of treaties. The draft resolution would not contribute to further arms agreements on nuclear weapons.

The spokesman for the sponsors recognized this fact last year in a statement in the First Committee, in which he welcomed

> "the broadening and deepening of the dimensions of disarmament"

and explained that the Non-Aligned Movement would not press for a vote

> "in order to preserve the momentum and progress generated by these initiatives".

Given this view, it is even harder to fathom the purpose of a draft resolution requesting such an opinion from the International Court of Justice this year, when further steps to control and eliminate nuclear weapons are being taken, negotiated or contemplated.

The United States therefore urges States to abstain or vote "No" on this draft resolution. It prefers to see energy and attention devoted instead to achieving concrete results in the area of arms control and disarmament.

The Chairman: Some delegations have requested the postponement of action on draft resolution A/C.1/49/L.36.

MR. MARIN BOSCH, MEXICO (P.7)

(*interpretation from Spanish*): At the start of the meeting this morning, Mr. Chairman, you indicated that we would take action on a number of draft resolutions. In the course of our discussions this morning some delegations suggested postponing action on draft resolution A/C.1/49/L.36. Does this mean that action is being postponed until this afternoon's meeting? Will it be put off until tomorrow? What is meant by "postponement"?

The Chairman (*interpretation from Spanish*): A number of delegations proposed the postponement of action on draft resolution A/C.1/49/L.36. It would be my hope that this draft resolution could be voted upon during this afternoon's meeting, if we have an afternoon meeting, or at tomorrow morning's meeting. Of course, I hope that the delegations concerned will be kind enough to indicate whether draft resolution A/C.1/49/L.36 will be ready to be voted on and that it is not necessary to continue the consultations to which delegations have referred.

Is this explanation satisfactory to the representative of Mexico?

Mr. Marín Bosch (Mexico) (*interpretation from Spanish*): It is satisfactory, Sir. The only thing I do not know is where these consultations are taking place.

The Chairman (*interpretation from Spanish*): It is my understanding that interested delegations will know where the consultations are taking place.

United Nations

A/C.1/49/PV.24

General Assembly
Forty-ninth Session

Official Records

First Committee

24th Meeting
Friday, 18 November 1994, 10 a.m.
New York

MR. YARKA, PAPUA NEW GUINEA (p.3)

I wish to place on record my delegation's position on the draft resolution contained in document A/C.1/49/L.36, which relates to the "Request for an advisory opinion from the International Court of Justice on the legality of the threat or use of nuclear weapons".

My delegation will vote in favour of the draft resolution. However, I wish at the outset to make it quite clear that our support should not in any way be viewed as an attempt to prejudice the views of the International Court of Justice. Nor should our support be perceived as an attempt to exert political pressure on the Court to come to a particular decision on these issues. The Court should and must maintain its tradition of impartiality and neutrality.

Papua New Guinea fully respects and supports the complete sovereignty and independence of the Court in reaching a decision that should not be viewed as being influenced by any external forces or circumstances. Our own national Constitution also guarantees and respects the absolute independence and integrity of the judiciary system, and we would naturally be compelled to uphold that principle.

Our support for the draft resolution is purely based on and in conformity with our overall standing policy on total disarmament and our continued interest in and desire to see the establishment of a global environment that perpetuates and guarantees complete peace and security. We therefore believe that an opinion from the International Court of Justice would surely facilitate, among other things, further progress towards the strengthening of the Treaty on the Non-Proliferation of Nuclear Weapons and complete disarmament.

MR. SY, SENEGAL (p.5)

(*interpretation from French*): I shall be brief. Despite repeated appeals by the delegation of Senegal, some delegations have felt that they should submit draft resolution A/C.1/49/L.36 on behalf of the members of the Movement of Non-Aligned Countries. My country not only deplores this but would like, at the same time, to state that we cannot in any way support the draft resolution.

MR. AMAR, MOROCCO (p.5)

(*interpretation from French*): I should like to make some comments on draft resolution A/C.1/49/L.36, which decides to request the International Court of Justice to render an advisory opinion on the threat or use of nuclear weapons. The Kingdom of Morocco would propose that the Committee not take action on the draft resolution, particularly since the consensus on this subject among the Movement of Non-Aligned Countries has been seriously eroded, and that the reasons behind postponing the matter at the forty-eighth session are still there. We would move that the Committee not take action on the draft resolution in order to allow for further consultations between the countries involved. We hope that this motion not to take action will be supported by all the members of the Committee.

My delegation wonders whether the introduction of such a draft resolution truly serves the wishes of the First Committee with respect to nuclear disarmament. Morocco believes that it would be inappropriate to request the International Court of Justice to render an advisory opinion on such an abstract and theoretical question as the legality of the threat or use of nuclear weapons in any circumstances. In 1993, the World Health Organization (WHO) adopted a resolution requesting the Court to render an advisory opinion on this same question. That opinion is still under consideration, and the ICJ is currently examining the memorial sent by at least 27 countries. We feel that any

new political initiative within the First Committee aimed at bringing an identical question before the Court should be viewed as an attempt to prejudge the opinion of the Court with regard to the request by WHO.

Adoption of this draft resolution would be a clear demonstration that political motivations are involved and could be interpreted as a desire to exert pressure on the ICJ with a view to obtaining a particular ruling. The delegation of Morocco feels that an advisory opinion on a question that is essentially a political one that has given rise to many controversies will have no practical effect, since we do not believe that any weapons have ever been limited or prohibited by any means other than the negotiating of a treaty. We feel that this initiative will not help diplomatic efforts now under way to fight the proliferation of nuclear weapons. States with nuclear weapons as well as those without them should have the political will to make progress in this area.

I hope that my motion not to take action on the draft resolution will be adopted without a vote.

The Chairman: The representative of Morocco has moved, within the terms of rule 116 of the rules of procedure, that no action be taken on the request contained in document A/C.1/49/L.36. Rule 116 reads as follows:

> "During the discussion of any matter, a representative may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, two representatives may speak in favour of, and two against, the motion, after which the motion shall be immediately put to the vote."

I now call upon the first representative wishing to speak in favour of the motion.

MR. HOFFMAN, GERMANY (p.6)

With respect to draft resolution A/C.1/49/L.36, requesting an advisory opinion from the International Court of Justice on the legality of the threat or use of nuclear weapons, I associate myself with the representative of Morocco and wish to support his proposal to move that no action be taken on the draft resolution within the terms of rule 116 of the rules of procedure.

I would like to point out that not only Germany but the entire European Union as well regret having failed to convince the sponsors of draft resolution L.36 to withdraw it and have decided that they cannot support it.

I believe that the subject of this draft resolution is not appropriate for the First Committee. At the 1993 World Health Assembly a resolution was adopted seeking the opinion of the International Court of Justice on the legality of the use of nuclear weapons. A further draft resolution along similar lines was submitted by the non-aligned countries at this Committee's 1993 session. It was not put to a vote. Progress with the World Health Assembly request is such that the International Court of Justice is now examining submissions made to it by at least 27 States. Any further initiative in the First Committee to ask a similar question of the Court could be seen as an attempt to prejudice the view of the Court on the World Health Assembly request.

A United Nations resolution would do nothing to help the ongoing consideration of the questions by the International Court of Justice and might adversely affect the standing of both the First Committee and the Court itself. It could also have wider adverse implications on non-proliferation goals which we all share.

MR. GAJDA, HUNGARY (p.6)

Very briefly, my delegation associates itself fully with the position just presented by the representative of Germany, speaking on behalf of the European Union, concerning the merit of the draft resolution contained in document A/C.1/49/L.36. Secondly, and more important, the delegation of Hungary is fully conscious of the reasons for the motion put forward by the representative of Morocco and, in appreciation of those reasons, and in accordance with rule 116 of the rules of procedure, the delegation of Hungary wishes to second the motion on no action.

The Chairman: In accordance with rule 116, the Committee has heard two speakers in favour of the motion. I shall now call on those representatives who wish to speak against it.

MR. WIRANATAATMADJA, INDONESIA (p.6)

I would like to put it on record that my delegation opposes the motion on no action moved by the delegation of Morocco.

MRS. LONDONO JARAMILLO, COLUMBIA (p.6)

(*interpretation from Spanish*): I oppose the motion that no action be taken on draft resolution A/C.1/49/L.36, and Colombia will vote against that motion, moved by Morocco.

The Chairman: The Committee will now take a decision on the motion submitted by the representative of Morocco that no action be taken on draft resolution A/C.1/49/L.36.

In favour:

Andorra, Argentina, Armenia, Australia, Belarus, Belgium, Bulgaria, Canada, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Israel, Italy, Japan, Latvia, Luxembourg, Mali, Malta, Marshall Islands, Micronesia (Federated States of), Morocco, Netherlands, Norway, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Senegal, Sierra Leone, Slovakia, Slovenia, Spain, The Former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America

Against:

Afghanistan, Algeria, Bahamas, Bangladesh, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burundi, Cape Verde, Chile, Colombia, Cuba, Cyprus, Democratic People's Republic of Korea, Ecuador, Egypt, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mauritius, Mexico, Mongolia, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Samoa, Saudi Arabia, Singapore, Solomon Islands, Sri Lanka, Sudan, Suriname, Swaziland, Thailand, Trinidad and Tobago, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe

Abstaining:

Antigua and Barbuda, Austria, Azerbaijan, Cameroon, Côte d'Ivoire, El Salvador, Ireland, Jamaica, Liechtenstein, Lithuania, New Zealand, Niger, Republic of Moldova, San Marino, Sweden

The motion that no action be taken on draft resolution A/C.1/49/L.36 was rejected by 67 votes to 45, with 15 abstentions.

The Chairman: The Committee will now take a decision on draft resolution A/49/L.36. I shall now call on those representatives who wish to explain their votes before the voting.

MR. BERDENNIKOV, RUSSIAN FEDERATION (p.7)

(*interpretation from Russian*): Since the proposal that no action be taken on draft resolution A/C.1/49/L.36 was rejected and the draft resolution will, unfortunately, be put to a vote, we would like to explain the reasons for our vote on the draft resolution before the voting.

The Russian delegation will vote against the draft resolution. We believe that the question of the advisability of the use of nuclear weapons is above all a political, not a legal problem. This is because of the nature and significance of nuclear weapons themselves, which have not been used since the war. Since the Charter of the United Nations and the statutes of the International Court of Justice came into force, nuclear weapons have been considered in States' doctrines not so much as a means of warfare but as a deterrent to war, especially global conflicts. They are therefore different from other weapons, in that they have a political function in the world today.

The very existence of nuclear weapons is accepted in international law and there is a wide range of international norms regulating them. There are many effective international bilateral and multilateral instruments in force, aimed in particular at the non-proliferation, non-deployment, limitation and reduction of nuclear weapons, test bans and other controls over these weapons. Further progress along these lines, through strengthening the non-proliferation regime and in particular arriving at a comprehensive nuclear-test ban and further radical reductions in the nuclear arsenals of all nuclear-weapon States, we feel would be the most reliable way to rid mankind of the nuclear threat.

Unfortunately, draft resolution A/C.1/49/L.36 has another purpose, which makes it impossible for us to support it. We shall vote against the draft resolution.

MR. ERRERA, FRANCE (p.7)

(*interpretation from French*): Putting draft resolution A/C.1/49/L.36 to the vote is a regrettable action, whose implications should be thoroughly considered. France will vote against the draft resolution.

It will do so, first, because the matter it posits is itself unacceptable. The very request for an advisory opinion on the legality of a particular category of arms is tantamount to questioning the inalienable right of any State or group of States to remain sovereign, as long as they comply with international law, in the choice of their means of defence. Such an approach is a blatant violation of the United Nations Charter. It goes against law; it goes against reason.

My country has chosen to base its defence on nuclear deterrence — in other words, on a doctrine oriented not towards victory in battle, but towards avoiding war. This doctrine has made it possible to ensure peace and stability in Europe. It remains the cornerstone of our security.

Those who think that they can deny sovereign States their right to defend themselves by any means recognized by applicable international instruments, or who think that a tribunal should be established to prosecute acknowledged nuclear Powers, should think twice. One day, they themselves could be called upon to defend the legitimacy of the means they use to ensure their security.

The second reason why France will vote against this draft resolution is that the means chosen is no less defensible. Trying to utilize for partisan purposes so respected an international institution as the International Court of Justice entails a very serious responsibility: that of putting at risk the credibility of the Court by leading it away from its mission. Indeed, who can seriously believe that the question posed is a legal one? It is, as we all know, a purely political issue.

As for the moment chosen to launch this initiative, it can only be termed dismal. Need I recall that, for the first time since the invention of nuclear weapons, the entire international community is engaged in multilateral negotiations on a universal and verifiable treaty on a comprehensive nuclear-test ban, and that important progress on this issue has already been achieved at Geneva?

So we can only wonder what kind of message is being sent to the nuclear Powers, at a time when they daily demonstrate that they are fully shouldering their responsibilities and that they are standing fully behind their commitments. Is this draft resolution trying to tell them that their efforts are worthless, that they deserve nothing but censure? Or are we to understand that, at the very moment when disarmament is steadily becoming a reality, some long for the days when it was nothing more than a rhetorical issue? Are these countries — ever ready to condemn nuclear deterrence — afraid of having to take their own share of responsibility? Are they perhaps trying to conceal the fact that in many regions of the world, the build-up of conventional weapons and clandestine programmes to acquire weapons of mass destruction and their delivery systems are a factor in the proliferation of conflicts and a sign of hegemonic claims entertained by some.

France will vote against this draft resolution also because, if we want progress towards a safer and more equitable world, everyone must recognize the necessity for responsibilities and obligations to be shared. It would make no sense to anyone that the nuclear Powers alone should be the only ones to have to respond to the new expectations of the international community, while others would remain free to play the games of the past.

When the spirit of responsibility exists, it leads to real progress. Let us not ruin this collective effort by obsolete methods, which might serve the purposes of a few, but which are certainly contrary to the interests of the overwhelming majority.

MR. CASSAR, MALTA (p.8)

My delegation would like to refer to draft resolution A/C.1/49/L.36. Last year, Malta was among those in favour of having a draft resolution on this subject withdrawn. The primary concern then was the impact that such a draft resolution would have on other negotiations in the field of nuclear disarmament, arms control and non-proliferation. Within the Non-Aligned Movement, to which we belong, we raised the question of withdrawal of the draft resolution. Unfortunately, our request was not acted upon by the Movement.

The primary concern then, as I said, was the impact of such a draft resolution. The impression of the delegation of Malta is that the same reasoning as prevailed last year persists now. In view of these circumstances, my delegation will vote against the draft resolution.

MR. HOFFMANN, GERMANY (p.8)

For the reasons I have pointed out, the European Union and its applicant States cannot support draft resolution A/C.1/49/L.36.

SIR MICHAEL WESTON, UNITED KINGDOM (p.8)

The United Kingdom is firmly convinced that draft resolution A/C.1/49/L.36 can make no positive contribution whatsoever to existing disarmament efforts. On the contrary, it carries a number of serious risks which we hope delegations will consider carefully before they vote.

First, the draft resolution can do nothing to help the ongoing work by the International Court of Justice on the similar question from the World Health Assembly. On the contrary, it risks being seen as a deliberate attempt to exert political pressure over the Court to prejudice its response. This could have serious implications for the standing of the General Assembly and, indeed, of the Court itself.

Secondly, this draft resolution can do nothing to further the various positive diplomatic efforts under way in the field of nuclear disarmament, arms control and non-proliferation, notably on a comprehensive test-ban treaty. On the contrary, at a time when real progress is being achieved in a range of areas, it can only serve to confuse and complicate the basis on which countries enter into such negotiations and to harden positions.

Thirdly, this draft resolution can do nothing to further global peace and security. On the contrary, a legal opinion on this essentially political and hypothetical question risks seriously undermining confidence in existing multilateral treaties. This in turn could serve to undermine the security of all those who put their trust in these treaties.

Fourthly, this draft resolution risks serving the interests of those who wish to distract attention from the destabilizing accumulation of conventional arms and from clandestine programmes aimed at acquiring weapons of mass destruction and developing delivery systems.

This draft resolution could impose heavy costs. It offers no benefits in return. Its wider implications could seriously affect the security of us all. We therefore urge delegations not to support it.

MR. MORADI, ISLAMIC REPUBLIC OF IRAN (p.9)

I should like to give my delegation's position on draft resolution A/C.1/49/L.36, entitled "Request for an advisory opinion from the International Court of Justice on the legality of the threat or use of nuclear weapons".

My delegation fully supports this draft resolution. This issue has been given extensive consideration by the members of the Non-Aligned Movement, which led to the submission of this draft resolution this year. We are of the view that the international community in general and peace-loving nations in particular should explore every avenue to create a world free from nuclear weapons and other weapons of mass destruction.

In submitting such draft resolutions, their sponsors are exercising their rights under the United Nations Charter, which encourages Member States to seek advisory opinions from the International Court of Justice on issues that they deem important. We believe that the draft resolutions do not run contrary to the resolution adopted last year by the World Health Organization on the same issue, but indeed complement and supplement them. Moreover, on the eve of the 1995 Non-Proliferation Treaty Review and Extension Conference this draft resolution is a positive contribution to that Conference as well.

My delegation will vote in favour of this draft resolution, and encourages other members of the Committee to cast a positive vote on it.

MR. MARIN BOSCH, MEXICO (p.9)

(*interpretation from Spanish*): The States Members of the United Nations, as we were reminded today, are committed to defending the rule of law. In our respective countries, there are courts of law responsible, *inter alia*, for considering all types of legal matters, sometimes very delicate ones, and for handing down opinions on them.

The founders of the United Nations wished to give the Organization a similar legal body; hence, the close relationship in the Charter between the United Nations and the International Court of Justice. Draft resolution A/C.1/49/L.36 is part of this relationship and cannot be qualified or described in the terms which were used by some this morning and which others seek to impose. The draft resolution was originally submitted last year; in the meantime, with the firm support of the Government of Mexico, the World Health Organization has already formulated a request to the Court concerning similar, but not identical, aspects of this matter. We have no fear of turning to the International Court of Justice in order to ask it to state impartially its position on this question of fundamental importance.

My delegation will vote in favour of the draft resolution and asks all those countries which are committed to international legitimacy and the rule of law to do the same.

MR. AL-HAMMADI, UNITED ARAB EMIRATES (p.9

(*interpretation from Arabic*): My delegation will not participate in the voting on draft resolution A/C.1/49/L.36.

MR. WHANNOU, BENIN (pp.9-10)

(*interpretation from French*): My delegation wishes to speak in explanation of vote on draft resolution A/C.1/49/L.36.

Benin's commitment to the philosophy and principles of non-alignment is well-known to this body. The Movement of Non-Aligned Countries has made a contribution to the multipolarization of international relations and to the establishment of an era of reduced risk of global confrontation. With competence and dedication, Indonesia has led the Movement's work since its tenth historic summit meeting in Jakarta, in September 1992. It

has contributed to a renewal of multilateralism and has strengthened the ability of the United Nations to meet effectively and rapidly the challenges currently facing it, such as disarmament and development. The delegation of Benin is grateful to the representative of Indonesia for the efforts he has made to preserve the Movement's unity of action and credibility.

The delegation of Benin wishes to take the opportunity of the First Committee's action on draft resolution A/C.1/49/L.36 to make known, as announced during the general debate, the views of its Government on the substance and form of the issues to be submitted for the consideration of the International Court of Justice, namely, whether there are circumstances in which international law authorizes the threat or use of nuclear weapons. We must ask ourselves above all whether this approach serves the well-known concerns of the non-aligned countries with regard to nuclear disarmament in particular.

Indeed, we are well aware that the political position of the non-aligned countries in the field of disarmament has always been in favour of general and complete disarmament under international control. This explains our quest to eliminate all nuclear arsenals, which pose a threat and a constant danger to the entire international community, if only because of the risk of accident. The question to be put to the Court does not touch upon such fundamental issues as the testing, production, stockpiling, proliferation and dissemination of nuclear weapons. Any response from the Court could represent, in our view, no more than an impediment to the process of the elimination of this modern-day scourge.

Furthermore, on the procedural level, we do not find this step pertinent or relevant, in that all delegations have, ever since the end of the cold war, expressed satisfaction at the various initiatives in the control and limitation of armaments. Moreover, the Conference on Disarmament, entrusted with negotiating, on behalf of the international community, multilateral agreements on disarmament of a universal nature and scope such as the one on the prohibition on chemical weapons, has, *inter alia*, begun negotiations on a comprehensive nuclear-test-ban treaty. We know that the work of the Review Conference on a partial-test-ban treaty, aimed at turning it into a treaty on a comprehensive ban, did not make progress because of the reluctance, and even the opposition, of nuclear-weapon States, which, because of the positive changes that have taken place on the international scene — more and more characterized by understanding, dialogue and cooperation — have now begun to show a spirit of openness.

Furthermore, in accordance with the draft resolution contained in document A/C.1/49/L.31, the General Assembly would, in the course of its current forty-ninth session, reiterate its request to the Conference on Disarmament to undertake negotiations, as a matter of priority, in order to reach agreement on an international agreement prohibiting the use or threat of use of nuclear weapons in any circumstances.

The international community also aspires to strengthen the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). Disarmament is a political process of negotiating tending towards the conclusion of binding agreements by the parties involved, which are concerned primarily for their own security. Is it not important to avoid any possibility of a new international rivalry, which would cast a shadow over all positive developments? Benin is convinced that the force and the effectiveness of disarmament measures and agreements lie more in the acceptance by the parties concerned of the conclusions of their negotiations than in any legal opinion, which, in the final analysis, can rule on only one aspect of a subject that is of great concern for the international community.

Multilateral disarmament takes place within the global framework of the activities of the General Assembly, where Member States exercise their sovereign right. A ruling, even an advisory opinion, by the Court would constitute a precedent that would prejudice that right. The present situation thus requires no recourse whatever to the International Court of Justice as one of the preventive measures advocated by the Secretary-General in his important report, "An Agenda for Peace", and endorsed in particular by resolution 47/120 of 18 December 1992 and 47/120 B of 20 September 1993.

In view of all the foregoing, the delegation of Benin, which cannot endorse any initiative that is inadequate or inopportune and therefore not in the general interest, would have preferred not to have this draft resolution submitted on its behalf, but my delegation would also have wished that the motion not to take action had been adopted. Like the delegation of Morocco, we feel that the motion not to take action would have made it possible to go back to informal consultations for further discussion. But all these attempts were unsuccessful, and that is why our delegation will vote against this draft resolution.

The Chairman: The Committee will now proceed to take action on draft resolution A/C.1/49/L.36.

I call on the Secretary of the Committee.

Mr. Kheradi (Secretary of the Committee): The voting will now commence on draft resolution A/C.1/49/L.36, entitled "Request for an advisory opinion from the International Court of Justice on the legality of the threat or use of nuclear weapons". This draft resolution was introduced by the representative of Indonesia, on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries, at the Committee's 15th meeting on 9 November 1994, and is sponsored by Indonesia on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries.

Draft Resolution A/C.1/49/L.36 was adopted by 77 votes to 33, with 21 abstentions

MR. WESTDAL, CANADA (p.13-14)

...

With respect to draft resolution A/C.1/49/L.36, Canada has been a leading proponent of negotiations and of international treaties aimed at eliminating the number and the proliferation of nuclear weapons. We are strong advocates of an indefinite extension of, and universal accession to, the Non-Proliferation Treaty and of the conclusion of negotiations on a comprehensive test-ban treaty.

We also vigorously support international negotiations to prevent the transfer of nuclear-weapons technology and materials, to reduce and eventually eliminate existing stocks and to ban the production of fissile materials for nuclear-weapons purposes.

The Canadian Minister of Foreign Affairs, Mr. André Ouellet, most recently reiterated my Government's commitment to these goals in his statement to the General Assembly in September. We believe that the negotiation of, and adherence to, binding multilateral treaties of the kind just mentioned constitute a more effective approach to the ultimate elimination of nuclear weapons than an advisory opinion of the International Court of Justice.

We further believe that the number and pace of current negotiations on such treaties amply demonstrate the commitment on the part of all States to such negotiations.

Canada is also concerned that the process of seeking an advisory opinion of the International Court could have a negative impact on certain of these ongoing negotiations by diverting attention from them.

Finally, given that the question posed in the draft resolution is for all intents and purposes already before the Court, and that States that wish to make submissions on the issue have done so already, we also question whether the draft resolution serves a useful purpose at this time.

Given these considerations, Canada abstained on the draft resolution.

MR. STARR, AUSTRALIA (P.14)

My delegation has just abstained on the draft resolution contained in document A/C.1/49/L.36 on seeking an opinion from the International Court of Justice on the legality of nuclear weapons.

While we sympathize with the principles motivating the many well intentioned proponents of this measure both within and outside the Committee, we believe the initiative and that already adopted by the World Health Assembly to be misguided.

Australia's own strong and active commitment to nuclear disarmament and non-proliferation is well known, but we are concerned that seeking an advisory opinion from the International Court of Justice on this issue could have an adverse rather than a positive effect on efforts to advance the process of nuclear disarmament.

On the whole, we believe the question is unsuitable for adjudication. It clearly goes beyond a definable field of judicial inquiry and enters into the wider realms of policy and security doctrines of States.

MR. EKWALL, SWEDEN (p.14-15)

I should like to explain Sweden's vote on draft resolution A/C.1/49/L.36, entitled "Request for an advisory opinion from the International Court of Justice on the legality of the threat or use of nuclear weapons".

It is well known that for decades Sweden has worked actively and consistently for nuclear disarmament and for an ultimate total ban on nuclear weapons, but my Government abstained on the draft resolution. It is the view of my Government that, taking into account the recent request made to the International Court of Justice by the World Health Organization on this topic, one further request to the Court would probably cause an unfortunate delay in the ongoing work of the Court on the issue of the legality of the use of nuclear weapons. My Government is of the opinion that the use of nuclear weapons would not comply with international law, and is anxious that the legal situation be clarified as soon as possible by the Court.

In this context, the Swedish Government would like to recall that last June, in connection with a request from the World Health Organization, Sweden officially stated to the International Court of Justice that the use of nuclear arms would not be in accordance with international law. This reply was based on a report by the Standing Committee on Foreign Affairs of the Swedish Parliament, which was approved by our Parliament last June.

The Parliament stated, *inter alia*, that a principle has existed in international law ever since the turn of the century that belligerents do not have an unrestricted right to choose weapons or methods of combat. In the Parliament's opinion, the use of nuclear weapons would be restricted by the principles of distinction and proportionality under customary international law, as they relate in particular to civilian population and property, and by other general fundamental legal principles recognized by civilized nations.

General Assembly

Forty-ninth Session

First Committee

25th Meeting

Friday, 18 November 1994, 3 p.m.
New York

MR. ESPINOSA, CHILE (p.1)

(interpretation from Spanish): I should like to explain Chile's vote on draft resolution A/C.1/49/L.36.

My delegation believes that it is difficult to square the request for an advisory opinion from the International Court of Justice on the legality of the threat or use of force with the request of the World Health Organization through a draft resolution prohibiting certain weapons, such as draft resolution A/C.1/49/L.31. However, my delegation voted in favour of that draft resolution as it felt that it should be guided by the majority orientation of the Movement of Non-aligned Countries.

MR. TANAKA, JAPAN (p.2)

I should like to explain Japan's abstention in the votes on draft resolutions A/C.1/49/L.25/Rev.1 and A/C.1/49/L.36.

Japan, with its unique past experience, honestly desires that the use of nuclear weapons, which would cause unspeakable human suffering, should never be repeated. It thus attaches great importance to the efforts directed towards the ultimate elimination of nuclear weapons.

With respect to draft resolution A/C.1/49/L.36, Japan considers that, in the present international situation, pursuing the question of the legality of the use of nuclear weapons may simply result in confrontation between countries. Japan therefore believes that it is more appropriate to steadily promote realistic and specific disarmament measures.

MR. JAGUARIBE, BRAZIL (p.12)

I should like to explain the position of my delegation on draft resolutions A/C.1/49/L.36 and L.33/Rev.1.

First, let me refer to L.36. We are aware of the arguments raised by several States, notably those of the European Union, in relation to this issue. We share some of their concerns, inasmuch as we believe it might have been preferable to await the decision of the International Court of Justice in relation to the request of a similar, though not identical, nature made by the Assembly of the World Health Organization (WHO).

However, we voted in favour of the draft resolution because we do not believe we should deny the rights of an express group of States to have the International Court of Justice give its advisory opinion about a juridical question of evident interest to the international community, a right which is clearly spelt out in Article 96 of the Charter. Brazil does not believe that this measure can harm international efforts towards non-proliferation and disarmament. On the contrary, we call upon all States to look upon this request as a further appeal to redoubling efforts in international negotiations, consolidating non-proliferation and leading to the gradual elimination of all nuclear weapons.

MR. HOU SHITONG, CHINA (pp. 14-16)

(interpretation from Chinese): The Chinese delegation did not participate in the vote on draft resolution A/C.1/49/L.36. We would like to make the following explanation.

China fully understands the urgent wish for the prohibition of the use of nuclear weapons on the part of non-nuclear States. China has consistently advocated the comprehensive prohibition and complete elimination of nuclear weapons.

China hopes that while further promoting nuclear disarmament and the prevention of nuclear war, the United Nations General Assembly the First Committee, the Disarmament Commission and the Conference on Disarmament which have already played an important role, will continue to do so. At the same time, China has consistently supported all the constructive bilateral, regional and multilateral efforts made in this regard.

Since the day of the posession of nuclear weapons by China, we have solemnly declared that under no circumstances and at no time will we be the first to use nuclear weapons. China has also made a commitment not to use or threaten to use nuclear weapons on non-nuclear weapon States or nuclear-free zones. We appeal to other nuclear-weapon States to make similar commitments and to negotiate and sign a treaty on the non-use of nuclear weapons on each other. We believe that if we can reach these objectives, this will in practice eliminate the possibility of the use or the threat of the use of nuclear weapons.

was included in the provisional agenda of the forty-ninth session in accordance with General Assembly resolutions 42/38 C of 30 November 1987, 46/36 L of 9 December 1991, 47/52 L of 15 December 1992 and 48/75 A to L of 16 December 1993.

2. At its 3rd plenary meeting, on 23 September 1994, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the First Committee.

3. At its 2nd meeting, on 13 October 1994, the First Committee decided to hold a general debate on all disarmament and international security items allocated to it, namely, items 53 to 66, 68 to 72 and 153. The deliberations on those items took place at the 3rd to 10th meetings, from 17 to 24 October (see A/C.1/49/PV.3-10). Structured discussions of specific subjects on the adopted thematic approach took place from 25 to 27 and on 31 October and 1 November. Consideration of draft resolutions on those items took place at the 12th to 16th meetings, on 3, 4, 7 and 9 November (see A/C.1/49/PV.12-16). Action on draft resolutions on those items took place at the 19th to 25th meetings, from 14 to 18 November (see A/C.1/49/PV.19-25).

4. In connection with item 62, the First Committee had before it the following documents:

(a) Report of the Conference on Disarmament; 1/

(b) Report of the Disarmament Commission; 2/

(c) Report of the Secretary-General on non-proliferation of weapons of mass destruction and of vehicles for their delivery in all its aspects (A/INF/49/3);

(d) Report of the Secretary-General on regional disarmament (A/49/202 and Add.1);

(e) Report of the Secretary-General on a moratorium on the export of anti-personnel land-mines (A/49/275 and Add.1);

(f) Report of the Secretary-General: report on the continuing operation of the United Nations Register of Conventional Arms and its further development (A/49/316);

(g) Report of the Secretary-General on measures to curb the illicit transfer and use of conventional arms (A/49/343);

(h) Report of the Secretary-General on transparency in armaments - United Nations Register of Conventional Arms (A/49/352 and Corr.1 and Add.1 and 2);

1/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 27 (A/49/27).

2/ Ibid., Supplement No. 42 (A/49/42).

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A

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Forty-ninth session
Agenda item 62

GENERAL AND COMPLETE DISARMAMENT

Report of the First Committee

Rapporteur: Mr. Peter GOOSEN (South Africa)

I. INTRODUCTION

1. The item entitled:

"General and complete disarmament:

"(a) Notification of nuclear tests;

"(b) Relationship between disarmament and development;

"(c) Non-proliferation of weapons of mass destruction and of vehicles for their delivery in all its aspects;

"(d) Prohibition of the dumping of radioactive wastes;

"(e) Transparency in armaments;

"(f) International illicit arms traffic;

"(g) Regional disarmament;

"(h) Measures to curb the illicit transfer and use of conventional arms;

"(i) Conventional arms control at the regional and subregional levels;

"(j) Prohibition of the production of fissile material for nuclear weapons or other nuclear explosive devices."

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(i) Report of the Secretary-General on the relationship between disarmament and development (A/49/476);

(j) Note by the Secretary-General on notification of nuclear tests (A/49/68 and Add.1);

(k) Note by the Secretary-General on notification of nuclear tests (A/49/420);

(l) Note by the Secretary-General on prohibition of the production of fissile material for nuclear weapons or other nuclear explosive devices (A/49/97-S/1994/322);

(m) Letter dated 24 January 1994 from the representatives of the Russian Federation, Ukraine and the United States of America to the United Nations addressed to the Secretary-General (A/49/66-S/1994/91);

(n) Letter dated 3 February 1994 from the Chargé d'affaires a.i. of the Permanent Mission of Ukraine to the United Nations addressed to the Secretary-General (A/49/69-S/1994/117);

(o) Letter dated 4 February 1994 from the Permanent Representative of Kazakhstan to the United Nations addressed to the Secretary-General (A/49/73);

(p) Letter dated 21 February 1994 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the Secretary-General (A/49/80-S/1994/204);

(q) Letter dated 31 March 1994 from the Chargé d'affaires a.i. of the Permanent Mission of Greece to the United Nations addressed to the Secretary-General (A/49/117-S/1994/395);

(r) Letter dated 21 April 1994 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the Secretary-General (A/49/132);

(s) Letter dated 10 May 1994 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the Secretary-General (A/49/155-S/1994/556);

(t) Letter dated 17 May 1994 from the representatives of Ukraine and the United States of America to the United Nations addressed to the Secretary-General (A/49/162-S/1994/596);

(u) Letter dated 23 May 1994 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General (A/49/166);

(v) Letter dated 24 May 1994 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the Secretary-General (A/49/165-S/1994/616);

(w) Letter dated 25 June 1994 from the Minister for Foreign Affairs of Egypt to the Secretary-General (A/49/287-S/1994/894 and Corr.1);

(x) Letter dated 8 July 1994 from the Chargé d'affaires a.i. of the Permanent Mission of Spain to the United Nations addressed to the Secretary-General (A/49/222);

(y) Letter dated 12 July 1994 from the Permanent Representative of Italy to the United Nations addressed to the Secretary-General (A/49/228-S/1994/827);

(z) Letter dated 8 August 1994 from the Permanent Representative of Germany to the United Nations addressed to the Secretary-General (A/49/302);

(aa) Letter dated 8 August 1994 from the Permanent Representative of Germany to the United Nations addressed to the Secretary-General (A/49/307-S/1994/958);

(bb) Letter dated 5 September 1994 from the Chargé d'affaires a.i. of the Permanent Mission of Australia to the United Nations addressed to the Secretary-General (A/49/381);

(cc) Letter dated 17 October 1994 from the Permanent Representative of Indonesia to the United Nations addressed to the Secretary-General (A/49/532-S/1994/1179).

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.1/49/L.3

5. On 28 October, the Gambia, on behalf of the States Members of the United Nations that are members of the African Group of States, submitted a draft resolution entitled "Prohibition of the dumping of radioactive wastes (A/C.1/49/L.3), which was later also sponsored by Haiti. The draft resolution was introduced by the representative of the Gambia at the 20th meeting, on 15 November.

6. At its 19th meeting, on 14 November, the Committee adopted draft resolution A/C.1/49/L.3 without a vote (see para. 60, draft resolution A).

B. Draft resolution A/C.1/49/L.4

7. On 28 October, Nigeria submitted a draft resolution entitled "Review of the Declaration of the 1990s as the Third Disarmament Decade", which was later also sponsored by Benin. The draft resolution was introduced by the representative of Nigeria at the 15th meeting, on 9 November.

8. At its 20th meeting, on 15 November, the Committee adopted draft resolution A/C.1/49/L.4 by a recorded vote of 111 to 4, with 27 abstentions (see para. 60, draft resolution B). The voting was as follows: 3/

In favour: Algeria, Andorra, Angola, Antigua and Barbuda, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Liechtenstein, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Qatar, Romania, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zimbabwe.

Against: France, Marshall Islands, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Albania, Argentina, Belarus, Belgium, Canada, Croatia, Czech Republic, Denmark, Finland, Hungary, Iceland, Israel, Japan, Kazakhstan, Latvia, Lithuania, Luxembourg, Netherlands, New Zealand, Poland, Republic of Korea, Republic of Moldova, Russian Federation, Samoa, the former Yugoslav Republic of Macedonia, Turkey, Ukraine.

C. Draft decision A/C.1/49/L.6

9. On 31 October, Colombia submitted a draft decision entitled "International illicit arms traffic" (A/C.1/49/L.6), which read as follows:

> "The General Assembly, recalling its resolutions 48/75 F of 16 December 1993, entitled 'International arms transfers', adopted without a vote, and 48/77 A of 16 December 1993, entitled 'Report of the Disarmament Commission', adopted without a vote, as well as the report of the Disarmament Commission contained in the Official Records of the General Assembly, forty-ninth session, Supplement No. 42 (A/49/42), decides to

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3/ Subsequently, the delegation of Zambia indicated that, had it been present, it would have voted in favour of the draft resolution.

include in the provisional agenda of its fiftieth session the item entitled 'International illicit arms traffic'."

10. At the 19th meeting, on 14 November, the representative of Colombia withdrew draft decision A/C.1/49/L.6.

D. Draft resolution A/C.1/49/L.18 and Rev.1

11. On 2 November, Argentina, Australia, Austria, Bahamas, Belarus, Belgium, Bhutan, Bolivia, Brazil, Bulgaria, Cambodia, Canada, Cape Verde, Chile, Costa Rica, the Czech Republic, Denmark, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Guinea, Guyana, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malaysia, Mali, Malta, Marshall Islands, Namibia, Nepal, the Netherlands, New Zealand, Nicaragua, Niger, Norway, Panama, Papua New Guinea, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America submitted a draft resolution entitled "Transparency in armaments" (A/C.1/49/L.18), which was later also sponsored by Albania, Andorra, Cameroon, Haiti, the Philippines, South Africa and Turkmenistan. The draft resolution was introduced by the representative of the Netherlands at the 13th meeting, on 4 November.

12. On 3 November, Algeria, Indonesia, Iran (Islamic Republic of), Mexico, Myanmar, Nigeria and Sri Lanka submitted amendments (A/C.1/49/L.45) to draft resolution A/C.1/49/L.18, by which:

(a) At the end of operative paragraph 4 (a), the following words would be added: "including its expansion to cover weapons of mass destruction";

(b) Operative paragraph 4 (b), which read:

"(b) Requests the Secretary-General, with the assistance of a group of governmental experts to be convened in 1996 on the basis of equitable geographical representation, to prepare a report on the continuing operation of the Register and its further development, taking into account the work of the Conference on Disarmament and the views expressed by Member States, for submission to the General Assembly with a view to a decision at its fifty-first session";

would be replaced by:

"(b) Requests the Secretary-General to prepare a report on the continuing operation of the Register and its further development, taking into account the views expressed by Member States, for submission to the General Assembly with a view to a decision at its fifty-third session";

(c) Operative paragraph 6 would be deleted and the remaining paragraphs renumbered accordingly.

13. The amendments contained in document A/C.1/49/L.45 were introduced by the representative of Mexico at the 15th meeting, on 9 November.

14. On 15 November, the sponsors submitted a revised draft resolution (A/C.1/49/L.18/Rev.1), which contained the following changes:

(a) Operative paragraph 4 (a), which read:

"(a) Requests Member States to provide the Secretary-General with their views on the continuing operation of the Register and its further development";

was revised to read:

"(a) Requests Member States to provide the Secretary-General with their views on the continuing operation of the Register and its further development and on transparency measures related to weapons of mass destruction";

(b) Operative paragraph 4 (b), was revised to read:

"(b) Requests the Secretary-General, with the assistance of a group of governmental experts to be convened in 1997, on the basis of equitable geographical representation, to prepare a report on the continuing operation of the Register and its further development, taking into account work of the Conference on Disarmament, the views expressed by Member States and the 1994 report of the Secretary-General on the continuing operation of the Register and its further development, with a view to a decision at its fifty-second session";

(c) Operative paragraph 6, which read:

"Encourages the Conference on Disarmament to continue its work undertaken in the field of transparency in armaments",

was revised to read:

"Invites the Conference on Disarmament to consider continuing its work undertaken in the field of transparency in armaments".

15. At the 25th meeting, on 18 November, the representative of Mexico made a statement on behalf of the sponsors of draft resolution A/C.1/49/L.45 that they intended not to press the draft resolution to vote.

16. At the same meeting, the Committee voted on draft resolution A/C.1/49/L.18/Rev.1 as follows:

(a) Operative paragraph 4 (b) was adopted by a recorded vote of 114 to 1, with 22 abstentions. The voting was as follows:

In favour: Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Cameroon, Canada, Cape Verde, Chile, Costa Rica, Côte d'Ivoire, Cyprus, Czech Republic, Denmark, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kenya, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Micronesia (Federated States of), Monaco, Mongolia, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Oman, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Suriname, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Zambia, Zimbabwe.

Against: Iran (Islamic Republic of).

Abstaining: Algeria, Angola, China, Colombia, Cuba, Democratic People's Republic of Korea, Ecuador, El Salvador, Ghana, India, Indonesia, Iraq, Jordan, Libyan Arab Jamahiriya, Mexico, Myanmar, Nigeria, Pakistan, Saudi Arabia, Sri Lanka, Sudan, Swaziland.

(b) Operative paragraph 6 was adopted by a recorded vote of 117 to 4, with 15 abstentions. The voting was as follows:

In favour: Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Cameroon, Canada, Cape Verde, Chile, Costa Rica, Côte d'Ivoire, Cyprus, Czech Republic, Denmark, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Oman, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon

Islands, South Africa, Spain, Suriname, Swaziland, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Zambia, Zimbabwe.

Against: Algeria, Cuba, Indonesia, Mexico.

Abstaining: Angola, China, Colombia, Democratic People's Republic of Korea, Ecuador, El Salvador, India, Iran (Islamic Republic of), Iraq, Libyan Arab Jamahiriya, Myanmar, Nigeria, Pakistan, Sri Lanka, Sudan.

(c) Draft resolution A/C.1/49/L.18/Rev.1 as a whole was adopted by a recorded vote of 126 to none, with 17 abstentions (see para. 60, draft resolution C. The voting was as follows:

In favour: Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cyprus, Czech Republic, Denmark, Ecuador, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Suriname, Swaziland, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Zambia, Zimbabwe.

Against: None.

Abstaining: Algeria, Angola, Cuba, Democratic People's Republic of Korea, Egypt, India, Indonesia, Iran (Islamic Republic of), Iraq, Lebanon, Libyan Arab Jamahiriya, Mexico, Myanmar, Saudi Arabia, Sri Lanka, Sudan, Syrian Arab Republic.

E. Draft resolution A/C.1/49/L.19

17. On 1 November, Afghanistan, Argentina, Austria, Bahamas, Bhutan, Bolivia, Bulgaria, Burundi, Cambodia, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, El Salvador, Eritrea, Germany, Ghana, Greece, Guatemala, Guyana, Honduras, Hungary, Iceland, Ireland, Italy, Kazakhstan, Liberia, Luxembourg, Madagascar, Maldives, Malta, the Marshall Islands, Mauritania, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Philippines, Poland, Portugal, the Republic of Moldova, Romania, Sierra Leone, Slovenia, South Africa, Spain, Sweden, the former Yugoslav Republic of Macedonia, Togo, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Vanuatu and Yemen submitted a draft resolution entitled "Moratorium on the export of anti-personnel land-mines" (A/C.1/49/L.19), which was later also sponsored by Albania, Armenia, Azerbaijan, Belgium, Cameroon, Chad, Ethiopia, Georgia, Guinea, Japan, Jordan, Kenya, Kuwait, India, Malaysia, Mongolia, Namibia and the Niger. The draft resolution was introduced by the representative of the United States of America at the 12th meeting, on 3 November.

18. At its 19th meeting, on 14 November, the Committee adopted draft resolution A/C.1/49/L.19 without a vote (see para. 60, draft resolution D).

F. Draft decision A/C.1/49/L.24

19. On 2 November, Mexico submitted a draft decision entitled "Non-proliferation of weapons of mass destruction and of vehicles for their delivery in all its aspects" (A/C.1/49/L.24). The draft decision was introduced by the representative of Mexico at the 15th meeting, on 9 November.

20. At its 20th meeting, on 15 November, the Committee adopted draft decision A/C.1/49/L.24 by a recorded vote of 98 to 1, with 42 abstentions (see para. 61, draft decision). The voting was as follows: 4/

In favour: Albania, Algeria, Angola, Antigua and Barbuda, Armenia, Australia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Ghana, Guatemala, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar,

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4/ Subsequently, the delegations of Djibouti and Zambia indicated that, had they been present, they would have voted in favour of the draft resolution.

Republic of Korea, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zimbabwe.

Against: United States of America.

Abstaining: Andorra, Argentina, Austria, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Netherlands, Norway, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Slovakia, Slovenia, Spain, Swaziland, Sweden, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland.

G. Draft resolution A/C.1/49/L.25 and Rev.1

21. On 2 November, Brazil, Colombia, Egypt, India, Indonesia, Malaysia, Mexico, Nigeria and Zimbabwe submitted a draft resolution entitled "Step-by-step reduction of the nuclear threat" (A/C.1/49/L.25), which was later also sponsored by Ecuador and the United Republic of Tanzania. The draft resolution was introduced by the representative of Mexico at the 14th meeting, on 7 November.

22. On 16 November, the sponsors submitted a revised draft resolution (A/C.1/49/L.25/Rev.1), which was later also sponsored by Algeria. The draft resolution contained the following changes:

(a) In operative paragraph 3 (a), the words "operative paragraph 1" were replaced by the words "paragraph 1 of the present resolution";

(b) In operative paragraph 3 (b), the word "operative" was deleted;

(c) Operative paragraph 4, which read:

"4. Requests that the Conference on Disarmament include in its 1995 report to the General Assembly a section on efforts undertaken in accordance with the above recommendation."

was revised to read:

"4. Requests the Conference on Disarmament to include in its 1995 report to the General Assembly a section on efforts undertaken in accordance with the recommendation set out in paragraph 3";

(d) An additional paragraph was added reading as follows:

"5. Decides to include in the provisional agenda of its fiftieth session an item entitled 'Step-by-step reduction of the nuclear threat'".

/...

23. At its 24th meeting, on 18 November, the Committee adopted draft resolution A/C.1/49/L.25/Rev.1 by a recorded vote of 91 to 24, with 30 abstentions (see para. 60, draft resolution E). The voting was as follows:

In favour: Afghanistan, Algeria, Bahrain, Bangladesh, Belarus, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Chile, Colombia, Costa Rica, Cuba, Cyprus, Democratic People Republic of Korea, Djibouti, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Ghana, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Andorra, Belgium, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Israel, Italy, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, San Marino, Slovakia, Spain, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Albania, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bulgaria, Canada, Estonia, Georgia, Iceland, Ireland, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Marshall Islands, Micronesia (Federated States of), New Zealand, Republic of Korea, Republic of Moldova, Russian Federation, Slovenia, Swaziland, Sweden, the former Yugoslav Republic of Macedonia, Ukraine.

H. Draft resolution A/C.1/49/L.27

24. On 2 November, Australia, Austria, Belgium, Bulgaria, Canada, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Luxembourg, the Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland submitted a draft resolution entitled "Code of Conduct for the international transfers of conventional weapons", which was later also sponsored by Malta, the Republic of Moldova, Slovakia and Slovenia. The draft resolution, which was introduced by the representative of Germany at the 12th meeting, on 3 November, read as follows:

"The General Assembly,

"Recalling its resolutions 46/36 L of 9 December 1991, 47/52 L of 15 December 1992 and 48/75 E of 16 December 1993, concerning transparency in armaments, and 46/36 H of 6 December 1991 and 48/75 F of 16 December 1993 concerning international arms transfers,

"Considering that an enhanced level of openness and transparency with regard to international transfers of armaments contributes greatly to confidence-building and security among States, eases tensions, strengthens regional and international peace and security, could serve as a useful tool in facilitating non-proliferation efforts in general and could contribute to restraint in military production and the transfer of arms,

"Welcoming the work of the Conference on Disarmament on its agenda item entitled 'Transparency in armaments',

"Reaffirming the inherent right to individual or collective self-defence recognized in Article 51 of the Charter of the United Nations, which implies that States also have the right to acquire arms with which to defend themselves,

"Recognizing the need for Member States to exercise responsibility and restraint in transfers of conventional arms,

"Stressing its strong belief that excessive and destabilizing accumulations of arms pose a threat to national, regional and international peace and security, particularly aggravating tensions and conflict situations, and give rise to serious and urgent concerns,

"Affirming the need for effective national mechanisms for controlling the transfer of conventional arms and related technology and for transfers to take place with those mechanisms,

"1. Calls upon all Member States to consider the establishment of a voluntary, global and non-discriminatory Code of Conduct for international conventional arms transfers with a view to promoting voluntary restraint and responsibility in conventional arms transfers;

"2. Considers that a Code of Conduct for international arms transfers be elaborated in the most appropriate forum;

"3. Decides to include in the provisional agenda of its fiftieth session the item entitled 'Code of Conduct for the international transfers of conventional weapons'".

25. At the 23rd meeting, on 17 November, the representative of Germany stated that the sponsors intended to request the Committee not to take action on draft resolution A/C.1/49/L.27.

I. Draft resolution A/C.1/49/L.28

26. On 2 November, Indonesia, Mexico, Namibia, Nigeria, Zambia and Zimbabwe submitted a draft resolution entitled "1995 Review and Extension Conference of States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons" (A/C.1/49/L.28), which was later also sponsored by the United Republic of Tanzania. The draft resolution was introduced by the representative of Nigeria at the 14th meeting, on 7 November.

27. At the 22nd meeting, on 17 November, the Secretary of the Committee made a statement concerning the programme budget implications of draft resolution A/C.1/49/L.28 (see A/C.1/49/PV.22).

28. At the same meeting, the Committee adopted draft resolution A/C.1/49/L.28 by a recorded vote of 77 to 39, with 32 abstentions (see para. 60, draft resolution F). The voting was as follows:

In favour: Algeria, Angola, Bahrain, Bangladesh, Benin, Bhutan, Bolivia, Botswana, Brunei Darussalam, Burkina Faso, Burundi, China, Colombia, Costa Rica, Cyprus, Democratic People's Republic of Korea, Ecuador, El Salvador, Ethiopia, Fiji, Ghana, Guatemala, Guinea, Haiti, Honduras, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Swaziland, Thailand, Togo, Trinidad and Tobago, Tunisia, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Albania, Andorra, Austria, Belgium, Bulgaria, Canada, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Tajikistan, the former Yugoslav Republic of Macedonia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Armenia, Australia, Azerbaijan, Bahamas, Belarus, Brazil, Cambodia, Cameroon, Chile, Côte d'Ivoire, Cuba, Djibouti, Dominica, Egypt, Guyana, India, Israel, Japan, Kazakhstan, Kyrgyzstan, Lebanon, Marshall Islands, Micronesia (Federated States of), New Zealand, Papua New Guinea, Republic of Korea, Samoa, San Marino, Suriname, Syrian Arab Republic, Ukraine.

J. Draft resolution A/C.1/49/L.30 and Rev.1 and Rev.2

29. On 2 November, Mali submitted a draft resolution entitled "Assistance to States for curbing the illicit traffic in small arms and collecting them" (A/C.1/49/L.30).

30. On 7 November, Mali joined by Burkina Faso, Côte d'Ivoire, Guinea, Guinea-Bissau, Mauritania, the Niger and Senegal, submitted a revised draft resolution A/C.1/49/L.30/Rev.1. It was introduced by the representative of Mali at the 16th meeting, on 9 November, and contained the following changes:

(a) The original seventh preambular paragraph, which read:

"Noting with satisfaction the actions taken and those recommended at the meetings of the States of the subregion held at Banjul, Algiers and Bamako to establish close regional cooperation with a view to strengthening security, and the interest shown by other States of the subregion in receiving the United Nations Consultative Mission",

was revised to read:

"Taking note also of the interest shown by other States of the subregion in receiving the United Nations Consultative Mission";

(b) The original operative paragraph 1, which read:

"1. Welcomes the actions taken by the Secretary-General leading to the initiation of preventive diplomacy in the Saharo-Sahelian subregion",

was revised to read:

"1. Welcomes the initiative taken by Mali concerning the question of the illicit circulation of small arms and their collection in the Saharo-Sahelian subregion";

(c) The original operative paragraph 2, which read:

"2. Also welcomes the initiative taken by Mali and the appreciable help given by the Government of Mali to the United Nations Consultative Mission",

was revised to read:

"2. Also welcomes the action taken by the Secretary-General in implementation of this initiative";

(d) A new operative paragraph 3 was added, reading:

"3. Thanks the Government of Mali for the appreciable help which it has given to the Consultative Mission and welcomes the declared readiness of other States of the subregion to receive the Mission";

(e) The original operative paragraph 3, which read:

"3. Requests the Secretary-General to continue his action, providing the necessary assistance to Mali and to all other Member States requesting it, with a view to curbing the illicit circulation of small arms and ensuring their collection",

became operative paragraph 4 and was revised to read:

"4. Encourages the Secretary-General to continue his action, with the support of the United Nations Regional Centre for Peace and Disarmament in Africa and in close collaboration with the Organization of African Unity, by providing the necessary assistance to Mali and to all other States concerned which request it, with a view to curbing the illicit circulation of small arms and ensuring their collection";

(f) The original operative paragraphs 4, 5 and 6 were renumbered as paragraphs 5, 6 and 7 respectively.

31. On 17 November, the sponsors submitted a second revised resolution (A/C.1/49/L.30/Rev.2), which was later also sponsored by Benin, Burundi, Cambodia, Cameroon, Chad, Djibouti and Togo. The draft resolution contained the following changes:

(a) Operative paragraph 4 was further revised as follows:

"4. Congratulates the Secretary-General on his action within the context of the relevant provisions of resolution 40/151 H of 16 December 1985, and encourages him to continue his efforts to curb the illicit circulation of small arms and to ensure their collection in the affected States which so request, with the support of the United Nations Centre for Peace and Disarmament in Africa and in close cooperation with the Organization of African Unity";

(b) Operative paragraph 5 (former operative paragraph 4), which read:

"Invites Member States to take all necessary measures to curb the illicit circulation of small arms, in particular by halting their illegal export";

was revised to read:

"5. Invites Member States to implement national control measures in order to check the illicit circulation of small arms, in particular by curbing the illegal export of such arms".

32. At the 22nd meeting, on 17 November, the Secretary of the Committee made a statement concerning the programme budget implications of draft resolution A/C.1/49/L.30/Rev.2 (see A/C.1/49/PV.22).

33. At its 25th meeting, on 18 November, the Committee adopted draft resolution A/C.1/49/L.30/Rev.2 without a vote (see para. 60, draft resolution G).

K. Draft resolution A/C.1/49/L.33 and Rev.1

34. On 2 November, Japan submitted a draft resolution entitled "Nuclear disarmament with a view to the ultimate elimination of nuclear weapons" (A/C.1/49/L.33), which was introduced by its representative at the 14th meeting, on 7 November.

35. On 16 November, Japan submitted a revised draft resolution (A/C.1/49/L.33/Rev.1) containing the following changes:

(a) In the second preambular paragraph, the words "expecting their" were replaced by the words "looking forward to their";

(b) The third preambular paragraph, which read:

"Highly valuing the contribution which the Treaty on the Non-Proliferation of Nuclear Weapons has made, as the most universal disarmament treaty with its 165 States parties, including five nuclear-weapon States, since its entry into force in 1970, to the peace and security of the world by preventing the international community from witnessing the emergence of new nuclear-weapon States for the past twenty-five years",

was replaced by:

"Welcoming also the efforts of other nuclear-weapon States in the field of nuclear disarmament";

(c) After the third preambular paragraph, a new preambular paragraph was added reading as follows:

"Attaching great importance to the contribution which the Treaty on the Non-Proliferation of Nuclear Weapons has made to the peace and security of the world since its entry into force in 1970";

(d) In the fifth preambular paragraph (formerly fourth), after the word "Welcoming", the word "the" was added;

(e) The former fifth and sixth preambular paragraphs were deleted;

(f) In operative paragraph 1, the word "Vigorously" was deleted;

(g) Operative paragraph 2, which read:

"2. Calls upon the nuclear-weapon States to further pursue negotiations on progressive and balanced reductions of nuclear weapons in the light of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, with a view to the ultimate objectives of the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery as part of international efforts for

general and complete disarmament under strict and effective international control",

was revised to read:

"2. Calls upon the nuclear-weapon States to pursue their efforts for nuclear disarmament with the ultimate objective of the elimination of nuclear weapons in the framework of general and complete disarmament, and also calls upon all States to fully implement their commitments in the field of disarmament and non-proliferation of weapons of mass destruction".

36. At its 24th meeting, on 18 November, the Committee adopted draft resolution A/C.1/49/L.33/Rev.1 by a recorded vote of 140 to none, with 8 abstentions (see para. 60, draft resolution H). The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bhutan, Bolivia, Botswana, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cyprus, Czech Republic, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: None.

Abstaining: Brazil, Cuba, Democratic People's Republic of Korea, France, India, Israel, United Kingdom of Great Britain and Northern Ireland, United States of America.

L. Draft resolution A/C.1/49/L.34 and Rev.1

37. On 2 November, Indonesia, on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries, submitted a draft resolution entitled "Convening of the fourth special session of the General Assembly devoted to disarmament" (A/C.1/49/L.34), which was introduced by its representative at the 15th meeting, on 9 November.

38. On 15 November, the sponsors submitted a revised draft resolution (A/C.1/49/L.34/Rev.1), which contained the following changes:

(a) The third preambular paragraph, which read:

"Reiterating its conviction that the implementation of disarmament measures, particularly nuclear disarmament, is essential for achieving global peace and security",

was deleted;

(b) Operative paragraphs 1 and 2, which read:

"1. Decides to convene in May/June 1996 the fourth special session of the General Assembly devoted to disarmament;

"2. Further decides to establish a preparatory committee for the special session of the General Assembly devoted to disarmament open to all States with the mandate of examining all relevant questions relating to the special session, including its agenda, and submitting to the Assembly at its fiftieth session appropriate recommendations thereon",

were revised to read:

"1. Decides to convene in 1997 the fourth special session of the General Assembly devoted to disarmament;

"2. Further decides that at its fiftieth regular session it will establish a preparatory committee for the special session of the General Assembly devoted to disarmament open to all States with the mandate of examining all relevant questions relating to the special session, including its agenda, and submitting to the Assembly at its fifty-first session appropriate recommendations thereon";

(c) Operative paragraphs 3, 4 and 5 were deleted and operative paragraph 6 was renumbered as paragraph 3.

39. On 17 November, Belgium, Canada, Denmark, Finland, France, Hungary, Iceland, Ireland, Italy, Japan, Norway, Poland, Portugal, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America submitted amendments (A/C.1/49/L.52) to the revised draft resolution (A/C.1/49/L.34/Rev.1), by which:

(a) In the fourth preambular paragraph, the word "central" would be deleted;

(b) Operative paragraph 1 would be replaced by the following:

"1. Decides in principle to convene a fourth special session of the General Assembly devoted to disarmament at an appropriate date to be determined following consultations";

(c) Operative paragraphs 2 and 3 would be deleted.

40. At the 25th meeting, on 18 November, the representative of India proposed oral amendments to the revised draft resolution (A/C.1/49/L.34/Rev.1), by which:

(a) Operative paragraph 1 would be amended to read:

"1. Decides, in principle, to convene, in 1997 if possible, the fourth special session of the General Assembly devoted to disarmament, the date to be determined at the fiftieth regular session";

(b) Operative paragraph 2 would be deleted and operative paragraph 3 would be renumbered as paragraph 2.

41. At the same meeting, the representative of the United States of America made a statement on behalf of the sponsors that they intended not to press the amendments contained in document A/C.1/49/L.52 to a vote.

42. The Committee adopted draft resolution A/C.1/49/L.34/Rev.1, as orally amended, without a vote (see para. 60, draft resolution I).

M. Draft resolution A/C.1/49/L.35

43. On 3 November, Indonesia, on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries, submitted a draft resolution entitled "Relationship between disarmament and development" (A/C.1/49/L.35), which was later also sponsored by Haiti. The draft resolution was introduced by the representative of Indonesia at the 15th meeting, on 9 November.

44. At its 20th meeting on 15 November, the Committee adopted draft resolution A/C.1/49/L.35 without a vote (see para. 60, draft resolution J).

N. Draft resolution A/C.1/49/L.36

45. On 3 November, Indonesia, on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries, submitted a draft resolution entitled "Request for an advisory opinion from the International Court of Justice on the legality of the threat or use of nuclear weapons" (A/C.1/49/L.36). The draft resolution was introduced by the representative of Indonesia at the 15th meeting, on 9 November.

46. At its 24th meeting, on 18 November, the Committee acted on a no-action motion on draft resolution A/C.1/49/L.36, which was proposed by the representative of Morocco. The motion was rejected by a recorded vote of 45 to 67, with 15 abstentions. The voting was as follows:

In favour: Andorra, Argentina, Armenia, Australia, Belarus, Belgium, Bulgaria, Canada, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Israel, Italy, Japan, Latvia, Luxembourg, Mali, Malta, Marshall Islands, Micronesia (Federated States of), Morocco, Netherlands, Norway, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Senegal, Sierra Leone, Slovakia, Slovenia, Spain, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Afghanistan, Algeria, Bahamas, Bangladesh, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burundi, Cape Verde, Chile, Colombia, Cuba, Cyprus, Democratic People's Republic of Korea, Ecuador, Egypt, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mauritius, Mexico, Mongolia, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Samoa, Saudi Arabia, Singapore, Solomon Islands, Sri Lanka, Sudan, Suriname, Swaziland, Thailand, Trinidad and Tobago, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Abstaining: Antigua and Barbuda, Austria, Azerbaijan, Cameroon, Côte d'Ivoire, El Salvador, Ireland, Jamaica, Liechtenstein, Lithuania, New Zealand, Niger, Republic of Moldova, San Marino, Sweden.

47. At the same meeting, the Committee adopted draft resolution A/C.1/49/L.36 by a recorded vote of 77 to 33, with 21 abstentions (see para. 60, draft resolution K). The voting was as follows:

In favour: Afghanistan, Algeria, Bahamas, Bangladesh, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burundi, Cape Verde, Chile, Colombia, Costa Rica, Cuba, Cyprus, Democratic People's Republic of Korea, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritius, Mexico, Mongolia, Mozambique, Myanmar, Namibia, Nepal, New Zealand, Nicaragua, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Samoa, Saudi Arabia, Sierra Leone, Singapore, Solomon Islands, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Trinidad and

Tobago, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Andorra, Belgium, Benin, Bulgaria, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Israel, Italy, Latvia, Luxembourg, Malta, Netherlands, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Senegal, Slovakia, Slovenia, Spain, the former Yugoslav Republic of Macedonia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Cameroon, Canada, Ireland, Jamaica, Japan, Liechtenstein, Lithuania, Marshall Islands, Niger, Norway, Republic of Moldova, San Marino, Sweden, Ukraine.

O. Draft resolution A/C.1/49/L.38

48. On 3 November, Indonesia, on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries, submitted a draft resolution entitled "Bilateral nuclear-arms negotiations and nuclear disarmament" (A/C.1/49/L.38). The draft resolution was introduced by the representative of Indonesia at the 15th meeting, on 9 November.

49. At its 23rd meeting, on 17 November, the Committee adopted draft resolution A/C.1/49/L.38 without a vote (see para. 60, draft resolution L).

P. Draft resolution A/C.1/49/L.40 and Rev.1

50. On 3 November, Afghanistan and Colombia submitted a draft resolution entitled "Measures to curb the illicit transfer and use of conventional arms" (A/C.1/49/L.40), which was later also sponsored by Ecuador, Guatemala, Sri Lanka, the Sudan and Zimbabwe. The draft resolution was introduced by the representative of Afghanistan at the 15th meeting, on 9 November.

51. On 10 November, the sponsors submitted a revised draft resolution (A/C.1/49/L.40/Rev.1), which was later also sponsored by Botswana, Costa Rica, El Salvador, South Africa and Swaziland. The revised draft resolution contained the following changes:

(a) The original third preambular paragraph, which read:

"Realizing the urgent need to resolve conflicts and to diminish tensions with a view to maintaining regional and international peace and security",

was revised to read:

"Realizing the urgent need to resolve conflicts and to diminish tensions and accelerate efforts towards general and complete disarmament with a view to maintaining regional and international peace and security";

(b) The original fifth preambular paragraph, which read:

"Stressing the need for international regulation of the transfer of conventional weapons",

was revised to read:

"Stressing the need for effective national control measures on the transfer of conventional weapons";

(c) The original seventh preambular paragraph, which read:

"Convinced that peace and security are imperatives for economic development and reconstruction",

was revised to read:

"Convinced that peace and security are inextricably interlinked with and in some cases imperative for economic development and reconstruction";

(d) The original operative paragraph 2, which read:

"2. Invites Member States to provide the Secretary-General with relevant information on national regulations on arms transfers with a view to preventing illicit arms transfers, and, in this context, to take immediate, appropriate and effective measures to ensure that illicit transfers of arms are discontinued",

was revised to read:

"2. Invites Member States to provide the Secretary-General with relevant information on national control measures on arms transfers with a view to preventing illicit arms transfers, and, in this context, to take immediate, appropriate and effective measures to seek to ensure that illicit transfers of arms are discontinued";

(e) The original operative paragraph 3, which read:

"3. Requests the Secretary-General to:

"(a) Seek the views of Member States on effective ways and means of collecting illegal weapons in countries concerned, as well as on concrete proposals concerning measures at national, regional and international levels to curb the illicit transfer and use of conventional arms;

"(b) Study, within the existing resources, upon request from the concerned Member States, the possibilities of illicit arms collection in the light of the experience gained by the United Nations and the views

expressed by Member States and to submit a report on the result of his study to the General Assembly at its fiftieth session",

was revised to read:

"3. Requests the Secretary-General to:

"(a) Seek the views of Member States on effective ways and means of collecting weapons illicitly transferred in interested countries, as well as on concrete proposals concerning measures at national, regional and international levels to curb the illicit transfer and use of conventional arms;

"(b) Study, within the existing resources, upon request from the concerned Member States, the possibilities of the collection of weapons illicitly transferred in the light of the experience gained by the United Nations and the views expressed by Member States and to submit a report on the result of his study to the General Assembly at its fiftieth session".

52. At its 19th meeting, on 14 November, the Committee adopted the revised draft resolution (A/C.1/49/L.40/Rev.1) without a vote (see para. 60, draft resolution M).

Q. Draft resolution A/C.1/49/L.42

53. On 3 November, Albania, Armenia, Benin, Bosnia and Herzegovina, Cameroon, Canada, Cape Verde, Chile, Colombia, Costa Rica, the Czech Republic, Egypt, Ghana, Guinea, Honduras, Italy, Lesotho, Madagascar, Mali, Malta, Mauritania, Nepal, New Zealand, the Niger, Pakistan, Papua New Guinea, Poland, Senegal, Sri Lanka, the Sudan, Suriname, Swaziland, Togo, Tunisia, Turkey, Ukraine, the United States of America, Zambia and Zimbabwe submitted a draft resolution entitled "Regional disarmament" (A/C.1/49/L.42), which was also later sponsored by Belgium, Bolivia, Brazil, Haiti, Kenya, the Republic of Moldova and Turkmenistan. The draft resolution was introduced by the representative of Pakistan at the 19th meeting, on 14 November.

54. At its 19th meeting on 14 November, the Committee adopted draft resolution A/C.1/49/L.42 by a recorded vote of 140 to none, with 2 abstentions (see para. 60, draft resolution N). The voting was as follows: 5/

In favour: Afghanistan, Albania, Algeria, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Ecuador, Egypt,

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5/ Subsequently, the delegations of Djibouti and Paraguay indicated that, had they been present, they would have voted in favour of draft resolution.

El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: None.

Abstaining: India, Nigeria.

R. Draft resolution A/C.1/49/L.43

55. On 3 November, Haiti, Pakistan and Swaziland submitted a draft resolution entitled "Conventional arms control at the regional and subregional levels" (A/C.1/49/L.43). The draft resolution was introduced by the representative of Pakistan at the 19th meeting, on 14 November.

56. At its 19th meeting, on 14 November, the Committee adopted the draft resolution A/C.1/49/L.43 by a recorded vote of 129 to none, with 11 abstentions (see para. 60, draft resolution O). The voting was as follows: 6/, 7/

In favour: Afghanistan, Albania, Algeria, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bhutan, Bolivia, Botswana, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic People's

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6/ Subsequently, the delegations of Djibouti and Paraguay indicated that, had they been present, they would have voted in favour of draft resolution.

7/ Subsequently, the delegation of Venezuela informed the Secretariat that it had intended to abstain.

Republic of Korea, Denmark, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Germany, Ghana, Greece, Guinea, Guyana, Haiti, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Marshall Islands, Micronesia (Federated States of), Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Oman, Pakistan, Papua New Guinea, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, Saudi Arabia, Senegal, Sierra Leone, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Yemen, Zambia, Zimbabwe.

Against: None.

Abstaining: Brazil, Cuba, Ecuador, Guatemala, India, Libyan Arab Jamahiriya, Mexico, Nigeria, Panama, Peru, Singapore.

S. Draft resolution A/C.1/49/L.44 and Rev.1

57. On 3 November, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America submitted a draft resolution entitled "Bilateral nuclear-arms negotiations and nuclear disarmament" (A/C.1/49/L.44).

58. On 8 November, the sponsors, joined by Belgium, Greece and Norway submitted a revised draft resolution (A/C.1/49/L.44/Rev.1), which was later also sponsored by Argentina, Armenia, Australia, Bulgaria, the Czech Republic, Denmark, Finland, France, Germany, Hungary, Ireland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Poland, Portugal, Spain, Sweden and Turkey. The draft resolution was introduced by the representative of the United States of America at the 23rd meeting, on 17 November, and contained the following changes:

(a) The original ninth preambular paragraph, which read:

"Welcoming the steps that have already been taken by those States to begin the process of reducing the number of nuclear weapons from a deployed status, and bilateral agreements on the issue of de-targeting strategic nuclear missiles",

was revised as follows:

"Welcoming the steps that have already been taken by those States to begin the process of reducing the number of nuclear weapons and removing such weapons from a deployed status, and bilateral agreements on the issue of de-targeting strategic nuclear missiles";

(b) The original eleventh preambular paragraph, which read:

"Noting also that the Russian Federation and the United States of America concurred that, once the START II Treaty is ratified, the Russian Federation and the United States of America would proceed to deactivate all strategic delivery systems to be reduced under START II by removing their nuclear warheads or taking other steps to remove them from alert status",

was revised as follows:

"Noting also that the Russian Federation and the United States of America concurred that, once the Treaty between them on the Further Reduction and Limitation of Strategic Offensive Arms was ratified, they would proceed to deactivate all strategic delivery systems to be reduced under the Treaty by removing their nuclear warheads or taking other steps to remove them from alert status";

(c) The original twelfth preambular paragraph, which read:

"Noting further the agreement between the Russian Federation and the United States of America to intensify their dialogue to compare conceptual approaches and to develop concrete steps to adapt the nuclear forces and practices on both sides to the changed international security situation, including the possibility, after ratification of START II, of further reductions of, and limitations on, remaining nuclear forces",

was revised as follows:

"Noting further the agreement between the Russian Federation and the United States of America to intensify their dialogue to compare conceptual approaches and to develop concrete steps to adapt the nuclear forces and practices on both sides to the changed international security situation, including the possibility, after ratification of the Treaty on the Further Reduction and Limitation of Strategic Offensive Arms, of further reductions of and limitations on remaining nuclear forces";

(d) In the original operative paragraph 1, the words "the Presidents of" were added after the words "the trilateral statement by";

(e) In the original operative paragraph 6, the word "Further" was deleted.

59. At its 23rd meeting, on 17 November, the Committee adopted draft resolution A/C.1/49/L.44/Rev.1 by a recorded vote of 122 to none, with 2 abstentions (see para. 60, draft resolution P). The voting was as follows: 8/

In favour: Albania, Algeria, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bangladesh, Belarus, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Greece, Guinea, Guyana, Haiti, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Latvia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Viet Nam, Yemen, Zimbabwe.

Against: None.

Abstaining: India, Namibia.

8/ Subsequently, the delegations of Bahrain, Guatemala, Iraq, Kuwait, Nepal, Saudi Arabia and United Arab Emirates indicated that, had they been present, they would have voted in favour of the draft resolution.

III. RECOMMENDATIONS OF THE FIRST COMMITTEE

60. The First Committee recommends to the General Assembly the adoption of the following draft resolutions:

General and complete disarmament

A

Prohibition of the dumping of radioactive wastes

The General Assembly,

Bearing in mind resolutions CM/Res.1153 (XLVIII) of 1988 9/ and CM/Res.1225 (L) of 1989, 10/ adopted by the Council of Ministers of the Organization of African Unity, concerning the dumping of nuclear and industrial wastes in Africa,

Welcoming resolution GC(XXXIII)/RES/509 on the dumping of nuclear wastes, adopted on 29 September 1989 by the General Conference of the International Atomic Energy Agency at its thirty-third regular session, 11/

Welcoming also resolution GC(XXXIV)/RES/530 establishing a Code of Practice on the International Transboundary Movement of Radioactive Waste, adopted on 21 September 1990 by the General Conference of the International Atomic Energy Agency at its thirty-fourth regular session, 12/

Considering its resolution 2602 C (XXIV) of 16 December 1969, in which it requested the Conference of the Committee on Disarmament, 13/ inter alia, to consider effective methods of control against the use of radiological methods of warfare,

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9/ See A/43/398, annex I.

10/ See A/44/603, annex I.

11/ See International Atomic Energy Agency, Resolutions and Other Decisions of the General Conference, Thirty-third Regular Session, 25-29 September 1989 (GC(XXXIII)/RESOLUTIONS (1989)).

12/ Ibid., Thirty-fourth Regular Session, 17-21 September 1990 (GC(XXXIV)/RESOLUTIONS (1990)).

13/ The Committee on Disarmament was redesignated the Conference on Disarmament as from 7 February 1984.

4. Calls upon the Disarmament Commission to include in its assessment relevant matters which, in the view of Member States, require such review;

5. Requests Member States to submit to the Secretary-General their views and suggestions on such a review no later than 30 April 1995;

6. Requests the Secretary-General to give all necessary assistance to the Disarmament Commission in implementing the present resolution;

7. Decides to include in the provisional agenda of its fiftieth session an item entitled "Review of the Declaration of the 1990s as the Third Disarmament Decade".

C

Transparency in armaments

The General Assembly,

Recalling its resolutions 46/36 L of 9 December 1991, 47/52 L of 15 December 1992 and 48/75 E of 16 December 1993 entitled "Transparency in armaments",

Continuing to take the view that an enhanced level of transparency in armaments contributes greatly to confidence-building and security among States and that the establishment of the Register of Conventional Arms 17/ constitutes an important step forward in the promotion of transparency in military matters,

Welcoming the consolidated report of the Secretary-General on the Register of Conventional Arms, 18/ which includes the returns for 1993 of Member States,

Welcoming the response of Member States to the request contained in paragraphs 9 and 10 of resolution 46/36 L to provide data on their imports and exports of arms, as well as available background information regarding their military holdings, procurement through national production and relevant policies,

Stressing that the continuing operation of the Register and its further development should be reviewed in order to secure a Register which is capable of attracting the widest possible participation,

Taking note of the report of the Conference on Disarmament on its agenda item entitled "Transparency in armaments", 19/

17/ Resolution 46/36 L.

18/ A/49/352 of 1 September 1994.

19/ See Official Records of the General Assembly, Forty-ninth Session, Supplement No. 27 (A/49/27), chap. III, sect. H.

1. Reaffirms its determination to ensure the effective operation of the Register of Conventional Arms as provided for in paragraphs 7, 8, 9 and 10 of resolution 46/36 L;

2. Takes note of the report of the Secretary-General on the continuing operation of the Register and its further development 20/ and the recommendations contained therein;

3. Calls upon Member States to provide the requested data and information for the Register, on the basis of resolutions 46/36 L and 47/52 L and the annex and appendices to the report of the Secretary-General on the continuing operation of the Register and its further development, to the Secretary-General by 30 April annually;

4. Decides, with a view to further development of the Register, to keep the scope of and participation in the Register under review, and, to this end:

(a) Requests Member States to provide the Secretary-General with their views on the continuing operation of the Register and its further development and on transparency measures related to weapons of mass destruction;

(b) Requests the Secretary-General, with the assistance of a group of governmental experts to be convened in 1997, on the basis of equitable geographical representation, to prepare a report on the continuing operation of the Register and its further development, taking into account work of the Conference on Disarmament, the views expressed by Member States and the 1994 report of the Secretary-General on the continuing operation of the Register and its further development, with a view to a decision at its fifty-second session;

5. Requests the Secretary-General to ensure that sufficient resources are made available for the United Nations Secretariat to operate and maintain the Register;

6. Invites the Conference on Disarmament to consider continuing its work undertaken in the field of transparency in armaments;

7. Reiterates its call upon all Member States to cooperate at the regional and subregional levels, taking fully into account the specific conditions prevailing in the region or subregion, with a view to enhancing and coordinating international efforts aimed at increased openness and transparency in armaments;

8. Requests the Secretary-General to report to the General Assembly at its fiftieth session on progress made in implementing the present resolution;

9. Decides to include in the provisional agenda of its fiftieth session the item entitled "Transparency in armaments".

20/ A/49/316 of 22 September 1994.

D

Moratorium on the export of anti-personnel land-mines

The General Assembly,

Recalling with satisfaction its resolution 48/75 of 16 December 1993, by which it, inter alia, called upon States to agree to a moratorium on the export of anti-personnel land-mines that pose grave dangers to civilian populations, and urged States to implement such a moratorium,

Noting that there are approximately 85 million or more anti-personnel land-mines in the ground throughout the world and that many thousands of such mines continue to be laid in an indiscriminate manner,

Expressing deep concern that anti-personnel land-mines kill or maim hundreds of people every week, mostly unarmed civilians, obstruct economic development and reconstruction and have other severe consequences, which include inhibiting the repatriation of refugees and the return of internally displaced persons,

Welcoming the programmes of assistance which exist for demining and humanitarian support for the victims of anti-personnel land-mines,

Gravely concerned with the suffering and casualties caused to non-combatants as a result of the proliferation, as well as the indiscriminate and irresponsible use, of anti-personnel land-mines,

Recognizing that States can move most effectively towards the ultimate goal of the eventual elimination of anti-personnel land-mines as viable and humane alternatives are developed,

Recalling with satisfaction the report of the Secretary-General 21/ concerning progress on the initiative in the aforementioned resolution,

Convinced that moratoriums by States exporting anti-personnel land-mines that pose grave dangers to civilian populations are important measures in helping to reduce substantially the human and economic costs resulting from the use of such devices,

Noting with satisfaction that many States already have declared moratoriums on the export, transfer or sale of anti-personnel land-mines and related devices, with many of these moratoriums being declared as a result of the aforementioned resolution,

Believing that ongoing efforts to strengthen the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed

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21/ A/49/275.

to Be Excessively Injurious or to Have Indiscriminate Effects, 22/ particularly Protocol II, 23/ are an important part of the overall effort to address problems caused by anti-personnel land-mines,

Recalling with satisfaction its resolution 48/7 of 19 October 1993 calling for assistance in mine clearance,

1. Welcomes the moratoriums already declared by certain States on the export of anti-personnel land-mines;

2. Urges States that have not yet done so to declare such moratoriums at the earliest possible date;

3. Requests the Secretary-General to prepare a report on steps taken by Member States to implement such moratoriums, and to submit it to the General Assembly at its fiftieth session under the item entitled "General and complete disarmament";

4. Emphasizes the importance of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects and its Protocols as the authoritative international instrument governing the responsible use of anti-personnel land-mines and related devices;

5. Urges States that have not done so to adhere to the Convention and its Protocols;

6. Encourages further international efforts to seek solutions to the problems caused by anti-personnel land-mines, with a view to the eventual elimination of anti-personnel land-mines.

E

Step-by-step reduction of the nuclear threat

The General Assembly,

Bearing in mind the goal of the total elimination of nuclear weapons,

Desiring to reduce, progressively and systematically, the threat posed by nuclear weapons,

Welcoming the respite from the intense competition in the accumulation of weapon-grade fissile materials, in the production of nuclear warheads and in the deployment of nuclear-weapon systems which characterized the cold war,

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22/ See The United Nations Disarmament Yearbook, vol. 5:1980 (United Nations publication, Sales No. E.81.IX.4), appendix VII.

23/ Ibid., Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices.

Mindful that processing of special fissionable material for weapon purposes and production of nuclear warheads continues at a steady pace in some States, and that many thousands of nuclear-weapon systems remain deployed at the brink of war,

Welcoming also the standing down of some nuclear-weapon systems from full alert and the elimination of certain types of weapons,

Mindful also that the military doctrines regarding the threat of use of nuclear weapons remain unaltered, and that most agreed reductions do not entail destruction of the nuclear warheads or delivery vehicles,

Welcoming further the steps taken to increase transparency in armaments and the emerging pattern of closing or converting nuclear-weapon production facilities,

Mindful further of the continuing lack of internationally verified inventories of the nuclear arsenals and that plans for the redirection of nuclear-weapon facilities to the task of dismantlement of the nuclear arsenals are only at an early state of development,

Wishing to further current efforts regarding multilateral negotiations and agreements, and conscious of the urgent need for expeditious action for this purpose,

Confident that the Conference on Disarmament can serve as an effective multilateral disarmament negotiating forum, as envisioned at its 1978 special session devoted to disarmament 24/ and as evidenced recently by the successful conclusion of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, 25/

Persuaded that agreement upon a five- to ten-year agenda on nuclear arms control would provide a needed, overall sense of direction to global disarmament efforts,

Convinced that the successful pursuit of such an agenda would significantly advance the goal of the elimination of nuclear weapons from national arsenals,

1. Identifies the following general areas for step-by-step reduction of the nuclear threat:

Area A. Steps to counter, inter alia:

(a) The acquisition and processing of special fissionable material for nuclear-weapon purposes;

24/ Resolution S-10/2, para. 120.

25/ See Official Records of the General Assembly, Forty-seventh Session, Supplement No. 27 (A/47/27), appendix I.

(b) The manufacture and testing of nuclear warheads and their delivery vehicles;

(c) The assembly and deployment of nuclear-weapon systems;

by such means as:

(i) Prohibiting the test explosion of nuclear weapons;

(ii) Cutting off the production of special fissile materials for weapon purposes;

(iii) Ending production of nuclear warheads;

(iv) Ending the production and testing of intermediate- and long-range ballistic missiles for nuclear-weapon purposes;

(v) Effective legally binding measures to deter the use or threat of use of nuclear weapons;

(vi) Other related measures;

Area B. Steps to actuate, inter alia:

(a) The withdrawal from deployment and disassembly of nuclear-weapon systems;

(b) The secure storage and dismantlement of nuclear warheads and their delivery vehicles;

(c) The elimination of special fissionable materials for nuclear-weapon purposes;

by such means as:

(i) Standing down nuclear-weapon systems from high-alert status;

(ii) Separating nuclear warheads from their delivery vehicles;

(iii) Placing nuclear warheads in secure storage;

(iv) Converting delivery vehicles, where appropriate, to peaceful uses;

(v) Removing special nuclear materials from warheads;

(vi) Converting special nuclear materials to non-weapon purposes;

(vii) Other related measures;

Area C. Steps to prepare, under international auspices:

(a) An inventory of the nuclear arsenals, including:

(i) All special fissile materials, nuclear warheads and their delivery vehicles;

(ii) All facilities devoted to the processing, manufacture, assembly and deployment of those items;

(b) A reorientation of those facilities necessary to the task of implementing measures relating to area B;

(c) The closure or conversion to peaceful purposes of all other such facilities in furtherance of measures relating to area A;

2. Asks Member States, in particular the nuclear-weapon States, to consider steps which they might take unilaterally, bilaterally, or in cooperation with other States, to promote progress in the identified areas, and fully to inform the international community of any steps taken in this regard;

3. Recommends to the Conference on Disarmament that in 1995 it:

(a) Develop from the three general areas identified in paragraph 1 of the present resolution a comprehensive set of practical, verifiable measures for possible negotiation in their next five- and ten-year periods;

(b) Determine from that set a year-by-year sequence and combination of negotiations on specific measures to be commenced during the next five- and ten-year periods, with due regard to steps taken pursuant to paragraph 2;

4. Requests the Conference on Disarmament to include in its 1995 report to the General Assembly a section on efforts undertaken in accordance with the recommendation set out in paragraph 3;

5. Decides to include in the provisional agenda of its fiftieth session an item entitled "Step-by-step reduction of the nuclear threat".

F

1995 Review and Extension Conference of States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

The General Assembly,

Recalling its resolution 2373 (XXII) of 12 June 1968, the annex to which contains the Treaty on the Non-Proliferation of Nuclear Weapons,

Noting the provisions of article X, paragraph 2, of that Treaty, which stipulates the holding of a conference twenty-five years after the entry into force of the Treaty, to decide whether the Treaty shall continue in force indefinitely or shall be extended for an additional fixed period or periods,

Desirous of ensuring the consolidation of the Treaty with a view to achieving ultimately the elimination of nuclear weapons,

Aware of the need for the Treaty to attain universality of membership,

Convinced that the decision on the extension of the Treaty should lead to further progress in nuclear disarmament, in accordance with the preamble and article VI of the Treaty,

Noting, therefore, the necessity of giving careful consideration to all possible options in order to take a decision that is appropriate and capable of strengthening the non-proliferation regime in the pursuit of the ultimate objective of the elimination of nuclear weapons,

Conscious of the fact that there are various interpretations which have been expressed concerning the application of article X, paragraph 2, of the Treaty,

1. Calls upon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons to give appropriate consideration to the import of the Treaty in its entirety and with special attention to its article X, paragraph 2;

2. Invites States parties to provide their legal interpretations of article X, paragraph 2, of the Treaty and their views on the different options and actions available, for compilation by the Secretary-General as a background document of the 1995 Review and Extension Conference of States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, well before the holding of that Conference.

G

Assistance to States for curbing the illicit traffic in small arms and collecting them

The General Assembly,

Recalling its resolutions 46/36 H of 6 December 1991, 47/52 G and 47/52 J of 9 December 1992 and 48/75 H and 48/75 J of 16 December 1993,

Considering that the circulation of massive quantities of small arms throughout the world impedes development and is a source of increased insecurity,

Considering also that the illicit international transfer of small arms and their accumulation in many countries constitutes a threat to the populations and to national and regional security and is a factor contributing to the destabilization of States,

Basing itself on the statement of the Secretary-General relating to the request of Mali concerning United Nations assistance for the collection of small arms,

Gravely concerned at the extent of the insecurity and banditry linked to the illicit circulation of small arms in Mali and the other affected States of the Saharo-Sahelian subregion,

Taking note of the first conclusions of the United Nations Advisory Mission sent to Mali by the Secretary-General to study the best way of curbing the illicit circulation of small arms and ensuring their collection,

Taking note also of the interest shown by other States of the subregion in receiving the United Nations Advisory Mission,

Noting the actions taken and those recommended at the meetings of the States of the subregion held at Banjul, Algiers and Bamako to establish close regional cooperation with a view to strengthening security,

1. Welcomes the initiative taken by Mali concerning the question of the illicit circulation of small arms and their collection in the affected States of the Saharo-Sahelian subregion;

2. Also welcomes the action taken by the Secretary-General in implementation of this initiative;

3. Thanks the Government of Mali for the appreciable help which it has given to the United Nations Advisory Mission and welcomes the declared readiness of other States of the subregion to receive the Mission;

4. Congratulates the Secretary-General on his action within the context of the relevant provisions of resolution 40/151 H of 16 December 1985, and encourages him to continue his efforts to curb the illicit circulation of small arms and to ensure their collection in the affected States which so request, with the support of the United Nations Centre for Peace and Disarmament in Africa and in close cooperation with the Organization of African Unity;

5. Invites Member States to implement national control measures in order to check the illicit circulation of small arms, in particular by curbing the illegal export of such arms;

6. Also invites the international community to give appropriate support to the efforts made by the affected countries to suppress the illicit circulation of small arms, which is likely to hamper their development;

7. Requests the Secretary-General to report to it on the question at its fiftieth session.

H

Nuclear disarmament with a view to the ultimate elimination of nuclear weapons

The General Assembly,

Recognizing that the end of the cold war has increased the possibility of creating a world free from the fear of nuclear war,

Welcoming the efforts of the Russian Federation and the United States of America for nuclear disarmament and the conclusion of the two treaties on the reduction and limitation of strategic offensive arms (START I and START II), and looking forward to their early entry into force,

Welcoming also the efforts of other nuclear-weapon States in the field of nuclear disarmament,

Attaching great importance to the contribution which the Treaty on the Non-Proliferation of Nuclear Weapons has made to the peace and security of the world since its entry into force in 1970,

Welcoming the positive developments in the negotiations for a comprehensive nuclear-test-ban treaty based on the consensus achieved at the forty-eighth session of the General Assembly,

1. Urges States not parties to the Treaty on the Non-Proliferation of Nuclear Weapons to accede to it at the earliest possible date, recognizing the importance of the universality of the Treaty;

2. Calls upon the nuclear-weapon States to pursue their efforts for nuclear disarmament with the ultimate objective of the elimination of nuclear weapons in the framework of general and complete disarmament, and also calls upon all States to fully implement their commitments in the field of disarmament and non-proliferation of weapons of mass destruction.

I

Convening of the fourth special session of the General Assembly devoted to disarmament

The General Assembly,

Recalling that three special sessions of the General Assembly devoted to disarmament were held in 1978, 1982 and 1988, respectively,

Bearing in mind the Final Document of the Tenth Special Session of the General Assembly, 26/ the first special session devoted to disarmament, and

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26/ Resolution S-10/2.

the final objective of general and complete disarmament under effective international control,

Welcoming the recent positive changes in the international landscape, characterized by the end of the cold war, the relaxation of tensions at the global level and the emergence of a new spirit governing relations among nations,

Stressing the central role of the United Nations for the promotion of disarmament, peace and security,

1. Decides, in principle, to convene, in 1997 if possible, the fourth special session of the General Assembly devoted to disarmament, the date to be determined at the fiftieth session;

2. Decides to include in the provisional agenda of its fiftieth session an item entitled "Fourth special session of the General Assembly devoted to disarmament".

J

Relationship between disarmament and development

The General Assembly,

Recalling the provisions of the Final Document of the Tenth Special Session of the General Assembly 27/ concerning the relationship between disarmament and development,

Recalling also the adoption on 11 September 1987 of the Final Document of the International Conference on the Relationship between Disarmament and Development, 28/

Recalling further its resolution 48/75 A of 16 December 1993,

Bearing in mind the final documents of the Tenth Conference of Heads of State or Government of Non-Aligned Countries, held at Jakarta from 1 to 6 September 1992, 29/

Stressing the growing importance of the symbiotic relationship between disarmament and development in current international relations,

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27/ Ibid.

28/ United Nations publication, Sales No. E.87.IX.8.

29/ A/47/675-S/24816, annex.

1. Welcomes the report of the Secretary-General 30/ and actions undertaken in accordance with the Final Document of the International Conference on the Relationship between Disarmament and Development;

2. Requests the Secretary-General to continue to take action, through appropriate organs and within available resources, for the implementation of the action programme adopted at the International Conference; 31/

3. Also requests the Secretary-General to submit a report to the General Assembly at its fiftieth session;

4. Decides to include in the provisional agenda of its fiftieth session the item entitled "Relationship between disarmament and development".

K

Request for an advisory opinion from the International Court of Justice on the legality of the threat or use of nuclear weapons

The General Assembly,

Conscious that the continuing existence and development of nuclear weapons pose serious risks to humanity,

Mindful that States have an obligation under the Charter of the United Nations to refrain from the threat or use of force against the territorial integrity or political independence of any State,

Recalling its resolutions 1653 (XVI) of 24 November 1961, 33/71 B of 14 December 1978, 34/83 G of 11 December 1979, 35/152 D of 12 December 1980, 36/92 I of 9 December 1981, 45/59 B of 4 December 1990 and 46/37 D of 6 December 1991, in which it declared that the use of nuclear weapons would be a violation of the Charter and a crime against humanity,

Welcoming the progress made on the prohibition and elimination of weapons of mass destruction, including the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction 32/ and the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, 33/

30/ A/49/476.

31/ United Nations publication, Sales No. E.87.IX.8, para. 35.

32/ Resolution 2826 (XXVI).

33/ See Official Records of the General Assembly, Forty-seventh Session, Supplement No. 27 (A/47/27), appendix I.

Convinced that the complete elimination of nuclear weapons is the only guarantee against the threat of nuclear war,

Noting the concerns expressed in the Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, that insufficient progress had been made towards the complete elimination of nuclear weapons at the earliest possible time,

Recalling that the General Assembly, convinced of the need to strengthen the rule of law in international relations, has declared the period 1990-1999 the United Nations Decade of International Law, 34/

Noting that Article 96, paragraph 1, of the Charter empowers the General Assembly to request the International Court of Justice to give an advisory opinion on any legal question,

Recalling the recommendation of the Secretary-General, made in his report entitled "An Agenda for Peace", 35/ that United Nations organs that are authorized to take advantage of the advisory competence of the International Court of Justice turn to the Court more frequently for such opinions,

Welcoming resolution 46/40 of 14 May 1993 of the Assembly of the World Health Organization, in which the organization requested the International Court of Justice to give an advisory opinion on whether the use of nuclear weapons by a State in war or other armed conflict would be a breach of its obligations under international law, including the Constitution of the World Health Organization,

Decides, pursuant to Article 96, paragraph 1, of the Charter of the United Nations, to request the International Court of Justice urgently to render its advisory opinion on the following question: "Is the threat or use of nuclear weapons in any circumstance permitted under international law?".

L

Bilateral nuclear-arms negotiations and nuclear disarmament

The General Assembly,

Recalling its previous relevant resolutions,

Recognizing the fundamental changes that have taken place with respect to international security, which have permitted agreements on deep reductions in the nuclear armaments of the States possessing the largest inventories of such weapons,

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34/ Resolution 44/23.

35/ A/47/277-S/24111.

Mindful that it is the responsibility and obligation of all States to contribute to the process of the relaxation of international tension and to the strengthening of international peace and security,

Stressing the importance of strengthening international peace and security through disarmament,

Emphasizing that nuclear disarmament remains one of the principal tasks of our times,

Stressing that it is the responsibility of all States to adopt and implement measures towards the attainment of general and complete disarmament under effective international control,

Appreciating a number of positive developments in the field of nuclear disarmament, in particular the treaty between the former Union of Soviet Socialist Republics and the United States of America on the elimination of their intermediate-range and shorter-range missiles, 36/ and the treaties on the reduction and limitation of strategic offensive arms,

Noting that there are still significant nuclear arsenals and that the primary responsibility for nuclear disarmament, with the objective of the elimination of nuclear weapons, rests with the nuclear-weapon States, in particular those which possess the largest stockpiles,

Welcoming the steps that have already been taken by those States to begin the process of reducing the number of nuclear weapons and removing such weapons from a deployed status, and bilateral agreements on the issue of de-targeting strategic nuclear missiles,

Noting the new climate of relations between the United States of America and the States of the former Soviet Union, which permits them to intensify their cooperative efforts to ensure the safety, security and environmentally sound destruction of nuclear weapons,

Noting also that the Russian Federation and the United States of America concurred that, once the Treaty between them on the Further Reduction and Limitation of Strategic Offensive Arms was ratified, they would proceed to deactivate all strategic delivery systems to be reduced under the Treaty by removing their nuclear warheads or taking other steps to remove them from alert status,

Noting further the agreement between the Russian Federation and the United States of America to intensify their dialogue to compare conceptual approaches and to develop concrete steps to adapt the nuclear forces and practices and both sides to the changed international security situation, including the possibility, after ratification of the Treaty on the Further Reduction and

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36/ See A/47/965-S/25944; see Official Records of the Security Council, Forty-eighth Year, Supplement for April, May and June 1993, document S/25944.

Limitation of Strategic Offensive Arms, of further reduction of and limitations on remaining nuclear forces,

Urging the further intensification of such efforts to accelerate the implementation of agreements and unilateral decisions relating to nuclear-arms reduction,

Welcoming the reductions made by other nuclear-weapon States in some of their nuclear-weapon programmes, and encouraging all nuclear-weapon States to consider appropriate measures relating to nuclear disarmament,

Affirming that bilateral and multilateral negotiations on nuclear disarmament should facilitate and complement each other,

1. Welcomes the actions taken towards the ratification of the Treaty on the Reduction and Limitation of Strategic Offensive Arms signed in Moscow on 31 July 1991 by the former Union of Soviet Socialist Republics and the United States of America and the protocol to that Treaty signed at Lisbon on 23 May 1992 by the four parties thereto, and urges the parties to take the necessary steps to ensure its entry into force at the earliest possible date;

2. Also welcomes the signing of the Treaty between the Russian Federation and the United States of America on the Further Reduction and Limitation of Strategic Offensive Arms in Moscow on 3 January 1993, and urges the parties to take the steps necessary to bring that Treaty into force at the earliest possible date;

3. Expresses its satisfaction at the continuing implementation of the treaty on the elimination of intermediate-range and shorter-range missiles, 36/ in particular at the completion by the parties of the destruction of all their declared missiles subject to elimination under the Treaty;

4. Encourages the United States of America, the Russian Federation, Belarus, Kazakhstan and Ukraine to continue their cooperative efforts aimed at eliminating nuclear weapons and strategic offensive arms on the basis of existing agreements, and welcomes the contributions that other States are making to such cooperation as well;

5. Also encourages and supports the Russian Federation and the United States of America in their efforts to reduce their nuclear armaments and to continue to give those efforts the highest priority in order to contribute to the objective of the elimination of nuclear weapons;

6. Invites the Russian Federation and the United States of America to keep other States Members of the United Nations duly informed of progress in their discussions and in the implementation of their strategic offensive arms agreements and unilateral decisions.

M

Measures to curb the illicit transfer and use of conventional arms

The General Assembly,

Recalling its resolution 46/36 H of 6 December 1991 and its decision 47/419 of 9 December 1992 on international arms transfers,

Recalling also its resolutions 48/75 F and 48/75 H of 16 December 1993 on international arms transfers and measures to curb the illicit transfer and use of conventional weapons, respectively,

Realizing the urgent need to resolve conflicts and to diminish tensions and accelerate efforts towards general and complete disarmament with a view to maintaining regional and international peace and security,

Recognizing that the availability of massive quantities of conventional weapons and especially their illicit transfer, often associated with destabilizing activities, are most disturbing and dangerous phenomena, particularly for the internal situation of affected States and the violation of human rights,

Stressing the need for effective national control measures on the transfer of conventional weapons,

Recognizing the curbing of the illicit transfer of arms as an important contribution to the relaxation of tension and peaceful reconciliation processes,

Convinced that peace and security are inextricably interlinked with and in some cases imperative for economic development and reconstruction,

1. Invites the Disarmament Commission to:

(a) Expedite its consideration of the agenda item on international arms transfers, with special emphasis on the adverse consequences of the illicit transfer of arms and ammunition;

(b) Study measures to curb the illicit transfer and use of conventional arms;

2. Invites Member States to provide the Secretary-General with relevant information on national control measures on arms transfers with a view to preventing illicit arms transfers, and, in this context, to take immediate, appropriate and effective measures to seek to ensure that illicit transfers of arms are discontinued;

3. Requests the Secretary-General to:

(a) Seek the views of Member States on effective ways and means of collecting weapons illicitly transferred in interested countries, as well as on

in the post-cold-war era arise mainly among States located in the same region or subregion,

Aware that the preservation of a balance in the defence capabilities of States at the lowest level of armaments would contribute to peace and stability and should be a prime objective of conventional arms control,

Desirous of promoting agreements to strengthen regional peace and security at the lowest possible level of armaments and military forces,

Believing that militarily significant States, and States with larger military capabilities, have a special responsibility in promoting such agreements for regional security,

Believing also that one of the principal objectives of conventional arms control should be to prevent the possibility of military attack launched by surprise,

1. Decides to give urgent consideration to the issues involved in conventional arms control at the regional and subregional levels;

2. Requests the Conference on Disarmament, as a first step, to consider the formulation of principles that can serve as a framework for regional agreements on conventional arms control, and looks forward to a report of the Conference on this subject;

3. Decides to include in the provisional agenda of its fiftieth session the item entitled "Conventional arms control at the regional and subregional levels".

P

Bilateral nuclear-arms negotiations and nuclear disarmament

The General Assembly,

Recalling its previous relevant resolutions,

Recognizing the fundamental changes that have taken place with respect to international security, which have permitted agreements on deep reductions in the nuclear armaments of the States possessing the largest inventories of such weapons,

Mindful that it is the responsibility and obligation of all States to contribute to the process of the relaxation of international tension and to the strengthening of international peace and security,

Stressing the importance of strengthening international peace and security through disarmament,

Emphasizing that nuclear disarmament remains one of the principal tasks of our times,

/...

Stressing that it is the responsibility of all States to adopt and implement measures towards the attainment of general and complete disarmament under effective international control,

Appreciating a number of positive developments in the field of nuclear disarmament, in particular the Treaty between the former Union of Soviet Socialist Republics and the United States of America on the Elimination of Intermediate-Range and Shorter-Range Missiles 39/ and the treaties on the reduction and limitation of strategic offensive arms,

Noting that there are still significant nuclear arsenals and that the primary responsibility for nuclear disarmament, with the objective of the elimination of nuclear weapons, rests with the nuclear-weapon States, in particular those which possess the largest stockpiles,

Welcoming the steps that have already been taken by those States to begin the process of reducing the number of nuclear weapons and removing such weapons from a deployed status, and bilateral agreements on the issue of de-targeting strategic nuclear missiles,

Noting the new climate of relations between the United States of America and the States of the former Soviet Union, which permits them to intensify their cooperative efforts to ensure the safety, security and environmentally sound destruction of nuclear weapons,

Noting also that the Russian Federation and the United States of America concurred that, once the Treaty between them on the Further Reduction and Limitation of Strategic Offensive Arms was ratified, they would proceed to deactivate all strategic delivery systems to be reduced under the Treaty by removing their nuclear warheads or taking other steps to remove them from alert status,

Noting further the agreement between the Russian Federation and the United States of America to intensify their dialogue to compare conceptual approaches and to develop concrete steps to adapt the nuclear forces and practices on both sides to the changed international security situation, including the possibility, after ratification of the Treaty on the Further Reduction and Limitation of Strategic Offensive Arms, of further reductions of and limitations on remaining nuclear forces,

Urging the further intensification of such efforts to accelerate the implementation of agreements and unilateral decisions relating to nuclear-arms reduction,

Welcoming the reduction made by other nuclear-weapon States in some of their nuclear-weapon programmes, and encouraging all nuclear-weapon States to consider appropriate measures relating to nuclear disarmament,

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39/ The United Nations Disarmament Yearbook, vol. 12: 1987 (United Nations publication, Sales No. E.88.IX.2), appendix VII.

Affirming that bilateral and multilateral negotiations on nuclear disarmament should facilitate and complement each other,

1. Welcomes the actions taken towards the ratification of the Treaty between the former Union of Soviet Socialist Republics and the United States of America on the Reduction and Limitation of Strategic Offensive Arms, signed in Moscow on 31 July 1991, and the protocol to that Treaty signed at Lisbon on 23 May 1992 by the parties thereto, inter alia, the trilateral statement by the Presidents of the Russian Federation, Ukraine and the United States of America signed on 14 January 1994, 40/ and urges the parties to take the necessary steps to ensure the Treaty's entry into force at the earliest possible date;

2. Also welcomes the signing of the Treaty between the Government of the Russian Federation and the Government of the United States of America on the Further Reduction and Limitation of Strategic Offensive Arms in Moscow on 3 January 1993, and urges the parties to take the steps necessary to bring that Treaty into force by the earliest possible date;

3. Expresses its satisfaction at the continuing implementation of the Treaty on the Elimination of Intermediate-Range and Shorter-Range Missiles, 39/ in particular at the completion by the parties of the destruction of all their declared missiles subject to elimination under the Treaty;

4. Encourages the United States of America, the Russian Federation, Belarus, Kazakhstan and Ukraine to continue their cooperative efforts aimed at eliminating nuclear weapons and strategic offensive arms on the basis of existing agreements, and welcomes the contributions that other States are making to such cooperation as well;

5. Welcomes the accession to the Treaty on the Non-Proliferation of Nuclear Weapons 41/ of Belarus and Kazakhstan as non-nuclear-weapon States and would welcome similar action on the part of Ukraine;

6. Encourages and supports the Russian Federation and the United States of America in their efforts to reduce their nuclear armaments and to continue to give those efforts the highest priority in order to contribute to the objective of the elimination of nuclear weapons;

7. Invites the Russian Federation and the United States of America to keep other States Members of the United Nations duly informed of progress in their discussions and in the implementation of their strategic offensive arms agreements and unilateral decisions.

* * *

61. The First Committee also recommends to the General Assembly the adoption of the following draft decision:

40/ A/49/66-S/1994/91, annex.

41/ Resolution 2373 (XXII), annex.

Non-proliferation of weapons of mass destruction and of vehicles for their delivery in all its aspects

The General Assembly, recalling its resolution 48/75 C of 16 December 1993, decides to include in the provisional agenda of its fiftieth session the item entitled "Non-proliferation of weapons of mass destruction and of vehicles for their delivery in all its aspects".

United Nations A/49/PV.90

General Assembly

Forty-ninth Session

Official Records

90th Meeting
Thursday, 15 December 1994, 3 p.m.
New York

President: Mr. Essy . . . . . (Côte d'Ivoire)

The meeting was called to order at 3.25 p.m.

Agenda item 14 *(continued)*

Report of the International Atomic Energy Agency

Draft resolution: A/49/L.2/Rev.2

Amendments: A/49/L.15/Rev.1 and A/49/L.22

The President (*interpretation from French*): Members will recall that the debate on this item was concluded on Monday, 17 October.

I call on the representative of Turkey to introduce draft resolution A/49/L.2/Rev.2.

Mr. Guven (Turkey): After lengthy discussions the sponsors of draft resolution A/49/L.2 have tried to accommodate the concerns of some delegations. We have introduced a new paragraph in the preambular part and extended the scope of some of the existing paragraphs. In this context I would like especially to refer to the third and eleventh preambular paragraphs of the draft resolution as now contained in document A/49/L.2/Rev.2.

In the preambular paragraph we have added new language to underline the right of those countries that have concluded relevant safeguards agreements with the International Atomic Energy Agency (IAEA) to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II of the Treaty, other relevant articles and with the object and purposes of the Treaty.

By including the eleventh preambular paragraph in the text of the draft resolution before us, the sponsors intended to emphasize the mechanism for consideration of the enlargement of the Board of Governors of the Agency.

The sponsors are convinced that with these amendments the concerns of some delegations have been adequately addressed. In the same way, by inserting "and other relevant internationally legally binding agreements" in the fourth and fifth lines of the third preambular paragraph, the sponsors accommodated the concerns of some countries that are parties to regional treaties creating nuclear-weapon-free zones - that is to say, the Treaty of Tlatelolco and Rarotonga, to which IAEA safeguards apply.

It is the wish of the sponsors that the draft resolution be adopted by consensus.

The President (*interpretation from French*): I call next on the representative of Iraq, to introduce proposed amendments to draft resolution A/49/L.2/Rev.2, contained in document A/49/L.22.

Mr. Hasan (Iraq) (*interpretation from Arabic*): Before introducing the proposed amendments to draft resolution A/49/L.2/Rev.2, contained in document A/49/L.22, my delegation wishes to express its great

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This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one month of the date of the meeting*, to the Chief of the Verbatim Reporting Section, Room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum. When the result of a recorded and/or roll-call vote is followed by an asterisk, see annex to the record.

appreciation for the role of the International Atomic Energy Agency (IAEA) in the quest for a world free of nuclear weapons and for widespread peaceful use of nuclear energy. Proceeding from this understanding of the Agency's role, my country has strongly opposed attempts at politicizing the IAEA and using it as cover for actions that serve the political interests of this or that State.

In document A/49/L.22, my delegation proposes two amendments to draft resolution A/49/L.2/Rev.2. The first relates to the eighth preambular paragraph, which currently reads as follows:

Spoke in English.

> "Noting from the Director General's statement that the Agency is now in a position to implement its ongoing monitoring and verification plan in Iraq". (*A/49/L.2/Rev.2, eighth preambular para.*)

That paragraph is intentionally vague. To which statement of the Director General does the paragraph refer, and when was it made? Furthermore, the word "now" in this paragraph is also intentionally ambiguous. The fact is that the Director General stated in paragraph 49 of his sixth report to the Security Council, transmitted to the Council on 10 October 1994, that

> "with the establishment at the end of August of the IAEA continuous presence in Iraq, all elements of the IAEA Plan are now in place". (*S/1994/1151, annex, para. 49*)

Thus, my delegation proposes replacing the eighth preambular paragraph with the following factual paragraph:

> "Noting from the report of the Director General to the Security Council dated 6 October 1994 [(S/1994/1151, annex)] that all elements of the Agency's ongoing monitoring plans in Iraq have been in place since the end of August 1994". (*A/49/L.22, para. 1*)

This amendment represents a just and fair reference to the Director General's report.

The second amendment we are proposing relates to the end of operative paragraph 7 of the draft resolution, which currently reads as follows:

> "... stresses the need for Iraq to cooperate fully with the Agency in achieving the complete and long-term implementation of the relevant Security Council resolutions". (*A/49/L.2/Rev.2, para. 7*)

This wording does not reflect the facts. The report of the Director General to the Security Council, transmitted on 10 October 1994, states that

> "The ensuing series of high-level technical talks marked a turning-point in the level of cooperation and support extended by the Iraqi authorities to IAEA and the Special Commission. This change in the Iraqi attitude has enabled inspectors' work to be conducted effectively and has contributed significantly to expediting the process of establishing ongoing monitoring and verification, as called for in the Security Council resolutions". (*S/1994/1151, annex, para. 4*)

In the light of this clear statement about Iraqi cooperation, our delegation suggests replacing the words "the need for Iraq to cooperate fully" with the words "the need for Iraq to continue its cooperation" (*A/49/L.22, para. 2*).

Spoke in Arabic.

These amendments do not reflect Iraq's views; they reflect those of the IAEA. They make the text less ambiguous and more realistic. We therefore hope that all delegations will view our proposed amendments favourably.

The President (*interpretation from French*): The Assembly will now take action on draft resolution A/49/L.2/Rev.2 and on the amendments proposed in document A/49/L.22.

The following countries have become sponsors of draft resolution A/49/L.2/Rev.2: Lithuania and South Africa.

Before calling on the first speaker in explanation of vote before the vote, I would remind delegations that explanations of vote are limited to 10 minutes and that delegations should make their statements from their seats.

Mr. Pak (Democratic People's Republic of Korea): The delegation of the Democratic People's Republic of Korea believes that there are no legal grounds whatsoever for the inclusion of serious political issues such as the nuclear issue in draft resolution A/49/L.2/Rev.2 on the report of the International Atomic Energy Agency, an

agency that specializes in science and technology. We therefore reiterate our strong demand for the unconditional deletion of those paragraphs relating to the nuclear issue.

The Democratic People's Republic of Korea has stated its position time and again: that the nuclear issue on the Korean peninsula should be resolved bilaterally by the Democratic People's Republic of Korea and the United States. Particularly, it has long opposed consideration of the nuclear issue by the General Assembly or the Security Council, and has categorically rejected all unreasonable resolutions regarding this issue.

Previous consideration of the nuclear issue on the Korean peninsula at the United Nations proved to be of no help to the resolution of the issue. Rather, it was misused by insidious elements in their attempts to block a negotiated solution to the nuclear issue, with the sole intention of increasing pressure upon us and aggravating tensions on the Korean peninsula to the extreme.

All these facts have clearly shown that the nuclear issue on the Korean peninsula can be resolved only through the talks between the Democratic People's Republic of Korea and the United States of America, not at the United Nations. It is well known that the delegations of the Democratic People's Republic of Korea and the United States, at the Geneva talks held from 23 September to 21 October 1994, reaffirmed the DPRK-USA joint statement of 11 June 1993 and signed the agreed framework on the final resolution of the nuclear issue.

It is legally stipulated in the framework agreed between the Democratic People's Republic of Korea and the United States that the nuclear issue on the Korean Peninsula is one to be resolved between the Democratic People's Republic of Korea and the United States and that those two countries are responsible for it.

The Democratic People's Republic of Korea and the United States are holding expert-level talks on implementation of the agreed framework, having already taken some measures to implement what is envisaged therein.

There is no justification whatsoever for the adoption of a draft resolution aimed at putting pressure on the Democratic People's Republic of Korea at a time when the Democratic People's Republic of Korea and the United States are undertaking practical measures to implement the agreed framework.

If the United Nations, which has an obligation to help to secure negotiated settlements to disputes, ignores this agreed framework and adopts a draft resolution whose purpose is to put pressure on a party to the dialogue, it will only impede the implementation of that agreed framework. This will amount to wanton violation of the purposes and principles of the United Nations Charter and of international law and practice.

If the sponsors of the draft resolution want a fair solution to the nuclear issue on the Korean peninsula they will not block but, rather, will facilitate implementation of the framework agreed between the Democratic People's Republic of Korea and the United States.

For those reasons the delegation of the Democratic People's Republic of Korea will vote against the ninth preambular paragraph and paragraph 6 of draft resolution A/49/L.2/Rev.2, which was introduced by Turkey.

Mr. Kumar (India): India has been a member of the International Atomic Energy Agency (IAEA) since the inception of that body in 1957. We have consistently attached the highest importance to the objectives of the IAEA, and we are active participants in its activities. Since this draft resolution concerns the activities of the IAEA as a whole — something to which we attach great value — we are inclined to go along with it. However, we have considerable difficulty with the third preambular paragraph.

The draft resolution on the IAEA is a traditional one. The language of the third preambular paragraph of draft resolution A/49/L.2/Rev. 2 implies a link between adherence to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and freedom to develop research, production and use of nuclear energy for peaceful purposes. In this regard, it is pertinent to point out that Article II of the IAEA's statute, referring to the Agency's objectives, states explicitly that it

> "shall seek to accelerate and enlarge the contribution of atomic energy to peace, health and prosperity throughout the world".

Article II continues:

> "It shall ensure, so far as it is able, that assistance provided by it or at its request or under its supervision or control is not used in such a way as to further any military purposes."

The purpose of article II of the IAEA's Statute is obviously to encourage access to peaceful uses of nuclear energy, without any discrimination whatsoever.

By implying that adherence to the non-proliferation Treaty — a matter on which my Government's views are well known — has a bearing on access to peaceful uses of nuclear energy, the draft resolution goes beyond the scope of the IAEA statute. We are therefore constrained to call for a vote on the third preambular paragraph.

Mr. Leahy (United States of America): It is the position of my delegation that the amendments that have been submitted in document A/49/L.22 are not accurate. A review of the entire report from which they are drawn reveals instances in which the International Atomic Energy Agency (IAEA) determined that Iraqi officials either had been less than forthcoming or had attempted to conceal facts.

The United States applauds the diligence and determination of the IAEA in its pursuit of facts in Iraq, but we cannot support amendments to this draft resolution that, taken out of the context in which they were originally presented, distort the degree of Iraqi cooperation with IAEA inspectors.

In our view, the language regarding Iraq is seriously deficient. It would be far more appropriate for this draft resolution to call upon the Government of Iraq to "improve its cooperation" with international inspectors.

The President *(interpretation from French):* The Assembly will now take action on draft resolution A/49/L.2/Rev.2 and on the amendments contained in documents A/49/L.15/Rev.1 and A/49/L.22.

In accordance with rule 90 of the rules of procedure, the amendments will be voted on first. Rule 90 also stipulates:

> "When two or more amendments are moved to a proposal, the General Assembly shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom, and so on until all the amendments have been put to the vote."

The Assembly will therefore take a decision first on the amendment circulated in document A/49/L.15/Rev.1.

I call on the representative of Germany, who wishes to raise a point of order.

Mr. Rudolph (Germany): I should like, on behalf of the European Union and its acceding States — Austria, Finland and Sweden — and the other sponsors of draft resolution A/49/L.2/Rev.2, to raise a point of order in connection with the amendment contained in document A/49/L.15/Rev.1, which was submitted by the Islamic Republic of Iran.

On behalf of the European Union and its acceding States and the other sponsors, I formally move, under the terms of rule 74 of the General Assembly's rules of procedure, that no action be taken on that amendment.

I should also like to request a recorded vote.

The amendment contained in document A/49/L.15/Rev.1 raises an issue that is not relevant to the General Assembly's annual resolution on the report of the International Atomic Energy Agency (IAEA). The new operative paragraph proposed in the amendment goes beyond IAEA issues to the question of export licensing, for which the IAEA has no mandate. Export licensing arrangements derive from obligations under articles I, II and III of the Treaty on the Non-Proliferation of Nuclear Weapons. They are not within the purview of the IAEA and are not relevant to this draft resolution.

The language of the proposed amendment emphasizes the rights of recipient States without reference to the supplier States' corresponding duty to ascertain whether the potential recipient State is adhering to non-proliferation obligations. The proposed amendment seeks to undermine the broad international recognition accorded to the work of the IAEA each year by the General Assembly. This serves neither the IAEA nor the international community, whose security interests are well served through the IAEA's safeguards system. We should also like to highlight the significant work performed by the IAEA in the framework of its technical cooperation programme to promote the peaceful uses of nuclear energy.

Such highly divisive language as that contained in A/49/L.15/Rev.1, far from being helpful in this regard, would severely jeopardize the IAEA's role in effectuating the transfer of nuclear techniques for peaceful purposes. In this connection, we should like to emphasize that the sponsors have made every effort to accommodate

concerns about this point in the text of the draft resolution.

At a time when the central element of the nuclear non-proliferation regime is being asked by the international community to perform new and expanding tasks, it would be particularly unfortunate if the General Assembly were not to adopt the annual IAEA draft resolution with the customary support. We therefore hope that the proposed amendment contained in document A/49/L.15/Rev.1 will be rejected.

The President *(interpretation from French)*: Within the terms of rule 74 of the rules of procedure, the representative of Germany has proposed that no action be taken on the amendment contained in document A/49/L.15/Rev.1. Rule 74 reads as follows:

> "During the discussion of any matter, a representative may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, two representatives may speak in favour of, and two against, the motion, after which the motion shall be immediately put to the vote."

I shall now call on the two representatives who have asked to speak in favour of the motion.

Mr. Keating (New Zealand): The annual draft resolution on this agenda item has traditionally been uncontroversial. It has been an opportunity to recognize and express support for the important and valuable work of the International Atomic Energy Agency (IAEA). Up until very recently this annual draft resolution was consistently adopted by consensus. Last year it was adopted with the near unanimous support of the General Assembly. Sponsors last year, like those this year, were drawn from every continent, and only one delegation opposed the draft resolution.

This year a number of amendments were proposed by various delegations. The sponsors have worked hard to include in the draft resolution those amendments which could reasonably be related to the work of the Agency. The sponsors have sought to put together a draft resolution which could command broad support from the international community.

Some amendments, however, could not be incorporated into the text. In this regard, my delegation believes that the amendment proposed in document A/49/L.15/Rev.1 should not be included. We believe it introduces a divisive political element into a resolution which should be seen as a consensus expression of support for the IAEA.

The proposed amendment in document A/49/L.15/Rev.1 seeks to assert a right of unrestricted access to nuclear equipment, materials and scientific and technological information. While it refers to the Non-Proliferation Treaty, the amendment does not take into account the specific provisions of the Treaty. This omission speaks volumes.

Let us remember that article I of the Treaty obliges nuclear-weapon States to ensure that any nuclear technology they provide is not used directly or indirectly for proliferation purposes. Secondly, article II obliges non-nuclear-weapon States not to manufacture or otherwise acquire nuclear weapons. And, thirdly, article III obliges recipient States to accept IAEA safeguards. This article explicitly rejects any suggestion that trade in nuclear technology can be unrestricted. So, too, does article IV, which the amendment now before us quotes from selectively and incompletely.

In the text submitted by the sponsors, the issue of technical cooperation and access to nuclear technology without discrimination is already dealt with. The third preambular paragraph of the draft resolution in document A/49/L.2/Rev.2 reflects in an appropriately balanced fashion any legitimate concerns on this issue. Most importantly, the sponsors' preambular paragraph does what the amendment fails to do: it refers explicitly to articles I and II and other relevant articles of the Non-Proliferation Treaty.

The sponsors of this draft resolution have twice offered compromise language to specifically address the issues raised in the text of document A/49/L.15/Rev 1. Despite the sponsors' best efforts at compromise, we are still faced with essentially the same amendment. Therefore we can only conclude that the amendment contained in document A/49/L.15/Rev.1 is not acceptable.

This is a critical period for nuclear non-proliferation. For this reason, we believe it is very important that the work of the IAEA enjoy the full confidence of the General Assembly. The Agency is playing a vital monitoring role around the world. It is increasingly being asked to perform more and more crucially important tasks. All of us therefore have a common interest in supporting the Agency's work.

Consequently, we urge delegations to support this no-action motion. By voting in favour, the General Assembly will collectively be affirming that peaceful nuclear cooperation should continue in a safe and responsible manner.

Mr. Tuma (Czech Republic): As one of the sponsors of the draft resolution (A/49/L.2/Rev.2) on the report of the International Atomic Energy Agency (IAEA), I wish to speak in favour of the no-action motion in respect of the proposed amendment to the draft resolution, which was submitted by the Islamic Republic of Iran and is contained in document A/49/L.15/Rev.1.

We have agreed to speak in support of this no-action motion because of the seriousness with which we view the amendment contained in document A/49/L.15/Rev.1. My delegation considers that this amendment runs counter to the purpose and objective of this essentially procedural draft resolution, which serves as an important endorsement of the work of the IAEA by the General Assembly.

The sponsors have made considerable efforts to take account of the issues which are the subject of the amendment submitted by the Islamic Republic of Iran. In the third preambular paragraph of the draft resolution the reference to the importance of access to the peaceful uses of nuclear energy by all States which have concluded safeguards agreements with the Agency has been included in recognition of the importance many developing countries attach to it. We regret that we have had to conclude that the language proposed by Iran in A/49/L.15/Rev.1 is an unacceptable deviation from language agreed by 168 countries in treaty form.

In the same spirit of cooperation the sponsors have added a new preambular paragraph that refers to the resolution on the amendment of article VI of the statute of the Agency adopted by its General Conference in September of this year. My delegation is aware that this is a matter that is of concern to many countries, and we therefore believed it was appropriate to refer to it in the draft resolution. In so doing, my delegation believes that the sponsors have responded to the original second amendment of the Islamic Republic of Iran in a manner which does not encroach upon the authority and responsibility of the Agency.

In conclusion, the Czech Republic attaches great importance to the adoption of the draft resolution with the broadest possible support. It is vital that the work of the Agency, which has played an indispensable role in the nuclear-proliferation regime, receive the support and encouragement of the General Assembly. I therefore wish to ask for the support of delegations for this no-action motion.

The President (*interpretation from French*): We have just heard two speakers in favour of the motion submitted by Germany. Does any other member wish to speak?

Mr. Takht-Ravanchi (Islamic Republic of Iran): First, I would like to emphasize the fact that the comments made by the representatives of Germany and New Zealand are irrelevant to this subject because they addressed the contents of our original amendment in A/49/L.15, which is no longer before the Assembly. This is perhaps due to the fact that my delegation has not been given a chance to introduce the revised version of our amendment, contained in document A/49/L.15/Rev.1.

The delegation of the Islamic Republic of Iran rejects the motion of non-action moved by the representative of Germany on the amendment contained in document A/49/L.15/Rev.1 for the following reasons:

The Islamic Republic of Iran, as a committed Party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and the statute of the International Atomic Energy Agency (IAEA), firmly believes that the rights of developing countries Parties to the NPT and IAEA to use nuclear energy for peaceful purposes are denied by certain developed countries that, in violation of their obligations under the relevant legal instruments, are determined to perpetuate discrimination in international relations through the proliferation of export-control measures, closed-door clubs and ad hoc regimes such as the London Suppliers and Australia Group.

The draft resolution in document A/49/L.2 and its revised version, L.2.Rev.2, despite some cosmetic changes, fails to recognize explicitly and reaffirm the rights of States Parties to the Non-Proliferation Treaty and IAEA to use nuclear energy for peaceful purposes. The first paragraph of our original amendment in document L.15, dated 8 November 1994, was taken from the substantive paper submitted by the group of non-aligned and other States to the Third Preparatory Committee of the 1995 Review and Extension Conference of the Non-Proliferation Treaty, document NPT/CONF.1995/TC.3/13, of 14 September 1994. It was nothing but a reaffirmation of the rights of States Parties under article IV of the NPT and a call for the

removal of discriminatory restrictions that affect the inalienable rights of Parties under that article.

The second paragraph of the original amendment called for an early decision on the expansion of the Board of Governors of the IAEA, which was dictated by such new realities as the increasing disparity between the overall membership of the Agency compared to the current composition of the Board of Governors, which was established more than 30 years ago.

The sponsors of the draft resolution refrained from negotiations on our amendment until 8 December 1994, when they approached the Chairman of the Movement of Non-Aligned Countries to work on a compromise language. Subsequently, a small group of the Movement of Non-Aligned Countries and a small group of sponsors met on 8 and 9 December and negotiated and agreed, *ad referendum*, on two compromise operative paragraphs which would replace our original amendment, namely, L.15. Unfortunately, the subsequent response of the sponsors to the compromise formulations was negative, and they reneged on the agreement and decided not to continue the negotiations. Therefore, one cannot but doubt the sincerity of the move made on 8 December to work on a compromise language.

In light of the foregoing, my delegation, after consultations with some of the members of the Non-Aligned Movement, decided to submit a revised version of L.15 based on the compromise language negotiated between a small group of the Movement of Non-Aligned Countries and a small group of the sponsors on Friday, 9 December 1994. Moreover, we decided not to insist on the second compromise language on the expansion of the Board of Governors for the time being, in order to enhance the chance of a smooth adoption of the draft resolution. The amendment contained in A./49/L.15/Rev.1 is consistent with article IV of the Non-Proliferation Treaty and the thrust of the draft resolution. We do recommend to Member States, in particular the developing countries, to support this amendment in its entirety and to reject the motion of non-action by casting a negative vote on it.

The President (*interpretation from French*): I should simply like to note that the amendment in A/49/L.15/Rev.1 was not introduced because there was no request to do so, unlike the case of A/49/L.22, introduced by Iraq.

Does any other delegation wish to speak against the motion?

Since that is not the case, I shall now put to the vote the motion submitted by the representative of Germany that no action be taken on the amendment contained in A/49/L.15/Rev.1.

A recorded vote has been requested on the motion.

A recorded vote was taken.

In favour:

Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bulgaria, Cambodia, Canada, Chile, Costa Rica, Côte d'Ivoire, Croatia, Czech Republic, Denmark, Dominica, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Germany, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kenya, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Morocco, Netherlands, New Zealand, Nicaragua, Norway, Papua New Guinea, Paraguay, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Suriname, Swaziland, Sweden, Thailand, The Former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Vanuatu, Zambia

Against:

Colombia, Cuba, Democratic People's Republic of Korea, Ecuador, Egypt, Indonesia, Iran (Islamic Republic of), Lebanon, Libyan Arab Jamahiriya, Malaysia, Mexico, Syrian Arab Republic, Uganda, United Republic of Tanzania, Viet Nam, Yemen, Zimbabwe

Abstaining:

Afghanistan, Botswana, Brazil, Brunei Darussalam, Cameroon, Georgia, Ghana, India, Kyrgyzstan, Lesotho, Mali, Mauritius, Myanmar, Namibia, Nepal, Niger, Nigeria, Pakistan, Panama, Peru, Philippines, Senegal, Sri Lanka, Tunisia, Venezuela

The motion was adopted by 103 votes to 17, with 25 abstentions.

The President (*interpretation from French*): Since the motion for no action is adopted, no action will be taken on the amendment contained in document A/49/L.15/Rev.1.

The Assembly will next proceed to take a decision on the amendments contained in document A/49/L.22.

A separate vote has been requested on each amendment. As I hear no objection, I shall put each amendment to the vote.

I first put to the vote the amendment contained in paragraph 1 of document A/49/L.22.

A recorded vote has been requested.

A recorded vote was taken.

In favour:

Algeria, Brazil, China, Cuba, Ecuador, France, Gabon, Guyana, Indonesia, Iraq, Jordan, Libyan Arab Jamahiriya, Malaysia, Mali, Mauritania, Mexico, Monaco, Myanmar, Oman, Qatar, Russian Federation, Singapore, Spain, Sri Lanka, Tajikistan, Thailand, Tunisia, Turkey, Viet Nam, Yemen, Zimbabwe

Against:

Antigua and Barbuda, Belize, Dominica, Grenada, Guinea, Honduras, Israel, Kuwait, Maldives, Marshall Islands, Micronesia (Federated States of), Netherlands, Nicaragua, Peru, Republic of Moldova, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, South Africa, Swaziland, Trinidad and Tobago, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Vanuatu, Venezuela, Zambia

Abstaining:

Afghanistan, Albania, Andorra, Argentina, Armenia, Australia, Austria, Bahamas, Barbados, Belarus, Belgium, Benin, Bhutan, Bolivia, Botswana, Brunei Darussalam, Bulgaria, Cambodia, Cameroon, Canada, Central African Republic, Chile, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Croatia, Czech Republic, Democratic People's Republic of Korea, Denmark, El Salvador, Eritrea, Estonia, Ethiopia, Finland, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Haiti, Hungary, Iceland, India, Ireland, Italy, Jamaica, Japan, Kazakhstan, Kenya, Kyrgyzstan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malta, Mauritius, Mongolia, Namibia, Nepal, New Zealand, Niger, Nigeria, Norway, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines, Poland, Portugal, Republic of Korea, Romania, Samoa, San Marino, Slovakia, Slovenia, Solomon Islands, Suriname, Sweden, The Former Yugoslav Republic of Macedonia, Togo, Uganda, Ukraine, United Republic of Tanzania

The amendment was rejected by 32 votes to 31, with 87 abstentions.

The President (*interpretation from French*): I will next put to the vote the amendment contained in paragraph 2 of document A/49/L.22.

A recorded vote has been requested.

A recorded vote was taken.

In favour:

Algeria, Botswana, Brazil, China, Colombia, Comoros, Cuba, Ecuador, France, Gabon, Honduras, Indonesia, Iraq, Jordan, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Malaysia, Mali, Mauritania, Mexico, Monaco, Myanmar, Niger, Oman, Pakistan, Qatar, Russian Federation, Spain, Sri Lanka, Tajikistan, Tunisia, Turkey, United Republic of Tanzania, Viet Nam, Yemen, Zimbabwe

Against:

Antigua and Barbuda, Bahamas, Barbados, Belize, Canada, Dominica, Grenada, Guinea, Israel, Japan, Kuwait, Maldives, Marshall Islands, Micronesia (Federated States of), Netherlands, Nicaragua, Peru, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, South Africa, Suriname, Swaziland, Trinidad and Tobago, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Zambia

Abstaining:

Afghanistan, Albania, Andorra, Argentina, Armenia, Australia, Austria, Belarus, Belgium, Benin, Bhutan, Bolivia, Brunei Darussalam,

Bulgaria, Cambodia, Cameroon, Central African Republic, Chile, Costa Rica, Côte d'Ivoire, Croatia, Czech Republic, Democratic People's Republic of Korea, Denmark, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Hungary, Iceland, India, Ireland, Italy, Jamaica, Kazakhstan, Kenya, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mauritius, Mongolia, Namibia, Nepal, New Zealand, Nigeria, Norway, Panama, Papua New Guinea, Paraguay, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Singapore, Slovakia, Slovenia, Solomon Islands, Sweden, Thailand, The Former Yugoslav Republic of Macedonia, Togo, Uganda, Ukraine, Uruguay, Uzbekistan, Vanuatu, Venezuela

The amendment was adopted by 37 votes to 31, with 84 abstentions.

The President (*interpretation from French*): A separate vote has been requested on operative paragraph 7, just amended, of draft resolution A/49/L.2/Rev.2.

A separate vote has also been requested on the third and ninth preambular paragraphs and on operative paragraph 6 of draft resolution A/49/L.2/Rev.2.

As there appears to be no objection, I shall put those paragraphs to the vote first.

I shall put to the vote first the third preambular paragraph of draft resolution A/49/L.2/Rev.2.

A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burundi, Cambodia, Cameroon, Canada, Central African Republic, Chile, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Tajikistan, Thailand, The Former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe

Against:

India, Israel

Abstaining:

Algeria, Cuba, Democratic People's Republic of Korea, Pakistan

The third preambular paragraph was adopted by 154 votes to 2, with 4 abstentions.

The President (*interpretation from French*): I next put to the vote the ninth preambular paragraph of draft resolution A/49/L.2/Rev.2.

A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Canada, Central

African Republic, Chile, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominica, Ecuador, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Greece, Grenada, Guatemala, Guinea, Guyana, Honduras, Hungary, Iceland, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Tajikistan, Thailand, The Former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Vanuatu, Venezuela, Yemen, Zambia

Against:

Democratic People's Republic of Korea, Libyan Arab Jamahiriya

Abstaining:

Algeria, Bangladesh, Cameroon, China, Cuba, Ghana, India, Lao People's Democratic Republic, Mali, Pakistan, Uganda, United Republic of Tanzania, Viet Nam, Zimbabwe

The ninth preambular paragraph was adopted by 137 votes to 2, with 14 abstentions.

The President (*interpretation from French*): I now put to the vote operative paragraph 6 of draft resolution A/49/L.2/Rev.2.

A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Cameroon, Canada, Chile, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Greece, Grenada, Guatemala, Guinea, Guyana, Honduras, Hungary, Iceland, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Tajikistan, Thailand, The Former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Vanuatu, Venezuela, Yemen, Zambia, Zimbabwe

Against:

Democratic People's Republic of Korea, Libyan Arab Jamahiriya

Abstaining:

Algeria, China, Cuba, Ghana, India, Lao People's Democratic Republic, Pakistan, Uganda, United Republic of Tanzania, Viet Nam

Operative paragraph 6 was adopted by 142 votes to 2, with 10 abstentions.

The President (*interpretation from French*): I now put to the vote operative paragraph 7, as amended, of draft resolution A/49/L.2/Rev.2.

A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Algeria, Armenia, Austria, Bahrain, Belarus, Bolivia, Botswana, Brazil, Brunei Darussalam, Cambodia, Cameroon, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Cyprus, Dominica, Ecuador, El Salvador, Fiji, France, Gabon, Gambia, Guyana, Honduras, Indonesia, Iraq, Jordan, Kenya, Lesotho, Libyan Arab Jamahiriya, Malaysia, Maldives, Mali, Mauritania, Mexico, Monaco, Myanmar, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Sierra Leone, South Africa, Spain, Sri Lanka, Tajikistan, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, Vanuatu, Yemen, Zambia

Against:

Antigua and Barbuda

Abstaining:

Albania, Andorra, Argentina, Australia, Bahamas, Barbados, Belgium, Belize, Benin, Bhutan, Bulgaria, Canada, Chile, Croatia, Cuba, Czech Republic, Denmark, Eritrea, Estonia, Ethiopia, Finland, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Haiti, Hungary, Iceland, India, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kuwait, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mauritius, Micronesia (Federated States of), Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Paraguay, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Singapore, Slovakia, Slovenia, Solomon Islands, Suriname, Swaziland, Sweden, Thailand, The Former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Venezuela, Zimbabwe

Operative paragraph 7, as amended, was adopted by 63 votes to 1, with 84 abstentions.

The President (*interpretation from French*): I now put to the vote draft resolution A/49/L.42/Rev.2 as a whole, as amended.

A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chile, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Syrian Arab Republic, Tajikistan, Thailand, The Former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Vanuatu, Venezuela, Yemen, Zambia, Zimbabwe

Against:

Democratic People's Republic of Korea

Abstaining:

China, Cuba, Ghana, Iran (Islamic Republic of), Lao People's Democratic Republic, Viet Nam

Draft resolution A/49/L.2/Rev.2, as a whole, as amended, was adopted by 161 votes to 1, with 6 abstentions (resolution 49/65).

The President (*interpretation from French*): Several representatives wish to speak in explanation of vote. May I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Leahy (United States of America): My delegation was pleased to join others in support of this resolution, which recognizes the important work of the International Atomic Energy Agency (IAEA). The diverse programmes of the IAEA serve the interests of the international community in many ways. Countless individual lives on all continents benefit from IAEA-supported programmes such as nuclear medicine, agriculture, animal husbandry and pest control. The safety with which nuclear materials and technology are managed worldwide is enhanced daily by IAEA-sponsored training and guidelines. International security is reinforced through the ongoing application of IAEA safeguards.

The United States is proud of its long and well-established record of strong support for the IAEA, and I should like to reiterate my Government's commitment to continuing this support. We look forward to working with others to strengthen further the work and role of this vital international institution.

Mr. Wu Chengjiang (China) *(interpretation from Chinese):* The Chinese delegation abstained on draft resolution A/49/L.2/Rev.2, on the report of the International Atomic Energy Agency (IAEA). In that connection, I wish to state the following.

First, our abstention on the draft resolution does not affect the Chinese delegation's view of the work of the IAEA. In our statement in the general debate on this item on 17 October last, we gave a comprehensive and positive appraisal of the work of the IAEA over the past year.

Secondly, as regards the individual resolutions referred to in the resolution adopted by the Agency's Board of Governors at the General Conference, the Chinese delegation reserves its views as expressed in the relevant forums.

Thirdly, the Chinese delegation believes that the General Assembly resolution on the Agency's annual report should not enter into the specifics of the work of the Agency, especially on issues as controversial as the Korean nuclear question. This is not helpful when the parties concerned are conducting negotiations.

Fourthly, the Chinese delegation would like to reiterate China's principled position on the Korean nuclear question. We have always supported the denuclearization of the Korean peninsula. We welcome the negotiations between the Democratic People's Republic of Korea and the United States and the progress that has been made, and we support the various parties in making further efforts to promote a comprehensive, just and reasonable solution of this question at an early date through patient negotiations and consultations.

Mr. Jacob (Israel): Israel voted against the third preambular paragraph of the draft resolution just adopted. Israel believes that all States members of the International Atomic Energy Agency, without discrimination, and regardless of whether or not they are parties to the Treaty on the Non-Proliferation of Nuclear Weapons or other relevant international agreements, should enjoy the full rights envisaged in the Agency's statute. The language of the third preambular paragraph is not clear enough in this regard. Therefore, Israel voted against this paragraph.

Mr. Kumar (India): An important area of the work of the International Atomic Energy Agency (IAEA) relates to the application of safeguards, and the Agency has embarked upon a major exercise on the strengthening of the safeguards system. We attach importance to this exercise, which is aimed at making the safeguards system more efficient and cost-effective.

In this context, one of the recurring themes over the past year in the meetings of the Agency's Board has been the implementation of the safeguards agreement between the Agency and the Democratic People's Republic of Korea. This is a complex and substantive issue in which there have been many developments, both technical and political. Our point of view has been consistent. We believe that the best way in which this difficult issue can be resolved is through patient discussions among all the concerned parties. We have supported a policy of cooperation and dialogue, rather than confrontation and deadlines, and in this spirit have welcomed the discussions between the United States and the Democratic People's Republic of Korea.

It was for that reason that in the Board we abstained on those resolutions that we felt were not contributing to a positive result. We had similar reservations concerning the ninth preambular paragraph and operative paragraph 6 of draft resolution A/49/L.2/Rev.2, and therefore we abstained on those paragraphs.

Nevertheless, since the resolution concerns the activities of the IAEA as a whole, to which we attach great value, we went along with it.

Mr. Moradi (Islamic Republic of Iran): The Islamic Republic of Iran attaches great importance to the work of the International Atomic Energy Agency (IAEA) and we have therefore consistently supported its activities.

I should like to refer to our statement on 17 October last, before the Assembly, under agenda item 14, when we took note with satisfaction of the report of the Agency and the statement of Mr. Hans Blix, its Director General.

However, my delegation abstained on the draft resolution contained in document A/49/L.2/Rev.2, for the reason that we explained earlier today — namely, the lack of any reference to the rights of the States parties to the Treaty on the Non-Proliferation of Nuclear Weapons to use and have access to nuclear technology for peaceful purposes, free from discriminatory restrictions promoted by certain developed countries.

The President (*interpretation from French*): May I take it that it is the wish of the Assembly to conclude its consideration of agenda item 14?

It was so decided.

Introduction of the reports of the First Committee

The President (*interpretation from French*): The Assembly will now consider the reports of the First Committee on agenda items 53 and 64 (f), 54 to 73 and 153.

I request the Rapporteur of the First Committee to introduce the reports of the First Committee in one intervention.

Mr. Goosen (South Africa), Rapporteur of the First Committee: It gives me great pleasure to introduce to the General Assembly the reports of the First Committee on agenda items 53 and 64 (f), 54 to 73 and 153. Those reports are contained in documents A/49/690 to A/49/711.

Responding to the Assembly's appeal that it conduct its work in a spirit of rationalization and make better use of the Organization's resources, the Committee further reduced the number of its meetings and concluded its work in the course of 26 formal and eight informal meetings. In order to enhance its effectiveness, the Committee this year adopted a new format, which included a structured discussion of specific subjects on the thematic approach. That has lent a higher degree of cohesiveness to the discussions and made them more focused and action-oriented. It may be pertinent to note in that connection that, for the first time in the annals of the First Committee, the relevant draft resolution entitled "Rationalization of the work and reform of the agenda of the First Committee" was adopted — in fact, without a vote.

The Committee considered 46 draft resolutions and two draft decisions altogether, while one draft resolution and one draft decision were withdrawn by the respective sponsors. Twenty-four, or 60 per cent, were adopted without a vote.

The disarmament calendar for 1994 has been very intensive. During this last year, Member States have been addressing issues that range across the full spectrum of disarmament questions. The debates of the First Committee were a reflection of this, and the statements that were made by Member States were characterized by a large measure of consensus on the issues that need to be focused upon. Some of the issues that were most widely referred to included the following.

One issue was the recognition of the disarmament-related advances that have been achieved over the last year. A number of delegations, however, noted that the high expectations that prevailed following the end of the cold war have become subdued. They also noted that there is a disturbing escalation in armed conflict around the world.

Another issue was the 1995 Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), which will be reviewing the Treaty's operation and which will also be deciding on the extension of the life of the NPT. Virtually every delegation that spoke during the debates referred to the NPT and its extension. Also, negotiations for a comprehensive test ban treaty (CTBT) are being conducted within the Conference on Disarmament in Geneva. Many delegations made a point of noting that the draft CTBT text is still heavily bracketed.

Other issues included the proposed treaty for the prohibition of the production of fissile material for nuclear weapons or other explosive devices; calls for the early conclusion of legally binding nuclear security assurances in favour of non-nuclear-weapon States; the recognition by most delegations of the importance of nuclear- weapon-free zones as a means to achieving international peace and security; and the chemical weapons Convention and the work which is being done in The Hague with regard to the establishment of the Organisation for the Prevention of Chemical Weapons (OPCW).

Another issue was the establishment of the Ad Hoc Group of Governmental Experts of the Biological Weapons Convention. The progress which was made at the September 1994 Special Conference of the States Parties to the Convention in Geneva was commended by most of the speakers.

With respect to transparency in armaments with specific reference to the Register of Conventional Arms, the role that greater transparency plays by inspiring confidence was generally recognized. The important role of the United Nations Register in this process was also raised by most speakers. It was, however, acknowledged that the Register as it is now structured can be improved.

A final issue was the international community's concern about the carnage that is being caused by anti-personnel land-mines and the ongoing negotiations currently under way concerning, *inter alia,* Protocol II of the Convention on certain conventional weapons.

Fifteen out of 45 resolutions that were adopted dealt with nuclear-related issues. The Non-Proliferation Treaty was the focus of two draft resolutions. I should like to take this opportunity to draw members' attention in particular to the accession to the NPT by a number of new States Parties, and in this context the Ukraine's accession as a non-nuclear-weapon State deserves special mention.

As was the case last year, the issues related to the comprehensive test ban treaty commanded keen attention from the Committee. The Committee once again adopted a consensus draft resolution on the CTBT, in which it welcomed the progress achieved in the course of negotiations within the framework of the Conference on Disarmament and urged the Conference

> "to negotiate intensively, as a high priority task" *(A/49/694, para. 4).*

Other nuclear-related draft resolutions that were considered and adopted by the Committee were two draft resolutions on bilateral nuclear arms negotiations. The draft resolutions on nuclear-weapon-free zones in Africa, the Middle East and Latin America were adopted without a vote. Two others on such zones in South Asia and the South Atlantic attracted wide support.

A new draft resolution in which the Committee has requested an advisory opinion from the International Court of Justice on the legality of the threat or use of nuclear weapons was introduced.

Draft resolutions were also introduced on the "step-by-step reduction of the nuclear threat", on "Weapons of mass destruction and their means of delivery" and on "Nuclear disarmament with a view to the ultimate elimination on nuclear weapons". The first two draft resolutions are somewhat similar in conceptual thrust and aim at the destruction proper of certain types of weapons and their delivery means within an agreed time frame.

On regional disarmament measures issues, three draft resolutions were adopted: the "Regional confidence-building measures" draft resolution, which was adopted by the Committee without a vote; and the "Regional disarmament" and "Conventional arms control on regional and subregional levels" draft resolutions, which carried by a comfortable majority of votes.

As was expected, the United Nations Register of Conventional Arms received considerable attention. The confidence-building potential of the Register was emphasized by some delegations. At the same time, concerns were expressed at a number of issues relating to the Register and its implementation. This included the lack of agreement by the Group of Governmental Experts on recommendations for the expansion of the Register to include other categories of weapons in it, as well as data on procurement and military holdings.

Two draft resolutions, respectively calling for a moratorium on the export of anti-personnel mines and welcoming the progress achieved in reviewing the Convention on chemical weapons, were adopted without a vote. There was general outrage at the human suffering caused to innocent civilians by these weapons. In this connection, the report of the Secretary-General on the subject was highly appreciated by the Committee.

Once again this year the Committee took up the issue of science and technology. As in previous years, it was not possible to have a unified draft resolution on this issue. The substantive work that was done during the last year, especially within the United Nations Disarmament Commission, however, ensured that the differences between the two were less pronounced.

The debate on the draft resolution on the biological weapons Convention was mainly focused on the recent Special Conference. The establishment of a working group to consider appropriate measures, including possible verification measures, and draft proposals to strengthen the Convention in a legally binding instrument had a positive influence on the debate and enabled the Committee to adopt the relevant draft resolution without a vote.

The Committee furthermore adopted a draft resolution on the convening of the fourth special session devoted to disarmament. The fact that it was adopted without a vote is proof of the need for a renewed focus on disarmament and international security issues.

I turn now to the First Committee's work related to agenda item 67 "Question of Antarctica". It should be noted with satisfaction that for the first time the relevant draft resolution was adopted without a vote. The statements made during the debate on this issue show the shared conviction that for the benefit of mankind Antarctica must be preserved as a zone of peace, where the environment is protected and freedom of scientific research exists. Under the draft resolution the Assembly would welcome the provision by the Antarctic Treaty Consultative Parties to the Secretary-General of the final report of the Eighteenth Consultative Meeting. It would also encourage close cooperation between the Antarctic Treaty Parties and the United Nations Environment Programme.

Let me now briefly turn to a few errors of a technical nature which have crept into the texts of the following reports:

In document A/49/692, part III, "Recommendation of the First Committee", operative paragraph 4 of the draft resolution should begin with the words "Also invites".

In document A/49/700, part III, "Recommendation of the First Committee", the text of draft resolution C, "Regional confidence-building measures", should be corrected as follows: operative paragraph 4 should begin "Takes note of"; operative paragraph 8 should begin "Also requests"; and operative paragraph 9 should begin "Further requests".

In document A/49/704, part III, "Recommendation of the First Committee", operative paragraph 1 of the draft resolution should begin: "Takes note of the report of the Secretary-General on Antarctica and of the report".

I would ask delegations to take note of those technical corrections.

Before concluding, I should like to pay a well-deserved tribute to all the delegations that participated in the work of the Committee for their spirit of cooperation in the common search for a better, safer and more stable world.

I should like to make special mention of the Chairman of the Committee, His Excellency Ambassador Luis Valencia-Rodriguez, who, with his intimate knowledge of disarmament and international security matters as well as his general diplomatic skills provided the Committee with vision and able leadership.

Let me also thank the Committee's Vice-Chairmen, Mr. Thomas Stelzer and Ambassador Yoshitomo Tanaka, who were most effective in discharging their duties.

I should also like to express my appreciation to the Under-Secretary-General for Political Affairs, Mr. Marrack Goulding, for his valuable contribution, and to the Acting Director of the Centre for Disarmament Affairs, Mr. Prvoslav Davinic.

In that connection, special thanks go to the Secretary of the First Committee, Mr. Sohrab Kheradi, whose vast experience and high degree of competence made a significant contribution to the successful outcome of the Committee's work.

I should also like to express my gratitude to Mr. Kheradi's staff, including Mr. Mohammad Sattar, Mr. Timur Alasaniya, Mr. Francesco Cottafavi, Mrs. Ruby Kulanusorstit and Mrs. Anna Nania.

The President *(interpretation from French):* If there is no proposal under rule 66 of the rules of procedure, I shall take it that the General Assembly decides not to discuss the reports of the First Committee that are before it today.

It was so decided.

The President: Statements will therefore be limited to explanations of vote or position.

The positions of delegations regarding the recommendations of the Committee have been made in the Committee and are reflected in the relevant official records.

May I remind members that under paragraph 7 of decision 34/401 the Assembly agreed that

> "When the same draft resolution is considered in a Main Committee and in plenary meeting, a delegation should, as far as possible, explain its vote only once, i.e., either in the Committee or in plenary meeting unless that delegation's vote in plenary meeting is different from its vote in the Committee."

May I also remind delegations that, also in accordance with General Assembly decision 34/401, explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Before we begin to take action on the recommendations contained in the reports of the Committee, I should like to advise representatives that we shall proceed to take decisions in the same manner as in the Committee, except in those cases where delegations have already notified the Secretariat that they wish to do otherwise. This means that where recorded or separate votes were taken, we shall do the same.

I also hope that we can proceed to adopt without a vote those recommendations that were adopted in the First Committee without a vote.

Agenda items 53 and 64

Reduction of military budgets: report of the First Committee (A/49/690)

Review of the implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session

(f) Implementation of the guidelines and recommendations for objective information on military matters: report of the First Committee (A/49/690)

The President *(interpretation from French):* The Assembly will now take action on the draft resolution recommended by the First Committee in paragraph 10 of its report.

The draft resolution, entitled "Objective information on military matters, including transparency of military expenditures", was adopted by the First Committee without a vote. May I consider that the General Assembly wishes to do the same?

The draft resolution was adopted (resolution 49/66).

The President *(interpretation from French):* May I take it that it is the wish of the Assembly to conclude its consideration of agenda item 53?

It was so decided.

The President *(interpretation from French):* The Assembly has thus concluded this stage of its consideration of sub-item (f) of item 64.

Agenda item 54

Scientific and technological developments and their impact on international security: report of the First Committee (A/49/691)

The President *(interpretation from French)*: The Assembly will now take a decision on the draft resolution recommended by the First Committee in paragraph 7 of its report.

A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Algeria, Antigua and Barbuda, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait,

Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe

Against:

France, Israel, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Albania, Andorra, Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Côte d'Ivoire, Croatia, Czech Republic, Denmark, Estonia, Finland, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Slovakia, Slovenia, South Africa, Spain, Sweden, Tajikistan, The Former Yugoslav Republic of Macedonia, Turkey, Ukraine, Uzbekistan

The draft resolution was adopted by 118 votes to 4, with 47 abstentions (resolution A/49/67).

The President *(interpretation from French)*: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 54?

It was so decided.

Agenda item 55

The role of science and technology in the context of international security, disarmament and other related fields: report of the First Committee (A/49/692)

The President (*interpretation from French*): The Assembly will now take a decision on the draft resolution recommended by the First Committee in paragraph 7 of its report.

Separate votes have been requested on the seventh and the eighth preambular paragraphs and on operative paragraph 3.

There appears to be no objection to that request.

I shall first put to the vote the seventh preambular paragraph of the draft resolution recommended by the First Committee in paragraph 7 of its report.

A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominica, Ecuador, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Micronesia (Federated States of), Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Tajikistan, Thailand, The

Former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe

Against:
Iran (Islamic Republic of)

Abstaining:
Cuba, Democratic People's Republic of Korea, France, India, Mexico, Panama, United Kingdom of Great Britain and Northern Ireland, United States of America

The seventh preambular paragraph was adopted by 159 votes to 1, with 8 abstentions.

The President (*interpretation from French*): I shall now put to the vote the eighth preambular paragraph of the draft resolution recommended by the First Committee in paragraph 7 of its report.

A recorded vote has been requested.

A recorded vote was taken.

In favour:
Afghanistan, Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Central African Republic, Chile, Colombia, Comoros, Congo, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Micronesia (Federated States of), Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Tajikistan, Thailand, The Former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe

Against:
Iran (Islamic Republic of)

Abstaining:
Algeria, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, France, India, Israel, Mexico, Panama, United Kingdom of Great Britain and Northern Ireland, United States of America

The eighth preambular paragraph was adopted by 156 votes to 1, with 11 abstentions.

The President (*interpretation from French*): I shall next put to the vote operative paragraph 3 of the draft resolution recommended by the First Committee in paragraph 7 of its report.

A recorded vote has been requested.

A recorded vote was taken.

In favour:
Afghanistan, Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominica, Ecuador, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iraq, Ireland, Italy, Jamaica, Japan,

Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Micronesia (Federated States of), Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Tajikistan, Thailand, The Former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe

Against:

Iran (Islamic Republic of)

Abstaining:

Algeria, Cuba, Democratic People's Republic of Korea, Egypt, France, India, Israel, Malaysia, Mexico, Panama, United Kingdom of Great Britain and Northern Ireland, United States of America, Vanuatu

Operative paragraph 3 was adopted by 155 votes to 1, with 13 abstentions.

The President (*interpretation from French*): I shall now put to the vote the draft resolution as a whole recommended by the First Committee in paragraph 7 of its report.

A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Tajikistan, Thailand, The Former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe

Against:

None

Abstaining:

Democratic People's Republic of Korea, France, Iran (Islamic Republic of), United Kingdom of Great Britain and Northern Ireland, United States of America

The draft resolution as a whole was adopted by 166 votes to none, with 5 abstentions (resolution 49/68).

The President (*interpretation from French*): May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 55?

It was so decided.

Agenda item 56

Amendment of the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water: report of the First Committee (A/49/693)

The President (*interpretation from French*): The Assembly will now take a decision on the draft resolution recommended by the First Committee in paragraph 8 of its report.

A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Algeria, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chile, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe

Against:

Israel, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Tajikistan, The Former Yugoslav Republic of Macedonia, Turkey, Turkmenistan, Ukraine, Vanuatu

The draft resolution was adopted by 116 votes to 4, with 49 abstentions (resolution 49/69).

The President (*interpretation from French*): May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 56?

It was so decided.

Agenda item 57

Comprehensive test-ban treaty: report of the First Committee (A/49/694)

The President *(interpretation from French):* The Assembly will now take a decision on the draft resolution recommended by the First Committee in paragraph 9 of its report.

The draft resolution entitled "Comprehensive nuclear-test-ban treaty" was adopted by the First Committee without a vote. May I consider that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 49/70).

The President *(interpretation from French):* May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 57?

It was so decided.

Agenda item 58

Establishment of a nuclear-weapon-free zone in the region of the Middle East: report of the First Committee (A/49/695)

The President *(interpretation from French):* The Assembly will now take a decision on the draft resolution recommended by the First Committee in paragraph 10 of its report.

The draft resolution was adopted by the First Committee without a vote. May I take it that the Assembly wishes to do likewise?

The draft resolution was adopted (resolution 49/71).

The President *(interpretation from French):* May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 58?

It was so decided.

Agenda item 59

Establishment of a nuclear-weapon-free zone in South Asia: report of the First Committee (A/49/696)

The President *(interpretation from French):* The Assembly will now take a decision on the draft resolution recommended by the First Committee in paragraph 7 of its report.

A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Botswana, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Czech Republic, Denmark, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Tajikistan, Thailand, The Former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Venezuela, Yemen, Zambia, Zimbabwe

Against:

Bhutan, India, Mauritius

Abstaining:

Algeria, Brazil, Cuba, Cyprus, Indonesia, Lao People's Democratic Republic, Madagascar, Myanmar, Vanuatu, Viet Nam

The draft resolution was adopted by 156 votes to 3, with 10 abstentions (resolution 49/72).

The President *(interpretation from French):* May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 59?

It was so decided.

Agenda item 60

Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons: report of the First Committee (A/49/697)

The President *(interpretation from French):* The Assembly will now take a decision on the draft resolution

recommended by the First Committee in paragraph 7 of its report.

A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Tajikistan, Thailand, The Former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe

Against:

None

Abstaining:

France, United Kingdom of Great Britain and Northern Ireland, United States of America

The draft resolution was adopted by 168 votes to none, with 3 abstentions (resolution 49/73).

The President *(interpretation from French)*: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 60?

It was so decided.

Agenda item 61

Prevention of an arms race in outer space: report of the First Committee (A/49/698)

The President *(interpretation from French)*: The Assembly will now take a decision on the draft resolution recommended by the First Committee in paragraph 7 of its report.

Separate recorded votes have been requested on the eighteenth preambular paragraph and on paragraphs 8 and 10.

Is there any objection to that request?

As there is no objection, I shall put to the vote first the eighteenth preambular paragraph.

A recorded vote was taken.

In favour:

Afghanistan, Algeria, Antigua and Barbuda, Argentina, Armenia, Australia, Azerbaijan, Bahamas, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Marshall Islands, Mauritania,

Mauritius, Mexico, Micronesia (Federated States of), Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Republic of Korea, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe

Against:
United States of America

Abstaining:
Albania, Andorra, Austria, Belgium, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, The Former Yugoslav Republic of Macedonia, Turkey, United Kingdom of Great Britain and Northern Ireland

The eighteenth preambular paragraph was adopted by 128 votes to 1, with 39 abstentions.

The President *(interpretation from French):* I shall now put to the vote paragraph 8.

A recorded vote was taken.

In favour:
Afghanistan, Algeria, Antigua and Barbuda, Argentina, Armenia, Australia, Azerbaijan, Bahamas, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, Gambia, Georgia, Ghana, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Republic of Korea, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe

Against:
United States of America

Abstaining:
Albania, Andorra, Austria, Belgium, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, The Former Yugoslav Republic of Macedonia, Turkey, United Kingdom of Great Britain and Northern Ireland

Paragraph 8 was adopted by 129 votes to 1, with 38 abstentions.

The President (*interpretation from French*): I shall next put to the vote operative paragraph 10.

A recorded vote was taken.

In favour:
Afghanistan, Algeria, Antigua and Barbuda, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa

Rica, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Ethiopia, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mali, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe

Against:

United States of America

Abstaining:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Belgium, Bulgaria, Canada, Côte d'Ivoire, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Tajikistan, The Former Yugoslav Republic of Macedonia, Turkey, Turkmenistan, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uzbekistan

Operative paragraph 10 was adopted by 111 votes to 1, with 54 abstentions.

The President (*interpretation from French*): I shall now put to the vote the draft resolution, as a whole.

A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Tajikistan, Thailand, The Former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe

Against:

None

Abstaining:

United States of America

The draft resolution, as a whole, was adopted by 170 votes to none, with 1 abstention (resolution 49/74).

The President (*interpretation from French*): May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 61?

It was so decided.

Agenda item 62

General and complete disarmament: report of the First Committee (A/49/699)

The President (*interpretation from French*): I call on the representative of France, on a point of order.

Mr. Ladsous (France) (*interpretation from French*): This year some delegations in the Assembly chose to submit in the First Committee draft resolution A/C.1/49/L.36, entitled "Request for an advisory opinion from the International Court of Justice on the legality of the threat or use of nuclear weapons". This draft resolution was submitted for consideration despite the fact that the Assembly of the World Health Organization had adopted a similar resolution in 1993. The International Court of Justice is at this very time considering that request by the Assembly of the World Health Organization for an advisory opinion, as well as the memorials already transmitted by more than 27 States.

On a number of occasions my delegation has drawn attention to what we believe to be the inappropriate, superfluous and ill-founded submission in this body of another request for an advisory opinion. At the time of the voting on the draft resolution in the First Committee, France commented at length on the underlying motives of the sponsors of the text, and I will not go over that again.

However, the draft resolution that is now before us - although the Court has not yet replied to the first request - is once again aimed at obtaining an urgent response on a matter that, as all of us in the Assembly are aware, is purely political and has been the subject of numerous controversies. This situation is particularly regrettable in the light of the fact that the authority of the decisions of the tribunal in The Hague, which is the principal judicial organ of the United Nations, is based on its handing down decisions founded on law and taking care not to make political judgements.

This state of affairs is well known to all delegations, including the sponsors of the draft resolution. However, on the eve of the 1995 extension Conference, there is a desire to put in the dock the nuclear Powers recognized by that instrument of international law known as the Treaty on the Non-Proliferation of Nuclear Weapons, signed by more than 160 countries; and this is done at the very time when it is clear that those nuclear Powers are fully shouldering their responsibility and remaining faithful to their commitments. This desire to accuse the nuclear Powers seems to outweigh respect for the independence of one of the most essential institutions of the United Nations system.

Those who wish to use for partisan purposes an institution as respected as the International Court of Justice are indeed assuming a serious responsibility — and I insist on the word "serious", for, by attempting to bring hitherto unwitnessed pressure to bear in order to divert that jurisdiction from its exclusive mission, the sponsors of draft resolution K will do serious and lasting damage to the credit of the International Court of Justice and to its image as an impartial body.

For those reasons, therefore, my delegation, regretfully, is forced, in accordance with rule 74 of the General Assembly's rules of procedure, to move the adjournment of draft resolution K in paragraph 60 of the First Committee's report (A/49/699). My delegation would also move that a recorded vote be taken on this motion. For its part, France hopes that the largest possible number of delegations, aware of the responsibility incumbent upon them, will vote in favour of this motion for non-action.

The President (*interpretation from French*): The representative of France has moved, in accordance with rule 74 of the Assembly's rules of procedure, that no decision be taken on draft resolution K in paragraph 60 of document A/49/699. Rule 74 reads as follows:

> "During the discussion of any matter, a representative may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, two representatives may speak in favour of, and two against, the motion, after which the motion shall be immediately put to the vote. ..."

I shall now call upon two delegations wishing to speak in favour of the motion.

but note that there is a profound division within the Assembly on the appropriateness of this draft resolution.

I have already strongly emphasized the French delegation's concern that the International Court of Justice not be put in the situation of being pressured by a specific group. This desire therefore prompts my delegation to propose to the Assembly an amendment to draft resolution K. This amendment would delete from the request to the International Court of Justice in the operative paragraph of the draft resolution the word "urgently". Furthermore, my delegation would like this amendment, which would ensure the freedom of a juridical body to make its own assessment, to be submitted to a recorded vote.

The President (*interpretation from French*): The representative of France has submitted an oral amendment to the operative paragraph of draft resolution K, calling for the deletion of the word "urgently" from the text of the operative paragraph.

I call on the representative of Indonesia on a point of order.

Mr. Wiranataatmadja (Indonesia): For the reasons I described earlier, my delegation wishes to make a motion for no action on the amendment proposed by France. This is for the simple reason that a decision has been made at two Ministerial Meetings of the Non-Aligned Movement. If, for example, a country intends to come up with compromise language in good faith, this should be done prior to the action we are taking now.

Mr. Razali (Malaysia): The Malaysian delegation fully supports the motion made by the delegation of Indonesia. We totally oppose this attempt to amend the draft resolution before us. We would appeal to all members of the General Assembly to take into account the fact that the First Committee has pronounced itself on this draft resolution and that an attempt just now to make a motion for no action was defeated. We would now urge that no further devices be allowed to prevent the adoption of this draft resolution.

The President (*interpretation from French*): The representative of Indonesia, seconded by the representative of Malaysia, has moved, within the terms of rule 74 of the rules of procedure, that no action be taken on the oral amendment submitted by the representative of France. Rule 74 reads as follows:

> "During the discussion of any matter, a representative may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, two representatives may speak in favour of, and two against, the motion, after which the motion shall be immediately put to the vote."

I now call on the two representatives who wish to speak against the motion.

Mr. Ladsous (France) (*interpretation from French*): My delegation notes with regret the wish expressed by the delegation which submitted draft resolution K that no in-depth consideration be given to the amendment submitted by France. This confirms both that there are those who fear that the Assembly will opt for a reasonable attitude and the intention of the sponsors of the draft resolution to exert pressure on the International Court of Justice.

In these circumstances, my delegation can only oppose the motion for no action that has been made and we hope that a recorded vote can be taken to that effect. My delegation takes this opportunity to appeal to delegations that have so far supported us to oppose the motion when it is put to the vote.

Mr. Gelber (United States of America): The United States delegation will oppose the proposed motion for no action on the French amendment. We believe that the French amendment will at least temper an inappropriate use of the International Court of Justice, a respected legal institution, for what can only be seen as political purposes. The removal of the word "urgently" from the draft resolution would shield the Court's calendar from unnecessary political pressure and chaos.

Mr. Moradi (Islamic Republic of Iran): I am speaking to support the motion for no action proposed by the representative of Indonesia on the amendment proposed by France.

First, we think that members of the international community should be able to explore every avenue to establish a world free from the threat, use or deployment of nuclear weapons and other weapons of mass destruction. Secondly, the sponsors of draft resolutions before the Assembly have submitted them in exercise of their inalienable right under the Charter of the United Nations encouraging States to seek advisory opinions on issues whenever they deem necessary. The Charter does

not exclude recourse to an advisory opinion on the legality of the use or threat of use of nuclear weapons. Thirdly, this issue, namely to seek an advisory opinion on the legality of the threat or use of nuclear weapons has been considered seriously at the highest level among the members of the Non-Aligned Movement, which represent the will of the overwhelming majority of the international community.

Therefore, we support the motion for no action proposed by Indonesia, and we urge other Member States to support it by casting a positive vote.

The President (*interpretation from French*): We have just heard two speakers in favour of the motion and two against.

I shall now put to the vote the motion submitted by the representative of Indonesia that no action be taken on the oral amendment submitted by the representative of France.

A recorded vote has been requested on this motion.

A recorded vote was taken.

In favour:

Afghanistan, Algeria, Bahamas, Bangladesh, Barbados, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Colombia, Cuba, Cyprus, Democratic People's Republic of Korea, Ecuador, Egypt, Grenada, Guyana, Honduras, India, Indonesia, Iran (Islamic Republic of), Jordan, Kenya, Lesotho, Libyan Arab Jamahiriya, Malaysia, Mali, Mexico, Mozambique, Myanmar, Namibia, Nepal, Nigeria, Oman, Pakistan, Papua New Guinea, Paraguay, Philippines, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic, Thailand, Uganda, United Republic of Tanzania, Uruguay, Viet Nam, Yemen, Zambia, Zimbabwe

Against:

Albania, Andorra, Argentina, Armenia, Australia, Belarus, Belgium, Benin, Bulgaria, Cambodia, Canada, Comoros, Congo, Côte d'Ivoire, Czech Republic, Denmark, Djibouti, Eritrea, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Hungary, Iceland, Israel, Italy, Japan, Kazakhstan, Latvia, Luxembourg, Maldives, Malta, Marshall Islands, Mauritania, Monaco, Morocco, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Senegal, Slovakia, Slovenia, Spain, Tajikistan, The Former Yugoslav Republic of Macedonia, Togo, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Antigua and Barbuda, Austria, Azerbaijan, Bahrain, Belize, Cameroon, Chile, Croatia, Dominica, Gambia, Ghana, Guatemala, Guinea, Haiti, Ireland, Jamaica, Kuwait, Kyrgyzstan, Liechtenstein, Lithuania, Micronesia (Federated States of), New Zealand, Niger, Peru, San Marino, Saudi Arabia, Swaziland, Tunisia, Uzbekistan, Venezuela

The motion was adopted by 61 votes to 56, with 30 abstentions.

The President (*interpretation from French*): Since the motion has been adopted, no action will be taken on the oral amendment submitted by the representative of France.

Under this item, the First Committee, in its report (A/49/699), has recommended to the Assembly the adoption of 16 draft resolutions, contained in paragraph 60, and one draft decision, contained in paragraph 61.

I shall now call on those representatives who wish to explain their votes before the voting.

Mr. Zlenko (Ukraine): I would like to thank the Rapporteur of the First Committee, who mentioned my country in connection with its accession to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT).

The recent accession of Ukraine to the NPT represents a decisive contribution to the strengthening of the non-proliferation regime on the eve of the 1995 NPT review and extension Conference. This historic step has opened up a new era and has given great impetus to the process of nuclear disarmament. It eliminated the last obstacle in the way of implementing START I and opened up opportunities for the prompt ratification of START II. It reaffirms the fact that Ukraine continues to be a responsible member of the international community and a reliable international partner.

This decision was taken by the Ukrainian leadership in the midst of a complex economic and political situation in Ukraine. Its implementation will require additional

expenditure and economic sacrifices on the part of the Ukrainian people. In taking this historic decision, the Parliament of Ukraine was counting on an appropriate response from the world community to our State's voluntary renunciation of nuclear weapons. This is something that had never been done before in the history of mankind. With regard to disarmament issues, the delegation of Ukraine is aware of the great responsibility borne by every Member State, in terms of the preservation of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and nuclear disarmament.

Mr. Zaki (Maldives): My explanation of vote refers to draft resolution K, entitled "Request for an advisory opinion from the International Court of Justice on the legality of the threat or use of nuclear weapons", in document A/49/699.

The question of the legality of the use of nuclear weapons is one that mankind has long sought to resolve. Today, in the aftermath of the cold war when hopes for a new world order are being raised, the answer to the question has been very clear. Maldives is very glad to note that positive efforts are being made towards overall disarmament, in particular with regard to nuclear weapons. In this respect, the 1995 NPT review and extension Conference and the ongoing negotiations on a comprehensive test-ban treaty within the framework of the Conference on Disarmament can be noted with satisfaction. Nevertheless, my delegation believes that the use of nuclear weapons or any weapons of mass destruction is a crime against humanity and should not be permitted under any circumstances. We feel that the world should not only condemn the use of such weapons but also consider the development, production and use of such weapons as illegal and immoral.

That is why Maldives supported in the First Committee the draft resolution now before us entitled "Request for an advisory opinion from the International Court of Justice on the legality of the threat or use of nuclear weapons".

However, owing to the lack of consensus concerning the procedure of asking the International Court of Justice (ICJ) for an opinion at this time, and being aware in particular that the ICJ is engaged in the consideration of a similar subject, considered by some Members as identical, my delegation now feels that the General Assembly may prudently defer taking a decision on this draft resolution this year. Therefore, my delegation will abstain in the vote on draft resolution K.

Mr. Rudolph (Germany): I have the honour to speak on behalf of the European Union and the acceding States, Austria, Finland and Sweden.

We strongly welcomed the accession of Ukraine to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) as a non-nuclear-weapon State on 5 December 1994. We acknowledge the speedy implementation of Ukraine's commitment to become a State free of nuclear weapons. We are convinced that this important step will prepare the path for the full implementation of the Strategic Arms Reduction Talks (START) treaties, and the continuation of the nuclear disarmament process.

We call upon Ukraine to conclude as soon as possible a full-scope safeguards agreement with the International Atomic Energy Agency (IAEA) according to article 3 of the NPT.

The President (*interpretation from French*): I shall now put the 16 draft resolutions and the draft decision to the Assembly one by one. Once all the decisions have been taken, representatives will again have the opportunity to explain their votes.

We shall first turn to draft resolution A, entitled "Prohibition of the dumping of radioactive wastes".

The First Committee adopted draft resolution A without a vote.

May I take it that the Assembly wishes to do the same?

Draft resolution A was adopted (resolution 49/75 A).

The President (*interpretation from French*): Draft resolution B is entitled "Review of the Declaration of the 1990s as the Third Disarmament Decade".

A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Algeria, Andorra, Antigua and Barbuda, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros,

Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Gabon, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Jordan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Madagascar, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Qatar, Romania, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe

Against:

France, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Albania, Argentina, Belarus, Belgium, Canada, Croatia, Denmark, Finland, Georgia, Hungary, Israel, Japan, Kazakhstan, Latvia, Lithuania, Luxembourg, Netherlands, New Zealand, Poland, Republic of Korea, Republic of Moldova, Russian Federation, Tajikistan, The Former Yugoslav Republic of Macedonia, Turkey, Ukraine

Draft resolution B was adopted by 139 votes to three, with 26 abstentions (resolution 49/75 B).

The President (*interpretation from French*): Draft resolution C is entitled "Transparency in armaments".

Separate, recorded votes have been requested on operative paragraphs 4 (b) and 6.

Is there any objection to this request?

Since that is not the case, I first put to the vote operative paragraph 4 (b).

A recorded vote was taken.

In favour:

Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chile, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominica, Ecuador, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Suriname, Swaziland, Sweden, Tajikistan, Thailand, The Former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Vanuatu, Venezuela, Zambia, Zimbabwe

Against:

None

Abstaining:

Afghanistan, Algeria, China, Colombia, Cuba, Democratic People's Republic of Korea, India, Indonesia, Iran (Islamic Republic of), Jordan, Libyan Arab Jamahiriya, Mexico, Myanmar, Pakistan, Saudi Arabia, Sri Lanka, Sudan

Operative paragraph 4 (b) was adopted by 145 votes to none, with 17 abstentions.

The President (*interpretation from French*): I now put to the vote operative paragraph 6.

A recorded vote was taken.

In favour:

Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chile, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominica, Ecuador, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Malta, Marshall Islands, Mauritania, Mauritius, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Suriname, Swaziland, Sweden, Tajikistan, Thailand, The Former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Vanuatu, Venezuela, Zambia, Zimbabwe

Against:

Algeria, Cuba, Indonesia, Mexico

Abstaining:

Afghanistan, China, Colombia, Democratic People's Republic of Korea, India, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Myanmar, Pakistan, Sri Lanka, Sudan

Operative paragraph 6 was adopted by 145 votes to 4, with 11 abstentions.

The President (*interpretation from French*): I shall now put to the vote draft resolution C, as a whole.

A recorded vote has been requested.

A recorded vote was taken.

In favour:

Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominica, Ecuador, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Suriname, Swaziland, Sweden, Tajikistan, Thailand, The Former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Vanuatu, Venezuela, Zambia, Zimbabwe

Against:
None

Abstaining:
Afghanistan, Algeria, Cuba, Democratic People's Republic of Korea, Egypt, India, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Lebanon, Libyan Arab Jamahiriya, Mexico, Myanmar, Saudi Arabia, Sri Lanka, Sudan, Syrian Arab Republic, Yemen

Draft resolution C, as a whole, was adopted by 150 votes to none, with 19 abstentions (resolution 49/75 C).

The President (*interpretation from French*): Draft resolution D is entitled "Moratorium on the export of anti-personnel land-mines".

The First Committee adopted draft resolution D without a vote. May I take it that the Assembly wishes to do the same?

Draft resolution D was adopted (resolution 49/75 D).

The President (*interpretation from French*): Draft resolution E is entitled "Step-by-step reduction of the nuclear threat".

A recorded vote has been requested.

A recorded vote was taken.

In favour:
Afghanistan, Algeria, Antigua and Barbuda, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Seychelles, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe

Against:
Belgium, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Israel, Italy, Luxembourg, Malta, Monaco, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Romania, Slovakia, Spain, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:
Albania, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bulgaria, Canada, Côte d'Ivoire, Croatia, Estonia, Georgia, Iceland, Ireland, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Marshall Islands, Micronesia (Federated States of), New Zealand, Republic of Korea, Russian Federation, San Marino, Slovenia, Sweden, Tajikistan, The Former Yugoslav Republic of Macedonia, Ukraine, Vanuatu

Draft resolution E was adopted by 111 votes to 24, with 33 abstentions (resolution 49/75 E).

The President (*interpretation from French*): I shall now put to the vote draft resolution F, entitled "1995 Review and Extension Conference of States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons".

A recorded vote has been requested.

A recorded vote was taken.

In favour:
Afghanistan, Algeria, Antigua and Barbuda, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Central African Republic, China, Colombia, Comoros, Congo, Costa Rica, Cyprus, Democratic People's Republic of Korea, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Indonesia, Iran (Islamic Republic of),

A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Algeria, Bahamas, Bangladesh, Barbados, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Colombia, Congo, Costa Rica, Cuba, Cyprus, Democratic People's Republic of Korea, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gambia, Grenada, Guatemala, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Lebanon, Lesotho, Libyan Arab Jamahiriya, Malaysia, Mali, Marshall Islands, Mexico, Mozambique, Myanmar, Namibia, Nepal, New Zealand, Nicaragua, Nigeria, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Uganda, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe

Against:

Albania, Andorra, Argentina, Belgium, Benin, Bulgaria, Cambodia, Comoros, Côte d'Ivoire, Czech Republic, Denmark, Djibouti, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Hungary, Iceland, Israel, Italy, Latvia, Luxembourg, Malta, Mauritania, Monaco, Netherlands, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Senegal, Slovakia, Slovenia, Spain, Tajikistan, The Former Yugoslav Republic of Macedonia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Antigua and Barbuda, Armenia, Australia, Austria, Azerbaijan, Bahrain, Belarus, Belize, Cameroon, Canada, Central African Republic, Chile, Croatia, Dominica, Eritrea, Ghana, Guinea, Ireland, Jamaica, Japan, Kazakhstan, Kyrgyzstan, Liechtenstein, Lithuania, Maldives, Micronesia (Federated States of), Niger, Norway, Republic of Moldova, Swaziland, Sweden, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Ukraine, Uzbekistan, Vanuatu

Draft resolution K was adopted by 78 votes to 43, with 38 abstentions (resolution 49/75 K).

The President (*interpretation from French*): Draft resolution L is entitled "Bilateral nuclear-arms negotiations and nuclear disarmament".

The First Committee adopted draft resolution L without a vote. May I take it that the Assembly wishes to do likewise?

Draft resolution L was adopted (resolution 49/75 L).

The President (*interpretation from French*): Draft resolution M is entitled "Measures to curb the illicit transfer and use of conventional arms".

Draft resolution M was adopted by the First Committee without a vote. May I take it that the Assembly too wishes to adopt the draft resolution?

Draft resolution M was adopted (resolution 49/75 M).

The President (*interpretation from French*): Draft resolution N is entitled "Regional disarmament". A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg,

Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Tajikistan, Thailand, The Former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe

Against:
None

Abstaining:
India

Draft resolution N was adopted by 171 votes to none, with 1 abstention (resolution 49/75 N).

The President (*interpretation from French*): Draft resolution O is entitled "Conventional arms control at the regional and subregional levels". A recorded vote has been requested.

A recorded vote was taken.

In favour:
Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Tajikistan, Thailand, The Former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Vanuatu, Yemen, Zambia, Zimbabwe

Against:
None

Abstaining:
Brazil, Cuba, Ecuador, India, Mexico, Singapore, Venezuela

Draft resolution O was adopted by 164 votes to none, with 7 abstentions (resolution 49/75 O).

The President (*interpretation from French*): Draft resolution P is entitled "Bilateral nuclear-arms negotiations and nuclear disarmament". A recorded vote has been requested.

A recorded vote was taken.

In favour:
Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia,

Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Tajikistan, Thailand, The Former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe

Against:
None

Abstaining:
India

Draft resolution P was adopted by 171 votes to none, with 1 abstention (resolution 49/75 P).

The President (*interpretation from French*): The Assembly turns now to the draft decision recommended by the First Committee in paragraph 61 of its report (A/49/699). The draft decision is entitled "Non-proliferation of weapons of mass destruction and of vehicles for their delivery in all its aspects".

A recorded vote has been requested.

A recorded vote was taken.

In favour:
Afghanistan, Albania, Algeria, Antigua and Barbuda, Argentina, Armenia, Australia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Republic of Korea, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe

Against:
United States of America

Abstaining:
Andorra, Austria, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated

States of), Monaco, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Tajikistan, The Former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Vanuatu

The draft decision was adopted by 123 votes to 1, with 45 abstentions.

The President (*interpretation from French*): I call now on representatives wishing to speak in explanation of vote after the voting.

Mr. Ryberg (Sweden): I wish to explain the vote of my delegation on draft resolution K.

It is a well known fact that for decades Sweden has worked actively and consistently for nuclear disarmament and for an ultimate total ban on nuclear weapons. However, Sweden abstained in the vote on draft resolution K. It is the view of the Swedish Government that, taking into account the recent request made to the International Court of Justice by the World Health Organization on this topic, one further request to the Court would probably cause an unfortunate delay in the ongoing work of the Court on the issue of the legality of the use of nuclear weapons.

On the other hand, if the General Assembly decides to request the Court to render an advisory opinion on the question set out in the draft resolution, it is important that the Court give its opinion without unnecessary delay. Hence Sweden was against the deletion of the word "urgently" from the text of the operative paragraph of draft resolution K.

The Swedish Government is of the opinion that the use of nuclear weapons would not be in compliance with international law and is anxious that the legal situation be clarified by the Court as soon as possible. In this context, the Swedish Government would like to recall that last June Sweden, in connection with the request from the World Health Organization, officially stated to the International Court of Justice that the use of nuclear arms would not be in accordance with international law. This reply was based on a report by the Standing Committee on Foreign Affairs of the Swedish Parliament, approved by Parliament last June.

The Parliament stated, *inter alia*, that ever since the turn of the century there has existed in international law a principle under which belligerents do not have an unrestricted right to choose weapons or methods of combat. In the Parliament's opinion, the use of nuclear weapons would be restricted by the principles of distinction and proportionality under customary international law, as they relate in particular to civilian populations and property, and by other general fundamental legal principles recognized by civilized nations.

The Parliament, in its report, notes further that the principle of proportionality is embodied in the law of the Charter of the United Nations. Reprisals that are disproportionate by comparison with the provocation that preceded them are prohibited. It would be difficult to regard this principle as consistent with the use of nuclear weapons in retaliation against an attack using conventional weapons.

The President *(interpretation from French):* May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 62?

It was so decided.

Agenda item 63

Review and implementation of the Concluding Document of the Twelfth Special Session of the General Assembly: report of the First Committee (A/49/700)

The President *(interpretation from French):* The Assembly has before it five draft resolutions recommended by the First Committee in paragraph 17 of its report.

I shall put the five draft resolutions to the Assembly one by one. After all the decisions have been taken, representatives will have an opportunity to explain their votes.

We turn first to draft resolution A entitled "United Nations Disarmament Information Programme".

The First Committee adopted draft resolution A without a vote. May I take it that the Assembly wishes to do likewise?

Draft resolution A was adopted (resolution 49/76 A).

The President (*interpretation from French*): May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 64 as a whole?

It was so decided.

Agenda item 65

Israeli nuclear armament: report of the First Committee (A/49/702)

The President (*interpretation from French*): The Assembly will now take a decision on the draft resolution recommended by the First Committee in paragraph 8 of its report.

I call on the representative of Botswana for an explanation of vote before the voting.

Mr. Boang (Botswana): Although my delegation will vote in favour of the draft resolution contained in document A/C.1/49/L.11/Rev.1 and in paragraph 8 of document A/49/702, entitled "The risk of nuclear proliferation in the Middle East", we are compelled to doubt the fairness of operative paragraph 1. We would have wished that the paragraph mention by name, if such name-calling was considered necessary, all the States suspected of developing, producing, testing or otherwise acquiring nuclear weapons.

The President (*interpretation from French*): I now put to the vote the draft resolution recommended by the First Committee in paragraph 8 of its report. It is entitled "The risk of nuclear proliferation in the Middle East".

A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Algeria, Azerbaijan, Bahrain, Bangladesh, Benin, Bhutan, Bosnia and Herzegovina, Botswana, Brunei Darussalam, Burkina Faso, Burundi, China, Colombia, Cuba, Democratic People's Republic of Korea, Ecuador, Egypt, Guatemala, Guinea, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kuwait, Lebanon, Lesotho, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Namibia, Niger, Oman, Pakistan, Philippines, Qatar, Republic of Korea, Saudi Arabia, Senegal, Sierra Leone, Sri Lanka, Sudan, Syrian Arab Republic, Thailand, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Zimbabwe

Against:

Israel, Marshall Islands, Micronesia (Federated States of), United States of America

Abstaining:

Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Belarus, Belgium, Belize, Bolivia, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Central African Republic, Chile, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominica, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guyana, Haiti, Honduras, Hungary, Iceland, India, Ireland, Italy, Japan, Kazakhstan, Kenya, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mauritius, Monaco, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Suriname, Sweden, Tajikistan, The Former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Uzbekistan, Vanuatu, Zambia

The draft resolution was adopted by 60 votes to 4, with 100 abstentions (resolution 49/78).

The President (*interpretation from French*): May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 65?

Agenda item 66

Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects: report of the First Committee (A/49/703)

The President (*interpretation from French*): The Assembly will now take a decision on the draft resolution

recommended by the First Committee in paragraph 8 of its report.

The Committee adopted the draft resolution without a vote. May I take it that the General Assembly wishes to do the same?

The draft resolution was adopted (resolution 49/79).

The President (*interpretation from French*): May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 66?

It was so decided.

Agenda item 67

Question of Antarctica: report of the First Committee (A/49/704)

The President (*interpretation from French*): The Assembly will now take a decision on the draft resolution recommended by the First Committee in paragraph 7 of its report.

The First Committee adopted the draft resolution without a vote. May I take it that the General Assembly wishes to do the same?

The draft resolution was adopted (resolution 49/80).

The President (*interpretation from French*): May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 67?

It was so decided.

Agenda item 68

Strengthening of security and cooperation in the Mediterranean region: report of the First Committee (A/49/705)

The President (*interpretation from French*): The Assembly will now take a decision on the draft resolution recommended by the First Committee in paragraph 9 of its report.

The draft resolution was adopted by the First Committee without a vote. May I consider that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 49/81).

The President (*interpretation from French*): May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 68?

It was so decided.

Agenda item 69

Implementation of the Declaration of the Indian Ocean as a Zone of Peace: report of the First Committee (A/49/706)

The President (*interpretation from French*): The Assembly will now take a decision on the draft resolution recommended by the First Committee in paragraph 7 of its report.

A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Algeria, Antigua and Barbuda, Argentina, Armenia, Australia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Panama, Paraguay, Peru, Philippines, Qatar, Republic of Korea, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab

Statement by the President

The President (*interpretation from French*): I wish to welcome the signing by Ukraine of the Treaty on the Non-Proliferation of Nuclear Weapons. I believe that this signature opens a new and historic era in the process of the elimination of nuclear weapons. I wish to congratulate Ukraine's leaders for this courageous act.

The meeting rose at 7.20 p.m.

PART II

A. GENERAL ASSEMBLY RESOLUTION 1653 (XVI)

General Assembly resolution 1653 (XVI) entitled "Declaration on the prohibition of the use of nuclear and thermo-nuclear weapons" (No. 13) was adopted at the Sixteenth Session of the General Assembly on 24 November 1961 under agenda items 73 and 72. The legislative history of the resolution is as follows:

1. On 15 July 1961, the United Kingdom of Great Britain and Northern Ireland and the United States of America requested the inclusion in the agenda of the sixteenth session of the General Assembly of an item entitled "The urgent need for a treaty to ban nuclear weapons tests under effective international control".(A/4799) (No.14)

2. By letters dated 17 and 28 July 1961, India requested the inclusion in the agenda of the sixteenth session of the General Assembly of an item entitled "Continuation of suspension of nuclear and thermo-nuclear tests and obligations of States to refrain from their renewal." (A/4801 and Add.1) (No.15)

3. At its 1014th plenary meeting held on 25 September 1961, the General Assembly included in its agenda the items mentioned above as items 72 and 73 respectively, and at its 1018th plenary meeting on 27 September 1961, the General Assembly allocated the items to the First Committee for consideration and report.

4. At its 1169th meeting on 18 October 1961, the First Committee decided by 83 votes to 10, with 4 abstentions, to list item 73 as the first item on its agenda. At the same meeting, it decided by 54 votes to 13, with 31 abstentions, to list item 72 as the second item on its agenda and to discuss it simultaneously with item 73.

5. Draft resolution (A/C.1/L.292) entitled "Declaration on the prohibition of the use of nuclear and thermo-nuclear weapons" concerning items 73 and 72 was submitted on 24 October 1961 by Ceylon, Ethiopia, Ghana, Indonesia, Libya, Nigeria, Somalia, the Sudan and Tunisia. Guinea, Liberia, and Togo also joined the sponsors (A/C.1/L.292/Add.1-3). (No.16)

6. At the 1189th meeting of the First Committee, on 8 November 1961, Ethiopia introduced draft resolution A/C.1/L.292. (No.17, paragraph 4)

7. Discussion on draft resolution A/C.1/L.292 took place from the 1189th to the 1194th meeting, held between 8 and 14 November 1961. At the 1189th meeting, on 8 November 1961, statements were made by Senegal (No.17, paragraph 5), the

Union of Soviet Socialist Republics (No.17, paragraphs 10 and 13), and Poland (No.17, paragraphs 15 and 18).

8. At the 1190th meeting, on 9 November 1961, statements were made by the United Kingdom (No.18, paragraphs 3 and 6-8), Romania (No.18, paragraph 9), Czechoslovakia (No.18, paragraphs 12 and 13), the United States of America (No.18, paragraph 15), Pakistan (No.18, paragraphs 18 and 19), Iraq (No.18, paragraphs 27 and 28), Cuba (No.18, paragraph 30), and Ivory Coast (No.18, paragraphs 31 and 32).

9. On 9 November 1961, Italy submitted amendments (A/C.1/L.295) to draft resolution A/C.1/L.292. (No.19)

10. At the 1191st meeting, on 10 November 1961, Italy explained its amendments (A/C.1/L.295) to draft resolution A/C.1/L.292 (No.20, paragraphs 1-3) and statements were made by the Dominican Republic (No.20, paragraphs 4 and 7), Ethiopia (No.20, paragraphs 8, 9 and 32), Italy (No.20, paragraphs 10, 28 and 31), Albania (No.20, paragraphs 12-14), Mongolia (No.20, paragraphs 20 and 21), Tunisia (No.20, paragraphs 22, 27, 29 and 30), and Australia (No.20, paragraphs 34, 37 and 38).

11. At the 1192nd meeting of the First Committee, on 10 November 1961, statements were made by the United States (No.21, paragraphs 1-9), the Union of Soviet Socialist Republics (No.21, paragraph 11), Cyprus (No.21, paragraphs 13 and 14), and India (No.21, paragraphs 15 and 16).

12. At the 1193rd meeting of the First Committee, on 13 November 1961, explanations of vote before the vote on the draft resolution and amendments thereto were made by the United Kingdom (No.22, paragraph 4), Hungary (No.22, paragraphs 5 and 6), Japan (No.22, paragraphs 7 and 8), France (No.22, paragraph 9), Burma (No.22, paragraph 12), Brazil (No.22, paragraph 13), Philippines (No.22, paragraphs 14 and 15), Senegal (No.22, paragraph 17), Ireland (No.22, paragraphs 18-20), Afghanistan (No.22, paragraphs 21-23), Sudan (No. 22, paragraphs 24 and 25), Yugoslavia (No. 22, paragraph 26), Italy (No.22, paragraphs 27 and 58), Saudi Arabia (No. 22, paragraph 28), Tunisia (No.22, paragraph 29), the Union of Soviet Socialist Republics (No.22, paragraphs 30 and 32), Peru (No. 22, paragraphs 33 and 34), Argentina (No.22, paragraphs 35 and 36), Uruguay (No.22, paragraphs 37 and 38), Canada (No.22, paragraphs 39-41), Spain (No.22, paragraphs 42-44), Denmark (No.22, paragraphs 45 and 46), China (No.22, paragraphs 47-50), Pakistan (No.22, paragraphs 51-54) and Venezuela (No.22, paragraphs 55-57).

13. At the 1194th meeting of the First Committee, on 14 November 1961, explanations of vote before the vote on the draft resolution and amendments thereto were made by the Union of Soviet Socialist Republics (No.23, paragraphs 1 and 15-16),

Nigeria (No.23, paragraph 6), the United Kingdom (No.23, paragraphs 8-10), Turkey (No.23, paragraphs 11 and 14), Italy (No.23, paragraph 21), Upper Volta (No.23, paragraphs 22 and 25), Colombia (No.23, paragraphs 26 and 27), Dominican Republic (No.23, paragraphs 28 and 29), Cyprus (No.23, paragraphs 30 and 31), and Ethiopia (No. 23, paragraph 32).

14. At its 1194th meeting, on 14 November 1961, the First Committee proceeded to vote on the draft resolution and related amendments. (No.23, paragraph 39)

15. Japan requested a separate vote on the first part of the sixth Italian amendment (see No.19 above). It was voted upon separately and rejected by a roll-call vote of 50 to 25, with 25 abstentions. (No.23, for result of voting see paragraph 39)

16. The remaining Italian amendments were voted upon as a whole and rejected by a roll-call vote of 50 to 28, with 22 abstentions. (No.23, for result of voting see paragraph 40)

17. Draft resolution A/C.1/L.292 was then put to the vote and adopted by a roll-call vote of 60 to 16, with 25 abstentions. (No.23, for result of voting see paragraph 41)

18. The First Committee recommended to the General Assembly the adoption of the draft resolution which was submitted as Draft Resolution II in Part IV of the Report of the First Committee (A/4942/Add. 3). (No.24)

19. The Rapporteur of the First Committee introduced Part IV of the Report of the First Committee at the 1063rd plenary meeting of the General Assembly held on 24 November 1961. (No.25, paragraphs 1 and 2)

20. At the 1063rd plenary meeting of the General Assembly, explanations of vote before the vote on the draft resolution were made by Canada (No.25, paragraphs 4-9), the United States of America (No.25, paragraphs 10-22), the Union of Soviet Socialist Republics (No.25, paragraphs 34-37 and 40-61), the United Kingdom (No.25, paragraphs 70-83), Pakistan (No.25, paragraph 84), Poland (No.25, paragraphs 90 and 96-100), Thailand (No.25, paragraphs 102-105), Spain (No.25, paragraphs 106-109), and Ethiopia (No.25, paragraphs 110-119).

21. At the 1063rd plenary meeting, the General Assembly voted on Draft Resolution II. A vote in parts was requested as well as a roll-call vote on the operative paragraphs and on the draft resolution as a whole. (No.25, paragraphs 122-126) The result was as follows:

Preambular Paragraphs

The first paragraph of the preamble was adopted by 62 votes to none, with 28 abstentions.

The second paragraph of the preamble was adopted by 63 votes to none, with 29 abstentions.

The third paragraph of the preamble was adopted by 63 votes to 1, with 31 abstentions.

The fourth paragraph of the preamble was adopted by 62 votes to none, with 28 abstentions.

The fifth paragraph of the preamble was adopted by 61 votes to 6, with 25 abstentions.

Operative Paragraph 1

Sub-paragraph (a) was adopted in a roll-call vote by 56 votes to 19, with 26 abstentions.

Sub-paragraph (b) was adopted in a roll-call vote by 59 votes to 17, with 19 abstentions.

Sub-paragraph (c) was adopted in a roll-call vote by 63 votes to 12, with 24 abstentions.

Sub-paragraph (d) was adopted in a roll-call vote by 52 votes to 20, with 23 abstentions.

Operative paragraph 1 as a whole was adopted in a roll-call vote by 56 votes to 19, with 26 abstentions.

Operative Paragraph 2

Operative paragraph 2 was adopted in a roll-call vote by 53 votes to 19, with 29 abstentions.

The Draft Resolution

Draft resolution II as a whole was adopted in a roll-call vote by 55 votes to 20, with 26 abstentions. It became General Assembly resolution 1653 (XVI).

22. After the vote, the United States of America (No.25, paragraphs 128-132) and the Union of Soviet Socialist Republics (No.25, paragraphs 134-137) spoke in exercise of their right of reply. Upper Volta spoke in explanation of vote after the vote (No.25, paragraphs 139-142).

B. GENERAL ASSEMBLY RESOLUTION 33/71 B

General Assembly resolution 33/71 B entitled "Non-use of nuclear weapons and prevention of nuclear war" (No. 26) was adopted at the Thirty-third Session of the General Assembly on 14 December 1978 under agenda item 125 entitled "Review of the implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session." The legislative history of the resolution is as follows:

1. The above-mentioned item was included in the provisional agenda of the thirty-third session in accordance with paragraph 115 of the Final Document of the Tenth Special Session of the General Assembly (resolution S-10/2), adopted on 30 June 1978.

2. At its 4th and 5th plenary meetings, on 22 September 1978, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda as item 125 and allocate it to the First Committee.

3. The general debate on item 125 took place at the 4th to 19th meetings, from 16 to 27 October. The views expressed therein are contained in the verbatim records of those meetings (A/C.1/33/PV.4-19).

4. Draft resolution A/C.1/33/L.2 entitled "Non-use of nuclear weapons and prevention of nuclear war" was submitted on 20 October 1978 by Algeria, Argentina, Cyprus, Ethiopia, India, Indonesia, Malaysia, Nigeria and Yugoslavia (No.27). The draft resolution was subsequently also sponsored by Angola, Barbados, Bhutan, Bolivia, Burundi, Colombia, the Congo, Cuba, Ecuador, Egypt, Guinea, Jordan, Liberia, Madagascar, Mali, Mauritius, Morocco, Peru, Romania, Senegal, Sri Lanka, the Syrian Arab Republic, the United Republic of Cameroon, Uruguay and Zaire.

5. At the 18th meeting of the First Committee, on 27 October 1978, India introduced draft resolution A/C.1/33/L.2. (No.28, pages 73-77)

6. As co-sponsor, Ethiopia also made a statement on 27 October 1978 concerning draft resolution A/C.1/33/L.2. (No.29, pages 24-25)

7. At the 51st meeting of the First Committee on 27 November 1978, India orally announced a drafting change to operative paragraph 2 of draft resolution A/C.1/33/L.2. (No.30, pages 51-52)

8. At the 51st meeting, explanations of vote before the vote on the draft resolution, as orally revised, were made by the Union of Soviet Socialist Republics (No.30, pages 53-56), and the United States of America (No.30, pages 56-57).

9. The First Committee adopted the draft resolution, as orally revised, by a recorded vote of 84 to 16, with 18 abstentions. (No.30, for the result of the voting see pages 57-60)

10. At the 51st meeting, explanations of vote after the vote on the draft resolution, as orally revised, were made by China (No.30, pages 58-60), Japan (No.30, page 61), the United Kingdom (No.30, page 61), Finland (No.30, page 62), Sweden (No.30, page 62), and Viet Nam (No.30, pages 63-65).

11. The First Committee recommended to the General Assembly, the adoption of draft resolution A/C.1/33/L.2 which was submitted as Draft Resolution B in paragraph 33 of the Report of the First Committee on item 125 (A/33/461). (No.31)

12. The Rapporteur of the First Committee introduced the Report of the First Committee on item 125 at the 84th plenary meeting of the General Assembly on 14 December 1978. (No.32, paragraphs 54, 70, 73 and 74)

13. Pursuant to Rule 66 of the Rules of Procedure, the Report of the First Committee was not discussed by the General Assembly.

14. At the 84th plenary meeting, there were no speakers who wished to explain their votes on Draft Resolution B. In a recorded vote, Draft Resolution B was adopted by 103 votes to 18, with 18 abstentions (No.32, for the result of the voting see paragraph 221). It became General Assembly resolution 33/71 B.

C. GENERAL ASSEMBLY RESOLUTION 34/83 G

General Assembly resolution 34/83 G entitled "Non-use of nuclear weapons and prevention of nuclear war" (No. 33) was adopted at the Thirty-fourth Session of the General Assembly on 11 December 1979 under agenda item 42 entitled "Review of the implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session." The legislative history of the resolution is as follows:

1. The above-mentioned item was included in the provisional agenda of the thirty-fourth session in accordance with General Assembly resolutions 33/71 B, D, E, F, G, H, J, K, M and N of 14 December 1978.

2. At its 4th plenary meeting, on 21 September 1979, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda as item 42 and to allocate it to the First Committee.

3. At its 3rd meeting, on 1 October, the First Committee decided to hold a combined general debate on the items allocated to it relating to disarmament, namely, items 30 to 45, 120 and 121. The general debate took place at the 4th, 6th, 8th to 13th and 15th to 30th meetings, from 6 October to 5 November. The views expressed therein are contained in the verbatim records of those meetings (A/C.1/34/PV.4, 6, 8-13, and 15-30).

4. In connection with item 42(d), the First Committee had before it the report of the Secretary-General on non-use of nuclear weapons and prevention of nuclear war (A/34/456 and Add.1) (No.34). This report contained the views of 13 States on the non-use of nuclear weapons, avoidance of nuclear war and related matters as requested in operative paragraph 2 of General Assembly resolution 33/71 B of 14 December 1978. (For the relevance of this report, see text of General Assembly resolution 34/83 G in No. 21 above.)

5. Draft resolution A/C.1/34/L.26 entitled "Non-use of nuclear weapons and prevention of nuclear war" was submitted on 15 November 1979 by Argentina, Cyprus, Egypt, Ethiopia, India, Indonesia, Iran, Nigeria, Sri Lanka and Yugoslavia (No.35). The draft was subsequently also sponsored by Qatar and Uruguay.

6. At the 36th meeting of the First Committee, on 16 November 1979, India introduced draft resolution A/C.1/34/L.26. (No.36, pages 31-35)

7. At the 42nd meeting of the First Committee, on 26 November 1979, India orally revised draft resolution A/C.1/34/L.26. (No.37, page 36)

8. At the 42nd plenary meeting, the First Committee proceeded to vote on draft resolution A/C.1/34/L.26. The United States of America requested a recorded vote. The draft resolution, as orally revised, was adopted by a recorded vote of 100 to 16, with 14 abstentions. (No.37, for the result of the voting see page 37)

9. At the 42nd plenary meeting, explanation of vote after the vote on the draft resolution were made by the Union of Soviet Socialist Republics (No.37, pages 38-40), Ireland (No.37, page 41) and Sweden (No.37, page 41).

10. The First Committee recommended to the General Assembly the adoption of draft resolution A/C.1/34/L.26 which was submitted as Draft Resolution G in paragraph 38 of the Report of the First Committee on item 42 (A/34/752). (No.38)

11. The Rapporteur of the First Committee introduced the Report of the First Committee on item 42 at the 97th plenary meeting of the General Assembly on 11 December 1979. (No.39, paragraphs 2-4, 17-18, and 23-24)

12. Pursuant to Rule 66 of the Rules of Procedure, the Report of the First Committee was not discussed by the General Assembly.

13. At the 97th plenary meeting, there were no speakers who wished to explain their votes on Draft Resolution G. In a recorded vote, Draft Resolution G was adopted by 112 votes to 16, with 14 abstentions (No.39, for the result of the voting see paragraph 69). It became General Assembly resolution 34/83 G.

D. GENERAL ASSEMBLY RESOLUTION 35/152 D

General Assembly resolution 35/152 D entitled "Non-use of nuclear weapons and prevention of nuclear war" (No. 40) was adopted at the Thirty-fifth Session of the General Assembly on 12 December 1980 under agenda item 44 entitled "Review of the implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session." The legislative history of the resolution is as follows:

1. The above-mentioned item was included in the provisional agenda of the thirty-fifth session in accordance with General Assembly resolutions 33/71 H (sect. III) and L, 34/83 B, C, D, G, H, I, J and M and decision 34/422.

2. At its 3rd plenary meeting, on 19 September 1980, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda as item 44 and to allocate it to the First Committee.

3. At its 3rd meeting, on 9 October, the First Committee decided to hold a combined general debate on the items allocated to it relating to disarmament, namely items 31 to 49 and 121. This general debate took place at the 4th to 12th and 14th to 28th meetings, from 15 October to 4 November 1980. The views expressed therein are contained in the verbatim records of those meetings (A/C.1/35/PV.4-12 and 14-28).

4. Draft resolution A/C.1/35/L.22 entitled "Non-use of nuclear weapons and prevention of nuclear war" was submitted on 14 November 1980 by Algeria, Angola, Argentina, the Congo, Ethiopia, India, Indonesia, Jamaica, Madagascar, Nigeria, Peru, Romania, Sri Lanka, Uruguay, Yugoslavia and Zaire (No. 41). Bhutan, Costa Rica, Cyprus, Ecuador, Egypt, Malaysia, Qatar and Yemen subsequently joined the sponsors.

5. At the 35th meeting of the First Committee, on 19 November 1980, India introduced draft resolution A/C.1/35/L.22. (No.42, pages 14-18)

6. At the 39th meeting of the First Committee, on 21 November 1980, explanations of vote before the vote on draft resolution A/C.1/35/L.22 were made by Ireland (No. 43, pages 57-65) and Japan (No. 43, pages 63-65).

7. At its 39th meeting, the First Committee voted on draft resolution A/C.1/35/L.22. The draft resolution was adopted by 101 votes to 19, with 15 abstentions. (No. 43, pages 63-65)

8. At the 39th meeting, explanations of vote after the vote on draft resolution A/C.1/35/L.22 were made by the Union of

Soviet Socialist Republics (No.43, page 66), Sweden (No.43, page 67), and Finland (No.43, pages 68-70)

9. The First Committee recommended to the General Assembly the adoption of draft resolution A/C.1/35/L.22 which was submitted as Draft Resolution D in paragraph 27 of the Report of the First Committee on agenda item 44 (A/35/665/Add.1). (No.44).

10. The Rapporteur of the First Committee introduced the Report of the First Committee on agenda item 44 at the 94th plenary meeting of the General Assembly held on 12 December 1980. (No.45, paragraphs 1, 4, 17, 23 and 27)

11. Pursuant to Rule 66 of the Rules of Procedure, the Report of the First Committee was not discussed by the General Assembly.

12. At the 94th plenary meeting, there were no speakers who wished to explain their votes on Draft Resolution D. In a recorded vote, Draft resolution D was adopted by 112 votes to 19, with 14 abstentions (No.45, for the result of the voting see paragraph 108). It became General Assembly resolution 35/152 D.

E. GENERAL ASSEMBLY RESOLUTION 36/92 I

General Assembly resolution 36/92 I entitled "Non-use of nuclear weapons and prevention of nuclear war" (No. 46) was adopted at the Thirty-sixth Session of the General Assembly on 9 December 1981 under agenda item 51 entitled "Review of the implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session." The legislative history of the resolution is as follows:

1. The above-mentioned item was included in the provisional agenda of the thirty-sixth session of the General Assembly in accordance with its resolutions 34/83 K of 11 December 1979 and 35/152 A, B, C, D, E, F, H, I and J of 12 December 1980.

2. At its 4th plenary meeting, on 18 September 1981, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda as item 51 and to allocate it to the First Committee.

3. At its 2nd meeting, on 7 October 1981, the First Committee decided to hold a combined general debate on the items allocated to it relating to disarmament, namely, items 39 to 56, 128 and 135. The general debate took place at the 3rd to 26th meetings, from 19 October to 4 November 1981. The views expressed therein are contained in the verbatim records of those meetings (A/C.1/36/PV.3-26).

4. Draft resolution A/C.1/36/L.29 entitled "Non-use of nuclear weapons and prevention of nuclear war" was submitted on 16 November 1981 by Algeria, Argentina, the Bahamas, Barbados, Bhutan, Colombia, Cyprus, Ecuador, Egypt, Ethiopia, India, Indonesia, Jamaica, Jordan, Madagascar, Malaysia, Nigeria, Peru, Romania, Yemen and Yugoslavia (No.47). Bangladesh, the Congo, Ghana, Guinea, Mali, the Niger, Qatar, Rwanda and Sri Lanka subsequently joined the sponsors.

5. At the 32nd meeting of the First Committee, on 17 November 1981, India introduced draft resolution A/C.1/36/L.29. (No.48, pages 36-40)

6. At its 40th meeting of the First Committee, on 23 November 1981, the First Committee proceeded to vote on draft resolution A/C.1/36/L.29. A recorded vote was requested. The draft resolution was adopted by a recorded vote of 99 to 18, with 5 abstentions. (No.49, for the result of the voting see page 21)

7. At the 40th plenary meeting, explanations of vote after the vote on the draft resolution were made by the German Democratic Republic (No.49, page 22), Sweden (No.49, pages 22-23), and Ireland (No.49, page 23).

8. The First Committee recommended to the General Assembly the adoption of draft resolution A/C.1/36/L.29 which was submitted as Draft Resolution I in paragraph 32 of the Report of the First Committee on agenda item 51 (A/36/752). (No.50)

9. The Rapporteur of the First Committee introduced the reports of the First Committee at the 91st plenary meeting of the General Assembly on 9 December 1981. (No.51, paragraphs 1-3, 6 and 7)

10. Pursuant to Rule 66 of the Rules of Procedure, the Report of the First Committee was not discussed by the General Assembly.

11. At the 91st plenary meeting, there were no speakers who wished to explain their votes before the vote on Draft Resolution I. In a recorded vote, Draft Resolution I was adopted by 121 votes to 19, with 6 abstentions (No.51, for the result of the voting see paragraph 133). It became General Assembly resolution 36/92 I.

12. At the 91st plenary meeting, an explanation of vote after the vote on Draft Resolution I was made by Greece (No.51, paragraphs 146-149).

F. GENERAL ASSEMBLY RESOLUTION 45/59 B

General Assembly resolution 45/59 B entitled "Convention on the prohibition of the use of nuclear weapons" (No. 52) was adopted at the Forty-fifth session of the General Assembly on 4 December 1990 under agenda item 57 entitled "Review and implementation of the concluding document of the twelfth special session of the General Assembly: Convention on the prohibition of the use of nuclear weapons." The text of the draft Convention was annexed to the draft resolution. The legislative history of the resolution is as follows:

1. The above-mentioned item was included in the provisional agenda of the forty-fifth session of the General Assembly in accordance with its resolutions 44/117 A, C, D, E and F of 15 December 1989.

2. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda as item 57 and to allocate it to the First Committee for consideration and report.

3. At its 2nd meeting, on 9 October 1990, the First Committee decided to hold a combined general debate on the disarmament items allocated to it, namely, items 45 to 66. The deliberation on those items took place from the 3rd to the 23rd meetings, from 15 to 30 October. Consideration of and action on draft resolutions on those items took place from the 24th through 39th meetings, from 2 to 16 November. The views expressed therein are contained in the verbatim records of those meetings (A/C.1/45/PV.24-39).

4. Draft resolution A/C.1/45/L.25 entitled "Convention on the prohibition of the use of nuclear weapons" was submitted on 31 October 1990 by Afghanistan, Algeria, Argentina, Bangladesh, Bhutan, Ecuador, Egypt, Ethiopia, India, Indonesia, Madagascar, Malaysia, Viet Nam and Yugoslavia. (No.53)

5. At the 29th meeting of the First Committee, on 7 November 1990, India introduced draft resolution A/C.1/45/L.25. (No.54, pages 11-17)

6. At the 34th meeting of the First Committee, on 12 November 1990, an explanation of vote before the vote on A/C.1/45/L.25 was made by Hungary. (No.55, page 23)

7. At its 34th meeting, the First Committee adopted draft resolution A/C.1/45/L.25 by a recorded vote of 106 to 17 votes, with 10 abstentions. (No.55, for the result of the voting see page 28-30)

8. At the 34th meeting of the First Committee, explanations of vote after the vote on the draft resolution were made by Poland (No.55, page 42), Sweden (No.55, pages 42-43), and China (No.55, pages 46-47)

9. The First Committee recommended to the General Assembly the adoption of draft resolution A/C.1/45/L.25 which was submitted as Draft Resolution B in paragraph 15 of the Report of the First Committee on agenda item 57 (A/45/779). (No.56)

10. The Rapporteur of the First Committee introduced the reports of the First Committee at the 54th plenary meeting of the General Assembly on 4 December 1990. (No.57, pages 3-10)

11. Pursuant to Rule 66 of the Rules of Procedure, the Report of the First Committee was not discussed by the General Assembly.

12. At the 54th plenary meeting, there were no speakers who wished to explain their votes on Draft Resolution B. In a recorded vote, Draft Resolution B was adopted by 125 votes to 17, with 10 abstentions (No.57, for the result of the voting see page 63). It became General Assembly resolution 45/59 B.

G. GENERAL ASSEMBLY RESOLUTION 46/37 D

General Assembly resolution 46/37 D entitled "Convention on the prohibition of the use of nuclear weapons" (No. 58) was adopted at the Forty-sixth session of the General Assembly on 6 December 1991 under agenda item 61 entitled "Review and implementation of the concluding document of the twelfth special session of the General Assembly. The text of the draft Convention was annexed to the draft resolution. The legislative history of the resolution is as follows:

1. The above-mentioned item was included in the provisional agenda of the forty-sixth session of the General Assembly in accordance with its resolutions 44/117 B of 15 December 1989 and 45/59 A, B, C, D and E of 4 December 1990.

2. At its 3rd plenary meeting, on 20 September 1991, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda as item 61 and to allocate it to the First Committee.

3. At its 2nd meeting, on 10 October 1991, the First Committee decided to hold a combined general debate on the disarmament items allocated to it, namely, items 47 to 65. The deliberation on those items took place from the 3rd through 24th meetings, from 14 to 30 October. Consideration of and action on draft resolutions on those items took place from the 25th through 37th meetings, from 4 to 15 November. The views expressed therein are contained in the verbatim records of those meetings (A/C.1/46/PV.25-37).

4. Draft resolution A/C.1/46/L.20 entitled "Convention on the prohibition of the use of nuclear weapons" was submitted on 31 October 1991 by Afghanistan, Algeria, Bangladesh, Bhutan, Ecuador, Egypt, Ethiopia, India, Indonesia, Madagascar, Malaysia, Viet Nam and Yugoslavia. (No.59). Bolivia and the Lao People's Democratic Republic subsequently joined the sponsors.

5. At the 31st meeting of the First Committee, on 7 November 1991, India introduced draft resolution A/C.1/46/L.20. (No.60, pages 20-23)

6. At its 33rd meeting, on 11 November 1991, the First Committee adopted draft resolution A/C.1/46/L.20 by a recorded vote of 96 to 17, with 20 abstentions. (No.61, for the result of the voting see page 13)

7. At its 33rd meeting, explanations of vote after the vote on draft resolution A/C.1/46/L.20 were made by Bulgaria (No.61, pages 31-33), China (No.61, pages 34-36), Czechoslovakia (No.61, pages 36-37), and Finland (No.61, pages 41-42).

8. The First Committee recommended to the General Assembly the adoption of draft resolution A/C.1/46/L.20 which was submitted as Draft Resolution E in paragraph 20 of the report of the First Committee on agenda item 61 (A/46/674). (No.62)

9. The Rapporteur of the First Committee introduced the reports of the First Committee at the 65th plenary meeting of the General Assembly on 6 December 1991. (No.63, pages 3-4 and 6-8)

10. Pursuant to Rule 66 of the Rules of Procedure, the Report of the First Committee was not discussed by the General Assembly.

11. At the 65th plenary meeting, there were no speakers who wished to explain their votes on Draft Resolution E. In a recorded vote, Draft Resolution E was adopted by 122 votes to 16, with 22 abstentions (No.63, for the result of the voting see page 36). It became General Assembly resolution 46/37 D.

1653 (XVI). Declaration on the prohibition of the use of nuclear and thermo-nuclear weapons

The General Assembly,

Mindful of its responsibility under the Charter of the United Nations in the maintenance of international peace and security, as well as in the consideration of principles governing disarmament,

Gravely concerned that, while negotiations on disarmament have not so far achieved satisfactory results, the armaments race, particularly in the nuclear and thermo-nuclear fields, has reached a dangerous stage requiring all possible precautionary measures to protect humanity and civilization from the hazard of nuclear and thermo-nuclear catastrophe,

Recalling that the use of weapons of mass destruction, causing unnecessary human suffering, was in the past prohibited, as being contrary to the laws of humanity and to the principles of international law, by international declarations and binding agreements, such as the Declaration of St. Petersburg of 1868, the Declaration of the Brussels Conference of 1874, the Conventions of The Hague Peace Conferences of 1899 and 1907, and the Geneva Protocol of 1925, to which the majority of nations are still parties,

Considering that the use of nuclear and thermo-nuclear weapons would bring about indiscriminate suffering and destruction to mankind and civilization to an even greater extent than the use of those weapons declared by the aforementioned international declarations and agreements to be contrary to the laws of humanity and a crime under international law,

Believing that the use of weapons of mass destruction, such as nuclear and thermo-nuclear weapons, is a direct negation of the high ideals and objectives which the United Nations has been established to achieve through the protection of succeeding generations from the scourge of war and through the preservation and promotion of their cultures,

1. *Declares* that:

(*a*) The use of nuclear and thermo-nuclear weapons is contrary to the spirit, letter and aims of the United Nations and, as such, a direct violation of the Charter of the United Nations;

(*b*) The use of nuclear and thermo-nuclear weapons would exceed even the scope of war and cause indiscriminate suffering and destruction to mankind and civilization and, as such, is contrary to the rules of international law and to the laws of humanity;

(*c*) The use of nuclear and thermo-nuclear weapons is a war directed not against an enemy or enemies alone but also against mankind in general, since the peoples of the world not involved in such a war will be subjected to all the evils generated by the use of such weapons;

(*d*) Any State using nuclear and thermo-nuclear weapons is to be considered as violating the Charter of the United Nations, as acting contrary to the laws of humanity and as committing a crime against mankind and civilization;

2. *Requests* the Secretary-General to consult the Governments of Member States to ascertain their views on the possibility of convening a special conference for signing a convention on the prohibition of the use of nuclear and thermo-nuclear weapons for war purposes and to report on the results of such consultation to the General Assembly at its seventeenth session.

1063rd plenary meeting,
24 November 1961.

United Kingdom of Great Britain and Northern Ireland and United States of America: request for the inclusion of an item in the provisional agenda of the sixteenth session

[*Agenda item 72*]

[*Original text: English*]
[*15 July 1961*]

LETTER DATED 15 JULY 1961 FROM REPRESENTATIVES OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE UNITED STATES OF AMERICA ADDRESSED TO THE SECRETARY-GENERAL

On the instructions of our respective Governments we have the honour to request that an item entitled "The urgent need for a treaty to ban nuclear weapons tests under effective international control" be included in the agenda of the sixteenth session of the General Assembly.

An explanatory memorandum is attached in accordance with rule 20 of the rules of procedure of the General Assembly.

(*Signed*) P. DEAN
Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations

(*Signed*) Francis T. P. PLIMPTON
Deputy Permanent Representative of the United States of America to the United Nations

Annexes (XVI) 73 and 72

EXPLANATORY MEMORANDUM

1. At its past six sessions, the General Assembly has given serious consideration to the problem of the cessation of nuclear and thermo-nuclear weapons tests. In a number of resolutions—the last of which was adopted on 20 December 1960—the Assembly has recognized the imperative and urgent need for agreement by treaty on such a ban. To this end, it has urged the three States negotiating in Geneva to make every effort to achieve such agreement under conditions of appropriate international control. At the same time, while negotiations were in progress, the General Assembly urged the negotiating States to refrain voluntarily from the testing of nuclear and thermo-nuclear weapons.

2. The United States and the United Kingdom Governments are conscious of their responsibility before the international community and of the importance of a test ban agreement to general world peace and security. For these reasons they have negotiated patiently with the Soviet Union in Geneva for nearly three years to achieve a ban on nuclear weapons tests which would be open for adherence by all States. For these reasons they have refrained from conducting nuclear and thermo-nuclear tests since negotiations commenced in October 1958. During all this period, however, there has been no international verification to ensure that no clandestine nuclear weapons tests are being conducted by any nation. The Soviet Union has steadfastly resisted the adoption of key measures of international control which alone could afford a reasonable degree of assurance to all States that the parties to a treaty are adhering to their obligations. It must be recognized that the voluntary forbearance of the United States and the United Kingdom to conduct nuclear weapons tests, under such conditions, involves a serious risk to their security.

3. In keeping with General Assembly resolution 1578 (XV) of 20 December 1960, the United States and the United Kingdom introduced at Geneva, on 21 March and 29 May 1961, a large number of far-reaching compromise proposals dealing with the principal issues unresolved between them and the Soviet Union. These proposals would not only give the Soviet Union and States associated with it a position of absolute equality with the United States, the United Kingdom and States associated with them on the policy-making control commission and throughout the control system; they would also go as far as possible, consistent with the technical and organizational requirements of effective control, to accommodate Soviet sensitivities on the subject of control. Moreover, the United States and the United Kingdom introduced on 18 April 1961 a complete compromise treaty text which they are prepared to sign immediately or to use as a basis for further serious negotiation. A copy of this treaty was circulated to the Members of the United Nations on 3 June 1961 (A/4772).

4. The Soviet Union, on the other hand, did not heed the counsel of the General Assembly "to make every effort to reach agreement as soon as possible". It has failed to respond constructively to the initiative of its two negotiating partners. It has not introduced a single positive proposal within the past year and a half. Instead, since 21 March 1961, the Soviet Union has retreated from agreements already reached. Its most significant backward step was a new proposal that day-by-day executive authority over the international control system be exercised by a three-member administrative council (including representatives of the two nuclear sides and a neutral representative) which could act only by unanimous consent. This proposal retracted the Soviet Union's earlier agreement on a single administrator, who would be appointed with the concurrence of the Soviet Union, who would carry out the directives of the treaty and of the policy-making control commission, and who would be responsible to, and operate under, the supervision of the control commission. While such a single administrator could take action rapidly and impartially, under the three-man administrative council proposal any action could be blocked, or delayed by any of its members.

5. The Soviet Union justifies its proposal for a three-member administrative council by asserting that "no person can live in a society without being influenced by some ideology or other and by the relationships existing between different groups within that society. That is why there are neutral countries but there are, and can be, no neutral persons."[1]

6. The United States and United Kingdom Governments categorically repudiate any suggestion that there are no people capable of exercising independent judgement on behalf of the international community. Indeed, the whole history of international organizations bears witness to the contrary. The two Governments believe that the Soviet rejection of the idea of an international civil servant acting impartially under guidance from international policy-making organs can only be viewed as an attack upon the executive capacity of any international organization to act effectively.

7. The United States and the United Kingdom reject the Soviet proposal for the appointment of three-man committees, composed of representatives of States or of supposed blocs of States, in which all action would have to be taken by unanimous consent of all three—a further opportunity to add to the many individual vetoes the Soviet has cast in world affairs during the post-war period. They are convinced that all nations which do not wish the domination of great Powers will likewise reject it.

8. The Soviet Union's position is further based on other inadequacies which frustrate the concept of effective international control. Chief among these are: (*a*) the determination to limit inspection of suspicious events in the United States, the United Kingdom and the Soviet Union to three annually; (*b*) the demand for a delay of four years after treaty ratification before control operations could begin; and (*c*) insistence on provisions permitting self-inspection, for example, by turning over direction of all control posts and inspection teams in the Soviet Union to nationals of the Soviet Union. Moreover, in introducing the specious contention that the control arrangements proposed by the United States and the United Kingdom could be misused for espionage purposes, the Soviet Union has not only overlooked the far-reaching safeguards built into these arrangements to obviate any such danger, but has also, in effect, repudiated a control system of the scope recommended by the Geneva conference of experts in August 1958.

9. Confirming its unwillingness to comply with the numerous General Assembly resolutions urging early agreement on a nuclear weapons test ban, the Soviet Union now dismisses the significance of a separate treaty. It proposes instead that a treaty banning nuclear weapons tests should await agreement on, and perhaps indeed implementation of, general and complete disarmament. This proposal reverses the Soviet Union's earlier position; it can only be concluded that this is being done in order to avoid any commitment now on a nuclear weapons test ban to which all States could accede. The United States and the United Kingdom are opposed to delaying a test ban treaty until agreement on total disarmament can be worked out. The Geneva Conference on the Discontinuance of Nuclear Weapons Tests has shown that a treaty under reasonable and effective international controls is possible; before the Soviet Union started reversing its positions, the conference had such a treaty well within its reach. The United States and the United Kingdom believe that the progress made in nearly three years of negotiation should not be given up, but that efforts should continue until an agreement has been reached. They believe that an adequately controlled nuclear weapons test ban agreement concluded at an early time would be of inestimable value for (*a*) halting dangerous proliferation in nuclear weapon capabilities; (*b*) eliminating for ever concern over fall-out; (*c*) providing an agreed first step toward controlled disarmament; and (*d*) generally commencing a process which could build confidence among nations and decrease the danger of war.

10. The present attitude of the Soviet Union, as underlined by recent notes of its Government, does nothing to narrow differences between the two sides; indeed, it has enlarged them. Consequently a serious impasse has been reached. Recognizing the importance of these negotiations to the security and peace of the international community, the Governments of the United States and the United Kingdom believe that the General Assembly should consider at its sixteenth session the critical situation that now confronts the conference. The two Governments are prepared to present a full exposition of their performance in carrying out the General Assembly mandate. It is the hope of both Governments that a treaty for cessation of nuclear weapons tests under adequate international control may yet be achieved and they stand ready to continue negotiations at Geneva to this end. The importance of such an agreement as a first step in reversing the dangerous and burdensome arms race can hardly be overestimated. The nations of the world must take this opportunity of taking a first significant step toward enduring world peace.

[1] Note by the Government of the Soviet Union to the Government of the United States of America, dated 5 July 1961, submitted by the USSR delegation at the 327th meeting of the Geneva Conference on the Discontinuance of Nuclear Weapons Tests (GEN/DNT/113).

India: request for the inclusion of an item in the provisional agenda of the sixteenth session

[*Agenda item 73*]

Document A/4801

Letter dated 17 July 1961 from the representative of India to the Secretary-General

[*Original text: English*]
[*18 July 1961*]

I have the honour, under the instructions of my Government, to propose for inclusion in the provisional agenda of the sixteenth session of the General Assembly the item "Suspension of nuclear and thermo-nuclear tests".

An explanatory memorandum will follow shortly.

(*Signed*) C. S. JHA
Permanent Representative of India to the United Nations

Document A/4801/Add.1

Letter dated 28 July 1961 from the representative of India to the Secretary-General

[*Original text: English*]
[*28 July 1961*]

1. I have the honour to refer to my letter dated 17 July 1961 proposing that the item "Suspension of nuclear and thermo-nuclear tests" be included in the provisional agenda of the sixteenth session of the General Assembly.

2. I have now to request, under the instructions of my Government, that the title of the item should be changed to read as follows:

"Continuation of suspension of nuclear and thermo-nuclear tests and obligations of States to refrain from their renewal".

3. An explanatory memorandum in accordance with rule 20 of the rules of procedure of the General Assembly is attached.

(*Signed*) C. S. JHA
Permanent Representative of India to the United Nations

EXPLANATORY MEMORANDUM

1. At its 960th plenary meeting, on 20 December 1960, the General Assembly adopted two resolutions (resolutions 1577 (XV) and 1578 (XV)) urging the States concerned to continue the present voluntary suspension of nuclear and thermo-nuclear tests. Resolution 1578 (XV) further requested other States to refrain from undertaking such tests. The resolutions referred to the progress that had been made towards agreement regarding the discontinuance of these tests by the parties concerned at the Geneva negotiations and urged the successful completion of their endeavours.

2. Though protracted discussions in Geneva have resulted in agreement in regard to a number of clauses of the proposed draft of a treaty, the negotiations, which were resumed in March 1961, have reached a stalemate which threatens to endanger even the uneasy "moratorium" on these tests. Statements on behalf of the different parties concerned about the possible renewal of tests in case agreement is not reached, as well as the contemplated limitation of the period of moratorium, give cause for serious anxiety.

3. The Government of India, in common with large numbers of Member States as well as an overwhelming volume of world opinion, is deeply concerned at the danger that tests may be conducted either by those observing the present moratorium or by States not yet parties to it. It may still be hoped that the Powers with greater responsibility will find ways and means of implementing the successive resolutions of the United Nations, more particularly General Assembly resolution 1578 (XV). However, the failure to reach agreement and the circumstances which have led to and sustained the stalemate are alarming. They do not at present appear to be amenable to the various efforts at compromise that have been made at Geneva.

4. In view of the technological advances, the spread of the relevant knowledge to an increasingly large number of nations, the continuance of world tensions and the indication of desire on the part of nuclear Powers to renew tests whether or not another country indulges in them, it has become imperative to ensure their prohibition. It is the view of the Government of India that any State which resumes these tests would become primarily responsible for the deterioration of the entire position. They consider it essential not only that the attempts to reach agreement on a treaty be resumed without delay but that, pending such result, the States principally concerned, as well as all other States, should undertake not to contemplate the unilateral resumption of tests. They are convinced that a considered appeal to all States by the Assembly, particularly those most directly concerned, to take no initiative in re-starting nuclear or thermo-nuclear tests would have the overwhelming support of world opinion. It would act as an effective restraint on those who, for whatever reasons, are considering or may consider the resumption of tests unilaterally.

5. The Government of India, therefore, submit for inclusion in the agenda of the sixteenth session of the General Assembly an item embodying these considerations entitled "Continuation of suspension of nuclear and thermo-nuclear tests and obligations of States to refrain from their renewal".

UNITED NATIONS

GENERAL ASSEMBLY

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A/C.1/L.292
24 October 1961

ORIGINAL: ENGLISH

Sixteenth session
FIRST COMMITTEE
Agenda items 73 and 72

CONTINUATION OF SUSPENSION OF NUCLEAR AND THERMO-NUCLEAR TESTS AND OBLIGATIONS OF STATES TO REFRAIN FROM THEIR RENEWAL

THE URGENT NEED FOR A TREATY TO BAN NUCLEAR WEAPONS TESTS UNDER EFFECTIVE INTERNATIONAL CONTROL

Ceylon, Ethiopia, Ghana, Libya, Nigeria, Somalia, Sudan, Tunisia and Indonesia: draft resolution

DECLARATION

The General Assembly,

Mindful of its responsibility under the Charter of the United Nations in the maintenance of international peace and security, as well as in the consideration of principles governing disarmament,

Gravely concerned that while negotiations on disarmament have not, so far, achieved satisfactory results, the armaments race, particularly in the nuclear and thermo-nuclear fields, has reached a dangerous stage requiring all possible precautionary measures to protect humanity and its civilization from the hazard of nuclear and thermo-nuclear catastrophe,

Recalling that the use of weapons of mass destruction, causing unnecessary human suffering was, in the past, prohibited as being contrary to the laws of humanity and to the principles of international law, by international declarations and binding agreement, such as the Declaration of St. Petersburg of 1868, the Declaration of the Brussels Conference of 1874, the Conventions of The Hague Peace Conferences of 1899 and 1907, and the Geneva Protocol of 1925, to which the majority of nations are still parties,

Considering that the use of nuclear and thermo-nuclear weapons would bring about indiscriminate suffering and destruction to mankind and its civilization

to an even greater extent than the use of those weapons declared by the aforementioned international declarations and agreements to be contrary to the laws of humanity and a crime under international law,

Believing that the use of weapons of mass destruction, such as nuclear and thermo-nuclear weapons, is a direct negation of the high ideals and objectives which the United Nations has been established to achieve through the protection of succeeding generations from the scourge of war and through the preservation and promotion of their cultures,

1. Declares:

(a) That the use of nuclear and thermo-nuclear weapons is contrary to the spirit, letter and aims of the United Nations and, as such, a direct violation of the United Nations Charter;

(b) That the use of nuclear and thermo-nuclear weapons would exceed even the scope of war and cause indiscriminate suffering and destruction to mankind and its civilization and, as such, is contrary to the rules of international law and to the laws of humanity;

(c) That the use of nuclear and thermo-nuclear weapons is a war directed not against an enemy or enemies alone but also against mankind in general, since the peoples of the world not involved in such war will be subjected to all the evils generated by the use of such weapons;

(d) That any State using nuclear and thermo-nuclear weapons is to be considered to violate the Charter of the United Nations, to act contrary to the laws of humanity and to commit a crime against mankind and its civilization;

2. Requests the Secretary-General to consult the Governments of Member States to ascertain their views on the possibility of convening a special conference for signing a convention on the prohibition of the use of nuclear and thermo-nuclear weapons for war purposes and to report on the results of such consultation to the seventeenth session of the General Assembly.

UNITED NATIONS

GENERAL ASSEMBLY

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FIRST COMMITTEE
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CONTINUATION OF SUSPENSION OF NUCLEAR AND THERMO-NUCLEAR TESTS AND OBLIGATIONS OF STATES TO REFRAIN FROM THEIR RENEWAL

THE URGENT NEED FOR A TREATY TO BAN NUCLEAR WEAPONS TESTS UNDER EFFECTIVE INTERNATIONAL CONTROL

Ceylon, Ethiopia, Ghana, Libya, Nigeria, Somalia, Sudan, Tunisia and Indonesia: draft resolution

Add Guinea to the list of sponsors of the draft resolution.

UNITED NATIONS

GENERAL ASSEMBLY

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Sixteenth session
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CONTINUATION OF SUSPENSION OF NUCLEAR AND THERMO-NUCLEAR TESTS AND OBLIGATIONS OF STATES TO REFRAIN FROM THEIR RENEWAL

THE URGENT NEED FOR A TREATY TO BAN NUCLEAR WEAPONS TESTS UNDER EFFECTIVE INTERNATIONAL CONTROL

Ceylon, Ethiopia, Ghana, Guinea, Libya, Nigeria, Somalia, Sudan, Tunisia and Indonesia: draft resolution

Add Liberia to the list of sponsors of the draft resolution.

United Nations
GENERAL ASSEMBLY
SIXTEENTH SESSION
Official Records

No 17

FIRST COMMITTEE, 1189th MEETING

Wednesday, 8 November 1961, at 11 a.m.

NEW YORK

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Chairman: Mr. Mario AMADEO (Argentina).

AGENDA ITEMS 73 AND 72

Continuation of suspension of nuclear and thermo-nuclear tests and obligations of States to refrain from their renewal (A/4801 and Add.1, A/C.1/L.291/Rev.1, A/C.1/L.292 and Add.1) (continued)

The urgent need for a treaty to ban nuclear weapons tests under effective international control (A/4799, A/C.1/L.292 and Add.1) (continued)

* * *

4. Mr. GEBRE-EGZY (Ethiopia) said that the draft resolution that now appeared in document A/C.1/L.292 and Add.1 had originally been submitted to the Assembly at its fifteenth session.[1] The purpose of the declaration it embodied was to prohibit the use of nuclear and thermo-nuclear weapons for any reason whatsoever. It did not insist upon the conclusion of a treaty at the present juncture, but its adoption would be an effective first step towards the ultimate prohibition by treaty of the use of nuclear weapons to settle disputes between nations. He urged the Committee to put the draft resolution to the vote as soon as possible.

5. Mr. CISSE (Senegal) said that his delegation, together with a number of other African delegations, had submitted an amendment (A/C.1/L.293 and Add.1 and Add.1/Corr.1) to draft resolution A/C.1/L.291 and Add.1. Now that the sponsors had submitted a revised version (A/C.1/L.291/Rev.1) of that text, he asked for the vote on it to be postponed pending consultation between the sponsors of the amendment. That, however, should not stand in the way of a vote on draft resolution A/C.1/L.292 and Add.1.

* * *

[1] See Official Records of the General Assembly, Fifteenth Session, Annexes, agenda items 67, 86, 69 and 73, document A/C.1/L.254 and Add.1-3.

10. Mr. TSARAPKIN (Union of Soviet Socialist Republics) said that his delegation's attitude to the two draft resolutions before the Committee derived directly from the principles underlying Soviet foreign policy, the main purposes of which were to defend peace, to remove the threat of war and to promote the peaceful coexistence of States with different social systems. The Soviet Union had always supported and would always support any constructive measures having those aims. It believed that a treaty on general and complete disarmament should be concluded without delay, and had frequently made specific proposals to that end—proposals which took into account all the positive elements in the position of the Western Powers. The programme for general and complete disarmament submitted by the Chairman of the Council of Ministers of the USSR, Mr. Khrushchev, at the fifteenth session of the General Assembly[2] would provide a sound basis for agreement; the Soviet Union was ready to sign a treaty of general and complete disarmament providing for the strictest international control immediately. Although that would be the best method of ensuring peace, agreement could also be reached on certain partial measures which would help meanwhile to reduce international tension and increase confidence among States. Accordingly, there could be no doubt that the two draft resolutions now before the Committee would help to strengthen peace on the African continent and to improve the international situation.

* * *

[2] Ibid., document A/4505.

13. As far as draft resolution A/C.1/L.292 and Add.1 was concerned, the declaration it embodied would act as a suitable basis for solving the problem of prohibiting the use of nuclear weapons. The Soviet Union believed, as it always had, that the peoples of the world must be saved from the threat of nuclear war. It had often proposed to the Western Powers that there should be an agreement to ban nuclear weapons, and but for their resistance that problem would have been settled long ago. The Soviet Government's memorandum (A/4892) made the point that a declaration by the nuclear States that they would not use nuclear weapons would help to prepare the ground for a treaty on general and complete disarmament. It should be recalled in that connexion that the Geneva Protocol prohibiting the use of poison gas and bacteriological weapons [3] had proved effective in practice; in the Second World War, in contrast to the First, such weapons had not been used, although they had existed. Thus there was no reason why it should not be possible to prohibit the use of nuclear and rocket weapons, which were even more monstrous, in the same way. His delegation would therefore support draft resolution A/C.1/L.292 and Add.1. Both draft resolutions before the Committee reflected the concern of the peoples of the world at the threat of a nuclear war, and their adoption would be a step towards general and complete disarmament.

...

15. Mr. WINIEWICZ (Poland)

...

18. Draft resolution A/C.1/L.292 and Add.1 constituted a vigorous appeal against the use of nuclear weapons, and had the support of his delegation. It should be pointed out, however, that only general and complete disarmament could finally eliminate the danger of nuclear war.

3/ Protocol prohibiting the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare, opened for signature at Geneva on 17 June 1925 (League of Nations, Treaty Series, vol. XCIV, 1929, No. 2138).

United Nations
GENERAL ASSEMBLY
SIXTEENTH SESSION
Official Records

FIRST COMMITTEE, 1190th MEETING

Thursday, 9 November 1961, at 11 a.m.

NEW YORK

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Chairman: Mr. Mario AMADEO (Argentina).

AGENDA ITEMS 73 AND 72

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The urgent need for a treaty to ban nuclear weapons tests under effective international control (A/4799, A/C.1/849, A/C.1/850, A/C.1/L.292 and Add.1-2) (continued)

. . .

3. Sir Michael WRIGHT (United Kingdom)

. . .

6. Turning to draft resolution A/C.1/L.292 and Add.1-2, he said that an uncontrolled ban on the use of nuclear weapons would be no more effective than the previous uncontrolled moratorium on nuclear testing, which had been cynically disregarded by the Soviet Union. As recently as 5 September, the Chairman of the Council of Ministers of the USSR, Mr. Khrushchev, had said in an interview in Moscow that a pledge to refrain from the use of nuclear weapons would be meaningless since a nuclear Power which felt it was losing a war would unquestionably make use of such weapons; he had gone on to say that only disarmament could ensure world peace. The objectives sought by the sponsors of the draft resolution could be achieved only within the framework of general and complete disarmament carried out in balanced stages and under effective international control, as provided in the joint statement of principles for disarmament negotiations agreed upon by the United States and the Soviet Union (A/4879). He was gratified that the President of Senegal had supported that approach to the problem in his statement to the General Assembly on 31 October (1045th plenary meeting).

7. With regard to the statement in operative paragraph 1 of draft resolution A/C.1/L.292 and Add.1-2 that the use of nuclear weapons would constitute a direct violation of the United Nations Charter, he wished to point out that the Charter recognized the right of individual and collective self-defence, which, in the view of his delegation, implied the right to use whatever degree of force was necessary in order to repel aggression.

8. His delegation would vote against the draft resolution, since it felt that the course of action proposed in it would serve no useful purpose.

9. Mr. MEZINCESCU (Romania) said that his delegation would vote in favour of both draft resolutions before the Committee. He agreed with the United Kingdom representative that the danger of war could be eliminated only within the context of general and complete disarmament. That, however, was no argument against adopting measures calculated to improve the political climate and facilitate the resumption of negotiations on general and complete disarmament; indeed, in view of the deterioration of the international situation and the increased risk of nuclear war, such measures were essential. Although the goal of prohibiting nuclear weapons and eliminating them from the arsenals of States—a goal to which all nations should strive—could be attained only through the implementation of a treaty on general and complete disarmament under strict international control, draft resolution A/C.1/L.292 and Add.1-2, which was essentially a condemnation of nuclear aggression, could help to promote future negotiations with a view to achieving it. The Romanian delegation could not agree with the United Kingdom representative that the draft resolution could serve no useful purpose—though Sir Michael Wright was doubtless reflecting the general NATO view when he assumed a position which amounted to rejecting all measures by the General Assembly likely to reduce international tension and to suggesting that the Assembly should take no steps to improve the international atmosphere, but should merely seek to exacerbate the cold war. The Romanian delegation did not regard the two draft resolutions as a panacea for all the world's ills; it was convinced, however, that they could exert a positive influence on the development of international relations.

. . .

12. Mr. KURKA (Czechoslovakia) said that his Government had always supported proposals for practical measures aimed at lessening international tension, improving relations between States and creating favourable conditions for general and complete disarmament. The socialist countries, desiring as they did to achieve positive results in disarmament negotiations and reduce the danger of nuclear war, had constantly stressed their willingness to carry out such measures immediately; the Soviet Government, for example, had put forward constructive proposals in its memorandum of 26 September 1961 (A/4892).

13. There could be no doubt that adoption of the two draft resolutions before the Committee would help to achieve the aims he had mentioned. To prohibit the use of nuclear weapons would be a step towards prohibiting their manufacture and towards their final elimination from the arsenals of States, which should be carried out within the framework of general and complete disarmament. The fact that the United King-

dom representative had spoken against draft resolution A/C.1/L.292 and Add.1-2 showed that there was still a contradiction between the words and the deeds of the Western Powers in matters of disarmament. The argument that the draft resolution in question would be of no practical value because it made no provision for control could not be accepted. Although general and complete disarmament under effective international control was undoubtedly the most reliable means of eliminating the danger of nuclear war, a convention banning the use of nuclear weapons would certainly help to avert that danger. A comparable agreement, the Protocol prohibiting the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare, opened for signature at Geneva on 17 June 1925,[1] had proved effective in the Second World War. In any case, a convention of the kind envisaged would not oblige countries to undertake any specific measures, so that the question of control was irrelevant. His delegation would support that draft resolution.

15. Mr. DEAN (United States of America) said that the comprehensive plan of general and complete disarmament placed before the General Assembly early in the session (1013th plenary meeting) by the President of the United States, Mr. Kennedy, provided that disarmament should be carried out in stages containing balanced, phased and safeguarded measures, with each measure and stage to be completed in an agreed period of time. That plan provided, in the first stage—in other words, at an earlier stage than in any other plan so far submitted—that States which had not acceded to an effective test-ban treaty should do so, that the production of fissionable materials for use in weapons should be stopped and that agreed initial quantities of fissionable materials from past production should be transferred to non-weapons purposes. The plan further provided that when armaments reached prescribed levels, the armaments in depots should be destroyed or converted to peaceful uses. That was the basic position of the United States Government with respect to nuclear and thermonuclear arms and to the eventual elimination, pursuant to the United States plan of general and complete disarmament, of all nuclear and thermo-nuclear weapons. Moreover, the United States stood ready to sign immediately an effective treaty banning nuclear weapons tests not only in Africa but all over the world.

18. Sir Muhammad Zafrulla KHAN (Pakistan)

19. With regard to draft resolution A/C.1/L.292 and Add.1-2, the aim of which was to eliminate the use of nuclear weapons in case of war, his delegation considered that it could more appropriately be discussed against the background of the question of general and complete disarmament. However, if the Committee should decide that it was relevant to the two items on nuclear tests and should vote on it, Pakistan would support operative paragraph 1, although the drafting of sub-paragraph (a) of that paragraph could be improved on. His delegation found greater difficulty in supporting operative paragraph 2. The paragraph related to one aspect of general and complete disarmament, which should be discussed in its proper context. Yet several representatives—including the representative of the Soviet Union, who had only recently declared that his country would discuss the question of nuclear weapons tests only in the context of general and complete disarmament—were prepared to support the proposal to convene a conference for the purpose of signing a convention prohibiting the use of nuclear weapons in case of war. The best course would be to defer the draft resolution for consideration under the general heading of disarmament; the position might then be clarified. If that course was not followed, Pakistan would abstain on operative paragraph 2.

27. Mr. SULAIMAN (Iraq)

28. His delegation would also support draft resolution A/C.1/L.292 and Add.1-2. The valid drafting criticism of operative paragraph 1 (a) made by the representative of Pakistan might be met by removing the word "letter" or by adding the word "Charter" after the words "United Nations". The deterioration in the international situation was clearly reflected in the resumption of the arms race, and particularly in the renewed competition in nuclear weapons. Yet both sides already possessed enough nuclear weapons to destroy not only each other but most of the rest of the world. The target of such weapons was not armies, but peoples themselves, who were now hostages at the mercy of any potential enemy. The prospect that faced the world was self-annihilation; little progress had been made towards averting that catastrophe since the first atomic bombs had been dropped in 1945. The least that the Assembly could do, therefore, was to adopt a declaration stating that any country which used nuclear weapons was committing a crime against mankind and civilization.

30. Mr. GARCIA INCHAUSTEGUI (Cuba) said that to de-nuclearize Africa would be to decolonize it. Once colonialism disappeared from Africa, no African State would consent to the testing or storing of nuclear weapons on its territory. The colonial Powers had taken to using their colonies for testing in preference to their own territory; his delegation would therefore support draft resolution A/C.1/L.291/Rev.1 and Rev.1/Add.1. It was not enough to put an end to tests, however, since the nuclear Powers already kept vast stockpiles of weapons at their various military bases, many of which were maintained in foreign countries against the wishes of their peoples and Governments. His delegation would accordingly also support draft resolution A/C.1/L.292 and Add.1-2.

31. Mr. USHER (Ivory Coast)

32. His delegation had voted in favour of the suspension of nuclear tests; but it also believed that the use of nuclear weapons should be prohibited, since that would certainly do much more harm than tests alone. It would therefore vote in favour of draft resolution A/C.1/L.292 and Add.1-2. He was glad to note that the proposal had the support of many delegations, and in particular that of the socialist countries, since at one time it had seemed from the statements made by the Powers most concerned that the Committee's labours would be in vain. Operative paragraph 2 was particularly important; if a convention prohibiting the use of nuclear weapons was signed, tests of such weapons would automatically be rendered unnecessary. Thus the draft resolution provided a solution to the problem of tests without linking it to general and complete disarmament. It only remained for the Western Powers to support it.

1/ League of Nations, Treaty Series, vol. XCIV, 1929, No. 2138.

UNITED NATIONS

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Sixteenth session
FIRST COMMITTEE
Agenda items 73 and 72

CONTINUATION OF SUSPENSION OF NUCLEAR AND THERMO-NUCLEAR TESTS AND OBLIGATIONS OF STATES TO REFRAIN FROM THEIR RENEWAL

THE URGENT NEED FOR A TREATY TO BAN NUCLEAR WEAPONS TESTS UNDER EFFECTIVE INTERNATIONAL CONTROL

Italy: amendments to draft resolution A/C.1/L.292 and Add.1-3
Ghana, Guinea, Indonesia, Liberia, Libya, Nigeria, Somalia, Sudan, Togo, and Tunisia

"1. In the fifth preambular paragraph, reading as follows:

"'*Believing* that the use of weapons of mass destruction, such as nuclear and thermo-nuclear weapons, is a direct negation of the high ideals and objectives which the United Nations has been established to achieve through the protection of succeeding generations from the scourge of war and through the preservation and promotion of their cultures,'

"insert the words 'contrary to the Charter of the United Nations' after the words 'such as nuclear and thermo-nuclear weapons'.

"2. In operative paragraph 1 (*a*), insert at the beginning the words 'The threat or use of armed force, including'; and insert the words 'in any manner contrary to the Charter of the United Nations' after the words 'thermo-nuclear weapons'.

"3. In operative paragraph 1 (*b*), insert at the beginning the word 'Accordingly'; and insert the words 'contrary to the Charter of the United Nations' after the words 'thermo-nuclear weapons'.

"4. In operative paragraph 1 (*c*), insert at the beginning the word 'Accordingly'; and insert the words 'contrary to the Charter of the United Nations' after the words 'thermo-nuclear weapons'.

"5. In operative paragraph 1 (*d*), insert the words 'contrary to the Charter of the United Nations' after the words 'thermo-nuclear weapons'; and delete the words 'as violating the Charter of the United Nations.'.

"6. In operative paragraph 2, substitute the words '*to consider the means of prohibiting*' for the words 'for signing a convention on the prohibition of'; and insert the words 'contrary to the Charter of the United Nations' after the words '*for war purposes*'."

United Nations
GENERAL ASSEMBLY
SIXTEENTH SESSION
Official Records

FIRST COMMITTEE, 1191st MEETING

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NEW YORK

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AGENDA ITEMS 73 AND 72

Continuation of suspension of nuclear and thermo-nuclear tests and obligations of States to refrain from their renewal (A/4801 and Add.1, A/C.1/L.291/Rev.1 and Rev.1/Add.1-2, A/C.1/L.292 and Add.1-3) (continued)

The urgent need for a treaty to ban nuclear weapons tests under effective international control (A/4799, A/C.1/L.292 and Add.1-3) (continued)

1. Mr. MARTINO (Italy), explaining his delegation's amendments (A/C.1/L.295) to draft resolution A/C.1/L.292 and Add.1-3, said the Soviet representative had stated at the 1189th meeting that since the uncontrolled and unverified ban on chemical and bacteriological warfare embodied in the Geneva Protocol of 1925 had been observed, there was no reason to believe that a similar ban on nuclear weapons would not also be effective. However, the analogy was a poor one. The belligerents in the Second World War had known that the use of chemical and bacteriological weapons would not have proved decisive and would merely have provoked immediate retaliation; the ban had been observed out of self-interest rather than humanitarianism. Nuclear weapons, on the other hand, appeared to offer the opportunity of total victory over an enemy. Furthermore, the use of nuclear weapons by one Power would compel other Powers to use them, and as the Chairman of the Council of Ministers of the USSR, Mr. Khrushchev, had stated in an interview in Moscow on 5 September, a nuclear Power which believed itself to be losing a war would unquestionably make use of its nuclear weapons. Hence, the banning of nuclear weapons could be accomplished only within the framework of a disarmament programme based on the principles agreed upon by the United States and the Soviet Union in September 1961 (A/4879).

2. The amendments proposed by his delegation would strengthen the draft resolution's condemnation of the use of nuclear weapons by proclaiming that their use was contrary to the United Nations Charter. However, it was to be hoped that the consultations referred to in operative paragraph 2 would help to bring about early agreement on general and complete disarmament.

3. If its amendments were adopted, his delegation would support the draft resolution.

4. Mr. SANCHEZ Y SANCHEZ (Dominican Republic) . . .

7. The Dominican Republic would vote in favour of draft resolution A/C.1/L.292 and Add.1-3.

8. Mr. GEBRE-EGZY (Ethiopia) said that the effect of the amendments proposed by Italy would be to authorize the use of nuclear weapons on the pretext of self-defence; they were thus in direct conflict with the draft resolution. The Italian representative had contended that the United Nations Charter permitted nuclear war under certain circumstances. That was not so: the Charter did not permit war, least of all nuclear war. The right of self-defence could not be cited as justification for the use of weapons which could wipe out whole areas of the world. Notwithstanding the remarks of the Italian representative, the Geneva Protocol of 1925, as also the other instruments referred to in the third preambular paragraph of draft resolution A/C.1/L.292 and Add.1-3 and the Convention on the Prevention and Punishment of the Crime of Genocide,[1] had been inspired by humanitarian rather than purely practical considerations and had contained specific prohibitions of the use of weapons of mass destruction. In 1946, both the United States, in the Baruch Plan for nuclear control,[2] and the Soviet Union, in the draft convention which it had proposed,[3] had called for the banning of nuclear weapons because of their indiscriminate nature.

1/ See General Assembly resolution 260 (III).

2/ See Official Records of the Atomic Energy Commission, First Year, No. 1, 1st meeting, pp. 4-14.

3/ Ibid., No. 2, 2nd meeting, pp. 26-28.

9. Inasmuch as the Italian amendments would completely alter the meaning of the draft resolution sponsored by his own and eleven other delegations (A/C.1/L.292 and Add.1-3), he would vote against them, and if they were adopted would vote against the draft resolution.

10. Mr. MARTINO (Italy), replying to the Ethiopian representative, said that far from stating that the United Nations Charter permitted the use of nuclear weapons, he had condemned the use of such weapons precisely because it was contrary to the letter and spirit of the Charter.

* * *

12. Mr. BUDO (Albania) said that his delegation welcomed both the draft resolutions before the Committee and considered that their adoption would help to reduce international tension and increase confidence between States, which in turn would facilitate the conclusion of an agreement on general and complete disarmament, the crucial problem of the present day. His Government had always supported similar constructive proposals. Not only was it opposed to nuclear tests and the maintenance of atomic bases on foreign territory, but it was in favour of the destruction of existing stockpiles and the prohibition of nuclear weapons production. It would be recalled in that connexion that two years ago Albania, together with the Soviet Union, had proposed that the Balkans and the Adriatic should be declared a zone free from atomic weapons and rockets.[4] His delegation was also in favour of nuclear-free zones in Central Europe, the Pacific and Africa.

13. If his delegation had not supported the two draft resolutions already adopted by the Committee it was because the negative attitude shown by the United States in the Geneva negotiations indicated that the problem of nuclear tests could be solved only within the framework of an agreement on general and complete disarmament. The purpose of the United States and the United Kingdom in submitting draft resolution A/C.1/L.280 had been to distract attention from the problem of disarmament. They wished to have a free hand to continue the arms race and war preparations, as could be seen from recent statements by United States statesmen that their country intended to achieve nuclear superiority in all fields. As long as they pursued that policy, the threat of a nuclear war would continue. If the Western Powers really wanted nuclear tests to be prohibited, they should respond to the Soviet Union's proposals for an agreement on general and complete disarmament.

14. His delegation would vote for both draft resolutions now before the Committee.

* * *

20. Mr. TSEVEGMID (Mongolia)

* * *

21. Since the aim of its foreign policy was to strengthen peace throughout the world, Mongolia would also support draft resolution A/C.1/L.292 and Add.1-3.

[4] See Official Records of the General Assembly, Fourteenth Session, Plenary Meetings, 816th meeting, paras. 125-127.

22. Mr. BOUZIRI (Tunisia)

* * *

27. The draft resolution sponsored by twelve African and Asian States (A/C.1/L.292 and Add.1-3) was intended as a moral condemnation of nuclear war. It reflected the feelings of peoples all over the world. Its approach to the question was a moral, not a political one. The imperfections in its drafting could easily be remedied, and should not deter delegations from joining in what was basically an appeal to the General Assembly to declare the use of nuclear weapons to be morally reprehensible. While it could of course be argued that the declaration should be considered under the heading of disarmament, it dealt with a pressing question and, like the resolutions calling for a moratorium on nuclear tests and a test ban treaty, warranted separate discussion: in a tense international situation in which threats were being uttered by each side in response to the alleged war preparations of the other, the adoption of a declaration outlawing the use of nuclear weapons became a matter of urgency. Tunisia regretted that the Italian delegation had seen fit to submit amendments to the draft resolution which had the effect of distorting its essential sense. By injecting the question of the right of self-defence, an attempt was being made to move the declaration from the moral to the political level. The Italian amendments substantially weakened the text, and he appealed to the Italian delegation to withdraw them.

28. Mr. MARTINO (Italy) asked the Tunisian representative in what way the Italian amendments distorted the sense of draft resolution A/C.1/L.292 and Add.1-3. The Italian delegation felt that the amendments would on the contrary strengthen the resolution.

29. Mr. BOUZIRI (Tunisia) said that the Ethiopian representative had effectively set forth the Tunisian delegation's objections to the amendments, which were so numerous and tended to make the text of the draft resolution so unwieldy that their purpose could only be to distort its meaning.

30. He wished to state that it was proper, under certain circumstances, to exercise the right of self-defence; in fact, the African continent should be encouraged to exercise that right at the present time. However, there was no need to refer to the right of self-defence in draft resolution A/C.1/L.292 and Add.1-3, which was designed to condemn the use of nuclear weapons under all circumstances.

31. Mr. MARTINO (Italy) observed that his delegation's amendments (A/C.1/L.295) contained no reference to the right of self-defence.

32. Mr. GEBRE-EGZY (Ethiopia) said that, since the Italian representative now disclaimed any intention of invoking the issue of self-defence and had thus in effect accepted the thesis that nuclear war was not permissible under any circumstances, the Italian amendments no longer served any purpose.

34. Mr. PLIMSOLL (Australia) observed that the two draft resolutions before the Committee brought into focus the great problem of the United Nations: how to go beyond mere expressions of aspirations and principles and institute concrete and effective measures for abolishing not merely nuclear war, but war in general.

...

37. Draft resolution A/C.1/L.292 and Add.1-3 sought to outlaw nuclear weapons; but there were other weapons of mass destruction—for example, bacteriological weapons—which might be equally horrible in effect and scale, and the destructiveness even of conventional weapons tended to be underestimated. Moreover, the draft resolution was not practical. Nuclear weapons existed; the defence policy of several great Powers was based on the nuclear deterrent, and even if the draft resolution was adopted by an overwhelming majority, none of the nuclear Powers would destroy its nuclear weapons, halt production of them or cease to base its defence policy on the possibility of using them or of their being used by other great Powers. The Soviet Union had threatened, for example, that its nuclear weapons could wipe out whole cities or whole countries; but it also no doubt took into account the capacity of other countries to devastate its own national territory. The prospect was a horrible one; however, its horror was created not merely by the existence of nuclear weapons but by the very possibility of war. Consequently, the draft resolution, by disregarding great Power policies as they were likely to exist for some time, was unrealistic and might even stand in the way of endeavours to reach agreement on disarmament.

38. Australia would support the Italian amendments (A/C.1/L.295) because they took the declaration embodied in draft resolution A/C.1/L.292 and Add.1-3 as far as a declaration could go. But the Assembly should be aiming at other forms of action: binding agreements and detailed understandings, to be worked out in the various disarmament bodies. It should be considering the priorities to be given to nuclear weapons and detailed measures to prevent their use, including the desirability of demilitarized or denuclearized zones in many parts of the world. The primary aim of all States, however, should be to do everything possible in their national and international policies to prevent the outbreak of war anywhere: for in the event of war each side would be tempted to use whatever weapons it had at its disposal, including nuclear weapons.

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GENERAL ASSEMBLY
SIXTEENTH SESSION
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FIRST COMMITTEE, 1192nd MEETING

Friday, 10 November 1961, at 4.30 p.m.

NEW YORK

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Chairman: **Mr. Mario AMADEO (Argentina).**

AGENDA ITEMS 73 AND 72

Continuation of suspension of nuclear and thermo-nuclear tests and obligations of States to refrain from their renewal (A/4801 and Add.1, A/C.1/L.291/Rev.1 and Rev.1/Add.1-3, A/C.1/L.292 and Add.1-3) (continued)

The urgent need for a treaty to ban nuclear weapons tests under effective international control (A/4799, A/C.1/L.292 and Add.1-3) (continued)

1. Mr. DEAN (United States of America) said that he wished first to emphasize that his delegation appreciated and respected the motives of the sponsors of the twelve-Power draft resolution (A/C.1/L.292 and Add.1-3).

2. He noted, however, that the draft resolution neglected to mention the elementary right of self-defence reserved to all States under the Charter of the United Nations. In that connexion, it was relevant to recall the reply given on 5 August 1961 by the Chairman of the Council of Ministers of the USSR, Mr. Khrushchev, to a correspondent of The New York Times, who had asked him whether the Soviet Union was prepared to declare that it would never be the first nation to employ nuclear weapons in a war. Mr. Khrushchev had replied that anyone who made such a statement, even in all sincerity, might find his words belied by events, for should there be a war and one side felt that it was losing, it would undoubtedly use its nuclear bombs.

3. Mr. Khrushchev had gone on to say that world peace should be assured not by undertakings to refrain from the use of nuclear weapons, but by a radical solution of the cardinal issues, the best guarantee of peace being the destruction of armaments and the elimination of armies—in other words, disarmament. On that fundamental question, the United States agreed with the Soviet Union, as had been demonstrated by the President of the United States, Mr. Kennedy, when he had submitted to the General Assembly (1013th plenary meeting) a programme for general and complete disarmament. The ultimate aim of the United States was to bring about a free, secure and peaceful world of independent States adhering to common standards of justice and international conduct and subjecting the use of force to the rule of law, a world in which complete disarmament would be achieved under effective international control. In order to fulfil that objective, the United States was advocating a series of specific measures, including the disbanding of all national armed forces, the elimination of all armaments, including weapons of mass destruction and the means of their delivery, the institution of effective means for the enforcement of international agreements and the settlement of disputes, and the establishment, within the framework of the United Nations, of an international disarmament organization to ensure effective compliance with disarmament measures.

4. In the first stage of the plan proposed by the United States, all States would adhere to a treaty effectively prohibiting the testing of nuclear weapons. The production of fissionable materials for use in weapons would be stopped and the reconversion of existing stocks would be undertaken. States owning nuclear weapons would be called upon not to relinquish control of such weapons to any nation which did not possess them and the latter would undertake not to attempt to obtain such weapons. A commission of experts would be established from the outset to report on the feasibility of the verified reduction and eventual elimination of nuclear weapons stockpiles.

5. In the second stage, there would be further substantial reductions in the armed forces and armaments of States, including strategic nuclear weapons and countering weapons. In the third stage, States would retain only those forces and non-nuclear armaments required to maintain internal order; they would also support and provide agreed manpower for a United Nations peace force. The manufacture of armaments would be prohibited, except for those to be used by the United Nations peace force and those required to maintain internal order. All other armaments would be destroyed or converted to peaceful purposes.

6. Nevertheless, pending the achievement of general and complete disarmament—and the United States pledged itself to exert every effort towards that end—that is, until a peaceful world was established with appropriate machinery for settling all disputes by peaceful means, within the framework of the United Nations Charter, no State could abrogate its right of self-defence, recognized in Article 51 of the Charter. There was nothing in that Article which limited the right of individual or collective self-defence or stated what type of forces or armaments might be used in repelling an individual or collective armed attack. Indeed, it would be suicidal to impose such a limitation, for an aggressor might arm itself with weapons which the intended victim might not have.

7. Conversely, any use of armed force in a manner contrary to the United Nations Charter should not be

sanctioned, directly or indirectly, by a declaration referring exclusively to a particular weapon. Moreover, the United States was against the use of all force when it was contrary to the United Nations Charter. In the twelve-Power draft resolution, it was proposed to outlaw only the use of nuclear and thermonuclear weapons, which would appear to indicate that the use of other types of force, even in violation of the Charter, might be deemed acceptable. For those reasons, the United States would be compelled to vote against the draft resolution in its unamended form.

8. The amendments submitted by the Italian delegation (A/C.1/L.295) introduced new elements which the United States Government deemed appropriate. As amended, the draft resolution would condemn not only the use of nuclear weapons, but the use of any armed force contrary to the Charter. Accordingly, the United States delegation supported the Italian amendments. If they were adopted—and he sincerely hoped they would be—it would vote in favour of the draft resolution as amended.

9. The declaration under consideration was not a final or complete solution of the problem of the illegal use of force. The problem could be solved only by a general disarmament agreement which would secure the replacement of the use of armed force by adequate peace-keeping machinery under the rule of law. Thus it was only by adopting a plan for general and complete disarmament, such as that proposed by the United States, that it would be possible to bring about the abolition of all illegal use of force, not only in Africa but throughout the world. In the first stage of that plan, States would reaffirm their obligations under the United Nations Charter to refrain from the threat or use of any type of armed force contrary to the principles of the Charter.

...

11. Mr. TSARAPKIN (Union of Soviet Socialist Republics), exercising his right of reply, pointed out that the question asked by the correspondent of The New York Times to which the United States representative had referred had called for a unilateral pledge by the Soviet Union that it would not be the first nation to use nuclear weapons. The twelve-Power draft resolution, however, called for an international convention binding all States to refrain from the use of nuclear weapons. Hence, the statement quoted by the United States representative had no relation to the question before the Committee.

...

13. Mr. ROSSIDES (Cyprus)

...

14. Referring to the twelve-Power draft resolution (A/C.1/L.292 and Add.1-3), he stated that Cyprus was firmly opposed to war, in particular to nuclear war, and appreciated the motives of the sponsors. The draft resolution, however, dealt only with the prohibition of the use of nuclear weapons in war and made no reference to the outlawing of nuclear weapons tests in peacetime. The sponsors could have either included a reference to tests in their draft resolution or reserved the latter for discussion in connexion with the disarmament item. Nevertheless, despite that procedural aspect, the Cypriot delegation would support the draft resolution.

15. Mr. CHAKRAVARTY (India)

...

16. With regard to the twelve-Power draft resolution, his delegation did not see how it was contrary to the spirit of the United Nations Charter and, specifically, to Article 51. The sponsors were not seeking to impair the natural right of States to self-defence; they simply considered, for the reasons given in the preamble to the draft resolution, that nuclear weapons should never be used, even in self-defence. The Italian amendments would therefore appear to go against the very spirit of the draft resolution. The Indian delegation would not, therefore, be able to support them, but would vote in favour of the draft resolution as it stood.

United Nations
GENERAL ASSEMBLY
SIXTEENTH SESSION
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FIRST COMMITTEE, 1193rd MEETING

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NEW YORK

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The urgent need for a treaty to ban nuclear weapons tests under effective international control (A/4799, A/C.1/L.292 and Add.1-3) (continued)

. . .

2. The CHAIRMAN said that there were no more speakers in the debate on the two draft resolutions before the Committee, and that he would call upon representatives who had asked to explain their votes.

. . .

4. Sir Michael WRIGHT (United Kingdom) wished to explain the United Kingdom's vote on the twelve-Power draft resolution (A/C.1/L.292 and Add.1-3). His delegation welcomed the amendments submitted by Italy (A/C.1/L.295) because they brought the declaration into conformity with the United Nations Charter. If those amendments were adopted, his delegation would support the draft resolution as amended. If, on the other hand, the amendments were not adopted, it would regretfully have to vote against the draft resolution. By voting against it, the United Kingdom delegation would not be voting against the elimination of all stockpiles of nuclear weapons or against the cessation of the production of such weapons. Those measures were an essential part of the programme for general and complete disarmament submitted by the United States, which the United Kingdom was eager to see adopted.

5. Mr. LORINC (Hungary)

. . .

6. If the twelve-Power draft resolution was adopted and implemented, it would be an important advance towards the final abolition of nuclear weapons. The Hungarian delegation would therefore vote for it. On the other hand, it would vote against the Italian amendments, for the reasons already explained by the representative of Ethiopia.

7. Mr. OKAZAKI (Japan) said that he would vote for the twelve-Power draft resolution because the disaster of nuclear warfare must be prevented by all means and the adoption of a resolution along those lines might have a stimulating effect on the efforts being made to achieve nuclear disarmament. However, Japan was not abandoning its basic position on disarmament in general. It continued to maintain that every disarmament measure should be accompanied by effective international control and inspection. The adoption of the declaration would not in any way reduce the necessity of tackling the problem of nuclear disarmament, and should be followed by sincere efforts to reach agreement on more complete measures in the field of nuclear disarmament.

8. The Japanese delegation understood the considerations which had prompted the Italian delegation to submit its amendments (A/C.1/L.295). However, it believed that special importance should be attached to measures designed to avert the threat of a nuclear war. It would therefore abstain in the vote on the amendments. In that connexion, he requested a separate vote on the first part of the sixth amendment, reading "Substitute the words 'to consider the means of prohibiting' for the words 'for signing a convention on the prohibition of'". If a separate vote was taken, the Japanese delegation would vote in favour of that part of the amendment.

9. Mr. LEGENDRE (France) said he recognized that the principles underlying the declaration in the twelve-Power draft resolution were generous ones, but questioned whether such a declaration represented an appropriate and effective approach to the basic problems facing the Committee: to reduce international tension and to make gradual progress towards real disarmament. In the present-day world, a world in which undertakings made one day were suddenly withdrawn the next, to try to begin with measures involving purely moral obligations, without controls or sanctions, might well have the effect of intensifying mistrust and increasing tension. The French delegation therefore hoped that the Committee would return to real disarmament measures accompanied by effective international control and would not allow itself to be diverted from that course. Moreover, the references that had been made to The Hague Convention of 29 July 1899 and to the Geneva Protocol of 27 June 1925 prohibiting the use of chemical and bacteriological weapons had been misjudged; those weapons were too different from present-day nuclear weapons to bear comparison with them. In the view of the French Government, as it had been stated by the representative of France at the fourteenth session (1030th meeting), solemn but unverifiable moral prohibitions left distrust in existence, and such declarations should be included in an over-all plan only when other measures, themselves controllable and controlled, had contributed to re-establishing a minimum of international confidence.[1] For those reasons, the French delegation would vote against the declaration, which, while well intentioned, was actually pointless and illusory. If, however, the draft resolution was amended so as to bring the problem back into line with the United Nations Charter and the right of self-defence, or if it was supplemented so as to provide for international control within the framework of a disarmament plan, the French delegation might be able to support it as amended.

* * *

12. U ON SEIN (Burma) said that Burma had always opposed tests of nuclear and thermo-nuclear weapons, wherever they might be carried out. He therefore appreciated the anxiety which had prompted the African States to urge that their continent should be regarded as a denuclearized zone. Consequently, his delegation would vote for the fourteen-Power draft resolution. For similar reasons, it would vote for the twelve-Power draft resolution. However, it would be unable to support the Italian amendments to the latter.

13. Mr. DE MELO FRANCO (Brazil) said that he would vote for the fourteen-Power draft resolution, since his delegation felt that the nuclear neutralization of a continent like Africa could only serve to promote the cause of peace and to eliminate at least one source of international friction. On the other hand, it would be obliged to abstain from the vote on the twelve-Power draft resolution, for it believed that the question dealt with in that draft resolution could more properly be considered within the framework of general and complete disarmament. The Italian amendments did not alter that aspect of the matter.

1/ See Official Records of the General Assembly, Fourteenth Session, Annexes, agenda item 70, document A/C.1/821, para. 22.

14. Mr. DELGADO (Philippines) said that he would vote for the two draft resolutions despite their deficiencies of form and, to some extent, substance. His delegation particularly supported operative paragraph 1 (c) of the twelve-Power draft resolution (A/C.1/L.292 and Add.1-3), for a nuclear war would clearly be directed against mankind in general, in view of the volume of fall-out that would result and the genetic effects of radiation.

15. The convening of a special conference to sign a convention prohibiting the use of nuclear and thermo-nuclear weapons for war purposes might provide a solution to the problem. Such a prohibition would, of course, have to be subject to effective international control and inspection, in accordance with the two resolutions on that subject already adopted by the General Assembly.

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17. Mr. CISSE (Senegal) It would also vote for the twelve-Power draft resolution since it was opposed to war and therefore, a fortiori, to the use of nuclear and thermo-nuclear weapons for war purposes. For similar reasons, his delegation would vote against the Italian amendments.

18. Mr. RONAN (Ireland)

* * *

19. Although the twelve-Power draft resolution (A/C.1/L.292 and Add.1-3) contained some elements which were acceptable, his delegation seriously doubted the value of a declaration of that kind. Since the leaders of the major Powers had indicated that they would not hesitate to use their most powerful weapons if their vital interests were seriously threatened, the proposed declaration would be of little practical value and might create a false sense of security. His delegation would therefore be obliged to vote against sub-paragraphs (a), (b) and (c) of operative paragraph 1 and, if they were adopted, against the draft resolution as a whole. It would abstain from the vote on certain other parts of the draft resolution.

20. The Italian amendments (A/C.1/L.295) did not greatly alter the fundamental view of his delegation as to the value of a declaration of the kind proposed. Although the amendments were unexceptionable in themselves, they would detract from the value of the declaration and, in many instances, result in tautology. For example, they would cause operative paragraph 1 (a) to state that action contrary to the United Nations Charter was a violation of the Charter. His delegation would therefore abstain in the vote on the amendments and if they were adopted would also be obliged to abstain in the vote on the twelve-Power draft resolution as a whole.

21. Mr. PAZHWAK (Afghanistan) said that he would vote against the Italian amendments (A/C.1/L.295) while bearing in mind the traditional friendly relations existing between Afghanistan and Italy. He viewed the amendments as an attack on the form and substance of the twelve-Power draft resolution and said that their adoption would make the proposal meaningless and useless.

22. The insertion of the phrase "contrary to the United Nations Charter" in the draft resolution left open the possibility of interpreting the Charter as allowing war, even nuclear war, in certain circumstances; since the Charter did not allow war but, on the contrary, prohibited it, the amendments attacked not only the basis of the draft resolution but the Charter itself.

23. The vote of Afghanistan against the Italian amendments was intended to protect the purpose of the draft resolution and defend the purposes of the United Nations Charter.

24. Mr. ADEEL (Sudan), discussing the Italian amendments as one of the sponsors of the twelve-Power draft resolution, said that they were intended to incorporate in the declaration the arguments concerning the principle of self-defence which had been advanced in particular by the United Kingdom and United States delegations. Those arguments were unquestionably valid in their proper context, but what was involved in the present instance was a war against all mankind.

25. The Italian delegation proposed, in particular, that the words "to violate the Charter of the United Nations" in operative paragraph 1 (d) should be deleted. Thus altered, that vital portion of the declaration would lose its present profound significance; if the amendment was adopted, his delegation would be obliged to vote against the draft resolution as a whole. The fact that the United States representative had stated (1192nd meeting) that his delegation would vote in favour of the draft resolution only if the Italian amendments were adopted confirmed the validity of the apprehensions aroused by the Italian amendments.

26. Mr. NINCIC (Yugoslavia) said that he would vote for the two draft resolutions. However, if the Italian amendments were adopted, he would be obliged to vote against the twelve-Power draft declaration as a whole, since the declaration was designed to outlaw the use of nuclear weapons as contrary to the spirit, letter and aims of the Charter of the United Nations, whereas the changes proposed by Italy would have the effect of sanctioning the use of those weapons.

27. Mr. ZOPPI (Italy) said he was convinced that it was essential to act within the framework of the Charter; it was therefore dangerous to isolate the problem of nuclear weapons from the principles of the Charter relating to the use of force in any form. Although the sponsors of the draft declaration (A/C.1/L.292 and Add.1-3) were acting out of praiseworthy motives, a ban on the use of nuclear weapons would have more likelihood of being effective if it was closely linked with a programme of general and complete disarmament embodying adequate safeguards. His delegation therefore felt that the declaration should be considered within the framework of disarmament; if, however, that was not possible, it would prefer to see its amendments adopted so that it could vote for the declaration as a whole.

28. Mr. SUGAIR (Saudi Arabia) observed that the right of non-alignment was now recognized by all countries and that it was perfectly proper, inasmuch as the nuclear Powers had been unable to reach agreement on putting an end to nuclear testing, that the African countries should address a solemn appeal to all States for the denuclearization of their continent. His delegation would therefore vote for the two draft resolutions before the Committee (A/C.1/L.291/Rev.1 and Rev.1/Add.1-3, and A/C.1/L.292 and Add.1-3) and for the Libyan amendment (A/C.1/L.296). It would not be able to support the Italian amendments (A/C.1/L.295), which, in its view, were at variance with the immediate purposes of the twelve-Power draft declaration.

29. Mr. BOUZIRI (Tunisia) regretted the Italian representative's view that the question dealt with in the twelve-Power draft resolution could be considered within the framework of disarmament, for his delegation regarded the matter as an urgent one. In addition, the Italian amendments had the effect of shifting the centre of gravity of the draft resolution and of giving the impression that the Charter permitted the use of nuclear weapons. He wished to repeat his request that the Italian delegation should withdraw its amendments.

30. Mr. TSARAPKIN (Union of Soviet Socialist Republics) said that the Italian amendments seemed to him an attempt to justify the use of nuclear and thermonuclear weapons against man. Those amendments would completely falsify the meaning of the twelve-Power draft resolution and distort the spirit of the Charter itself. Italy's aim was to secure acceptance of the principle that the use of nuclear weapons for war purposes was not a violation of the Charter, as stated in the draft resolution, but a measure specifically sanctioned by the Charter. That interpretation of the Charter was endorsed by the members of Western military blocs, which were preparing to unleash a nuclear rocket war and consequently seeking to justify the use of nuclear weapons. It was obvious that if nuclear weapons had been known when the Charter had been drawn up, a reference would have been included to those instruments of mass destruction and their barbaric nature. Those considerations sufficed to show why his delegation would vote against the Italian amendments.

* * *

32. The twelve-Power draft resolution was also perfectly clear. The conclusion of a convention on the prohibition of the use of nuclear and thermonuclear weapons for war purposes would certainly make for the prevention of nuclear war and would be a first step towards the complete prohibition of nuclear weapons which, of course, was possible only against a background of general and complete disarmament. His delegation would accordingly vote in favour of that draft resolution.

33. Mr. BELAUNDE (Peru)

34. The twelve-Power draft resolution expressed the universal feeling about nuclear war in unequivocal terms; if the various principles stated in that proposal were put to the vote separately, his delegation would certainly endorse them, even though they would be more suitably included in the preamble of the draft resolution on disarmament which the Committee was to adopt later. The General Assembly had already expressed disapproval of the use of nuclear weapons, and the next step was to initiate negotiations on all aspects of disarmament, including its effective control. The proposal for the signing of a convention on the prohibition of the use of nuclear weapons reflected a pessimistic attitude to such negotiations. For those various reasons, his delegation would abstain on the draft resolution as a whole.

35. Mr. FERNANDEZ (Argentina)

36. His delegation was not sure that the twelve-Power draft resolution, which would declare a ban on the use of nuclear and thermo-nuclear weapons for war purposes, was within the scope of agenda items 73 and 72; it had also some faults to find with the drafting. The Italian amendments improved the proposal considerably and had the effect of stating the problem more correctly in terms of the Charter. His delegation would therefore vote in favour of those amendments and, if they were adopted, in favour of the draft resolution as amended. It wished to make it clear, however, that its votes would be cast on the understanding that those provisions could not be construed as authorizing, either explicitly or implicitly, the use of nuclear or thermo-nuclear weapons in cases not specifically contemplated in the declaration.

37. Mr. VELAZQUEZ (Uruguay)

38. His delegation would like to support the twelve-Power draft resolution, for it was in keeping with Uruguay's humanitarian and pacifist tradition. However, the proposal should have been examined at the same time as the other questions relating to general and complete disarmament. Although the proposed declaration was on a high moral plane and expressed a universal aspiration, his delegation could not vote for it in isolation, and for the same reasons would have to abstain on the Italian amendments.

39. Mr. BURNS (Canada) said that he fully appreciated the motives which had prompted the sponsors of the twelve-Power draft resolution and respected their concern at the threat to the peoples of the world which the use of nuclear weapons of mass destruction represented. In the light of past experience and present circumstances, however, the method proposed did not appear effective. All the declarations and agreements referred to in the third preambular paragraph had been violated, and recent events had shown the insecurity of unilateral declarations on the suspension of nuclear tests.

40. The only way to be sure that nuclear weapons would not be used in war was to eliminate them from the arsenals of the nations. Such elimination was proposed in the United States programme for general and complete disarmament and also in the plan put forward by the Soviet Union. Declarations of good intent had always failed when nations had been faced with the alternative of using what weapons they had or facing defeat. The General Assembly should therefore concentrate its moral force on helping to bring about the speedy resumption of negotiations on general and complete disarmament.

41. His delegation would vote in favour of the Italian amendments, for they would bring the draft resolution more closely into line with the Charter. If those amendments were adopted, his delegation would vote in favour of the draft resolution as amended; otherwise, it would have to abstain.

42. Mr. DE LEQUERICA (Spain)

43. With regard to the twelve-Power draft resolution, the Spanish delegation considered that it exceeded the scope of the items under discussion in the Committee and, indeed, dealt with an entirely different question. Such a resolution seemed unnecessary, since recourse to war as a means of settling international disputes was already proscribed in more specific terms in the Charter. Moreover, it would be unjust to deprive countries of the right of self-defence.

44. The Italian amendments to the twelve-Power draft resolution represented a substantial improvement and did not go beyond the Charter, Article 51 of which expressly stated that nothing in the Charter impaired the inherent right of individual or collective self-defence.

45. Mr. HAEKKERUP (Denmark)

46. Where the twelve-Power draft resolution was concerned, although the Danish delegation broadly agreed with the general outline of that proposal and respected the motives behind it, it disagreed in certain respects with the present wording, which, in its view, was not entirely consistent with the letter and spirit of the Charter. The adoption of the Italian amendments would substantially improve the text, which the Danish delegation would then be able to support. On the other hand, if the Italian amendments were not adopted, the Danish delegation would be obliged to abstain in the voting, because it considered that the question of eliminating nuclear weapons was part of the broader question of general and complete disarmament under effective international control.

47. Mr. WEI (China)

48. The proposal in the twelve-Power draft resolution (A/C.1/L.292 and Add.1-3) had been submitted to the Atomic Energy Commission by the Soviet Union as far back as 1946,[2] and had been rejected as affording no assurance that such weapons would not be used. The General Assembly had since rejected all similar proposals.

49. The Briand-Kellogg Pact 3/ had not averted the outbreak of war. The moratorium on nuclear tests had not prevented the Soviet Union from setting off a series of powerful explosions, and on 5 November 1961, Mr. Khrushchev had told a correspondent of The New York Times that if either side in a war felt that it was losing, it would undoubtedly use its nuclear bombs.

50. The Chinese delegation had consistently advocated the elimination of nuclear weapons and all other weapons of mass destruction, but had always voted against proposals providing for prohibition without control. Its attitude remained unchanged. Finally, it welcomed the amendments submitted by Italy, which were aimed at bringing the draft resolution into line with the Charter of the United Nations.

51. Sir Muhammad Zafrulla KHAN (Pakistan)

52. His delegation still had certain doubts concerning the twelve-Power draft resolution, which dealt with a single aspect of disarmament in isolation from other aspects of the subject. However, it would vote for operative paragraph 1, since the general principle stated in that paragraph was in accordance with its own attitude.

53. On the other hand, it considered that the Italian amendments were unnecessary. A resolution could not have the effect of amending the Charter. Also, both the draft resolution and the amendments seemed to have been so hastily drawn up that it would be difficult to assess the effect of the proposal, especially if the Italian amendments were incorporated. Some great Powers which opposed any ban on nuclear testing had declared themselves in support of the draft resolution. They, therefore, seemed to believe that it would not prevent them from continuing to test nuclear weapons with a view to their possible defensive use.

54. The delegation of Pakistan would abstain from voting on the Italian amendments, but would support operative paragraph 1 of the draft resolution, even if the Italian amendments were adopted. Operative paragraph 2 related to a question which was part of the general problem of disarmament. As his delegation did not know what would emerge from the debates in the Committee and in the Assembly on that subject, it would be obliged to abstain from voting on that paragraph. Should the proposal prove to be necessary at a later stage, it would be happy to support it.

55. Mr. SOSA RODRIGUEZ (Venezuela).

56. With regard to the Italian amendments (A/C.1/L.295) to the twelve-Power draft resolution (A/C.1/L.292 and Add.1-3), it was hardly possible, without deviating from the spirit of the Charter, to draw a distinction between the use of weapons of mass destruction in conformity with the Charter and the use of such weapons contrary to the Charter. The use of such weapons could never be in keeping with the Charter.

57. As to the twelve-Power draft resolution, his delegation considered that the use of nuclear weapons should be prohibited, but did not agree with the wording of the proposal, because the prohibition of such weapons could not be dealt with in isolation, but must be considered within the general framework of disarmament. Moreover, it was necessary to prohibit not only the use of such weapons, but also their manufacture and stockpiling, and also to call for the destruction of all existing stocks. Furthermore, a draft resolution which prohibited the use of nuclear weapons only would a contrario sensu authorize the use of conventional weapons which, although less dangerous, could nevertheless also wipe out entire populations. Consequently his delegation would abstain from voting on the Italian amendments and would also abstain from voting on the draft resolution, regardless of the result of the vote on the amendments.

58. Mr. ZOPPI (Italy), replying to the Soviet representative's criticisms of the Italian amendments, pointed out that the Chairman of the Council of Ministers of the USSR had repeatedly stated that he would not hesitate to use nuclear weapons if necessary and had even mentioned how many missiles would be sent against Italy.

2/ See Official Records of the Atomic Energy Commission, First Year, No. 2, 2nd meeting, pp. 26-28.

3/ General Treaty for the Renunciation of War as an Instrument of National Policy, signed at Paris on 27 August 1928 (League of Nations, Treaty Series, vol. XCIV, 1929, No. 2137).

United Nations
GENERAL ASSEMBLY
SIXTEENTH SESSION
Official Records

FIRST COMMITTEE, 1194th MEETING

Tuesday, 14 November 1961, at 10.20 a.m.

NEW YORK

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AGENDA ITEMS 73 AND 72

Continuation of suspension of nuclear and thermo-nuclear tests and obligations of States to refrain from their renewal (A/4801 and Add.1, A/C.1/L.291/Rev.1 and Rev.1/Add.1-3, A/C.1/L.292 and Add.1-3) (concluded)

The urgent need for a treaty to ban nuclear weapons tests under effective international control (A/4799, A/C.1/L.292 and Add.1-3) (concluded)

1. Mr. TSARAPKIN (Union of Soviet Socialist Republics), speaking in exercise of his right of reply, recalled that at the 1193rd meeting the representative of Italy had implied that the Soviet Union was prepared to deliver a mortal nuclear blow against any aggressor. It was obvious that at the present time any war might develop into a nuclear war, and since Italy was a member of NATO and had allowed the United States to establish bases in its territory, it would immediately be drawn into such a war, with all the inevitable consequences. For the Italian people, as for all the peoples of the world, safety lay, not in alliances and military bases, but in general and complete disarmament. That was the solution which Italy should support in the United Nations, instead of trying to justify the use of nuclear weapons.

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6. Mr. IFEAGWU (Nigeria), referring to the Italian amendments (A/C.1/L.295), stressed that the twelve-Power draft resolution (A/C.1/L.292 and Add.1-3) would in no way weaken the right of self-defence as defined in Article 51 of the Charter of the United Nations; it was designed solely to forbid the use of atomic devices for military purposes, because of the fearful consequences which such use would have for mankind.

* * *

8. Sir Michael WRIGHT (United Kingdom), speaking in exercise of his right of reply, said that the NATO countries, by the very terms of the treaty between them, could take only defensive measures. It was absurd to maintain, as the USSR representative had done at the 1193rd meeting, that the United Kingdom and the other members of NATO were preparing to launch a nuclear and rocket war against the Soviet Union.

9. The representative of the USSR had also implied that, in his Government's opinion, it was contrary to the Charter to use nuclear weapons in self-defence. In that case, one might ask why, in 1946, the Soviet Government had not accepted the United States proposal[1] that all countries should give up making and possessing nuclear weapons and why in the preceding two months it had exploded more than thirty nuclear devices with a total yield of over 120 megatons. Only recently, the Chairman of the Council of Ministers of the USSR, Mr. Khrushchev, had acknowledged that, in a war, if one of the sides considered its position hopeless, it would use nuclear weapons. The representative of the USSR had himself said that his country would use such weapons to defend itself, which was the very position he had attacked the day before.

10. The Soviet Union should abandon such propaganda and join in constructive negotiation on the ending of nuclear tests and on disarmament. Meanwhile it was important not to undermine the Charter by misinterpretations or to create a false sense of safety by pretending that declarations unsupported by a system of international verification could give security.

11. Mr. MENEMENCIOGLU (Turkey)

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14. The Turkish delegation further considered that legal arrangements, such as those envisaged in the twelve-Power draft resolution (A/C.1/L.292 and Add.1-3) should form part and parcel of a general, balanced and progressive programme of disarmament. Nuclear disarmament was no doubt essential for the survival of mankind, but was not enough in itself to ensure survival in particular of the smaller countries which did not possess nuclear arms and whose arsenals of conventional weapons were insignificant compared to those of other Powers. The only hope of achieving concrete results thus lay in a balanced, general arrangement to be carried out in progressive stages that would give no advantage to any one side at any time. For those reasons, the Turkish delegation could not vote for the draft resolution. It would vote for the Italian amendments, which were directly inspired by the Charter of the United Nations, although the draft resolution, even as amended, did not really come within the scope of agenda items 73 and 72.

15. Mr. TSARAPKIN (Union of Soviet Socialist Republics), speaking in reply to the United Kingdom representative, said that NATO was unquestionably aggressive in character. The CENTO documents to which the Soviet delegation had already referred (A/C.1/853 and Corr.2) were adequate proof of the true nature of the Western alliances.

16. As to the Baruch Plan,[1] the Soviet delegation had already pointed out that it was not designed to prohibit nuclear weapons, but to perpetuate the nuclear monopoly of the United States and to give that country control over the sources of raw materials for the manufacture of nuclear weapons and over the atomic industries which were beginning to develop in other countries. The United States and the United Kingdom, on the other hand, had taken a completely negative attitude towards the proposals made by the Soviet Union in 1946[2] to bring about a genuine prohibition of nuclear weapons.

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21. Mr. ZOPPI (Italy), replying to the comments made by the Soviet representative at the beginning of the meeting, said that the Soviet Union had made the question an issue of the cold war between East and West. He wondered why the Soviet Union was so interested in the twelve-Power draft resolution when it would not hesitate to use nuclear weapons if necessary, as Mr. Khrushchev himself had stated only recently. Did members of the Committee believe that the Soviet Union, in voting for the draft resolution, did not intend to use nuclear weapons in case of war? And did they believe that the United States and other Western countries, in voting against the proposal, intended to use them? The difference in attitude towards the draft resolution was easily explained. The Soviet Union was ready to vote in favour of a draft resolution which it did not intend to respect if it should prove contrary to its own interests. When the democratic countries, on the other hand, supported a draft resolution it was with the intention of abiding by it. The purpose of the Italian amendments (A/C.1/L.295) to the twelve-Power draft resolution was to avoid placing those countries which honestly believed in the importance of United Nations resolutions in a difficult position.

22. Mr. GUIRMA (Upper Volta)

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25. The United Nations would probably be doing more effective work if it had before it draft resolutions resulting from agreements already concluded and requiring international guarantee, instead of draft resolutions which had hardly been studied at all. In that connexion, the delegation of the Upper Volta welcomed the twelve-Power draft resolution, since it was broad in scope and well constructed and would prepare the ground for discussion between the African Heads of State on the objectives of the fourteen-Power draft resolution. The delegation of the Upper Volta would vote for that draft resolution and against the Italian amendments to it, which distorted its meaning and bearing.

26. Mr. TURBAY AYALA (Colombia)

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27. The Colombian delegation appreciated the sincere motives of the sponsors of the twelve-Power draft resolution as also of the Italian delegation in submitting its amendments. The question, however, was one which related to general disarmament rather than to the suspension of nuclear tests, and it could only be settled by agreement between the parties. If the draft resolution were to be adopted without the Italian amendments, it would put countries which complied with its recommendations in an unfavourable position. On the other hand, if it were to be adopted with the Italian amendments, it would appear to authorize the use of nuclear weapons in certain cases. The Colombian delegation was morally unable to support a resolution which would permit the possible use of atomic weapons, even for purposes of self-defence. For those reasons, it would vote against the Italian amendments and would abstain from voting on the twelve-Power draft resolution.

28. Mr. SANCHEZ Y SANCHEZ (Dominican Republic)

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29. His delegation had intended to vote for the twelve-Power draft resolution, in view of the eminently moral considerations by which it had been inspired. But a more careful study of the text, in addition to the lack of unity among the African countries, had led his delegation to reconsider its position. In point of fact, the draft resolution had no connexion with agenda items 73 and 72; it related rather to agenda item 19, in other words the question of disarmament. Accordingly his delegation would have to abstain from the vote on it.

30. Mr. ROSSIDES (Cyprus)

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31. His delegation would also vote for the twelve-Power draft resolution. It considered that Article 51 of the United Nations Charter, which recognized the right of self-defence, could not be cited as a pretext for limiting the prohibition on the use of nuclear and thermo-nuclear weapons. If the use of the weapons in question for purposes of defence were to be permitted, the declaration would become meaningless. On the other hand, the declaration should have prohibited not only the use of nuclear and thermo-nuclear weapons, but also nuclear testing.

32. Mr. HAMID IBRAHIM (Ethiopia) said that he would vote against the Italian amendments, since their purpose was contrary to that of the twelve-Power draft resolution. They would have the effect of sanctioning the use of weapons of mass destruction where such use was not at variance with the United Nations Charter, whereas the purpose of the draft declaration was precisely to outlaw the use of such weapons finally and categorically. The danger they represented would be the same whether or not they were employed in conformity with the Charter.

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1/ See Official Records of the Atomic Energy Commission, First Year, No. 1, 1st meeting, pp. 4-14.

2/ Ibid., No. 2, 2nd meeting, pp. 26-28.

39. The CHAIRMAN invited the Committee to vote on the Italian amendments (A/C.1/L.295) to the twelve-Power draft resolution (A/C.1/L.292 and Add.1-3). He reminded the Committee that the representative of Japan had asked for a separate vote on the first part of the sixth amendment, reading "Substitute the words 'to consider the means of prohibiting' for the words 'for signing a convention on the prohibition of'". He would therefore put that part of the sentence to the vote.

A vote was taken by roll-call.

Yugoslavia, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Australia, Belgium, Canada, China, Denmark, Federation of Malaya, France, Greece, Haiti, Iceland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, South Africa, Spain, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Yugoslavia, Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Cameroun, Central African Republic, Ceylon, Chad, Colombia, Congo (Brazzaville), Congo (Leopoldville), Cuba, Cyprus, Czechoslovakia, Ethiopia, Gabon, Ghana, Guinea, Hungary, India, Indonesia, Iraq, Ivory Coast, Laos, Liberia, Libya, Mali, Mauritania, Mongolia, Morocco, Nepal, Niger, Nigeria, Poland, Romania, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sudan, Togo, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Upper Volta, Yemen.

Abstaining: Austria, Bolivia, Brazil, Chile, Costa Rica, Dominican Republic, El Salvador, Finland, Guatemala, Honduras, Iran, Ireland, Israel, Jordan, Lebanon, Mexico, Pakistan, Peru, Philippines, Portugal, Sweden, Syria, Thailand, Uruguay, Venezuela.

The first part of the sixth amendment was rejected by 50 votes to 25, with 25 abstentions.

40. The CHAIRMAN put to the vote the Italian amendments as a whole (A/C.1/L.295), with the exception of the part of the sixth amendment which had been voted on separately and rejected.

A vote was taken by roll-call.

The Federation of Malaya, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: France, Greece, Haiti, Honduras, Iceland, Israel, Italy, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, South Africa, Spain, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Argentina, Australia, Belgium, Canada, China, Costa Rica, Denmark, Dominican Republic, El Salvador.

Against: Gabon, Ghana, Guinea, Hungary, India, Indonesia, Iraq, Ivory Coast, Laos, Liberia, Libya, Mali, Mauritania, Mongolia, Morocco, Nepal, Niger, Nigeria, Poland, Romania, Saudi Arabia, Senegal, Sierra Leone, Sudan, Syria, Togo, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Upper Volta, Yemen, Yugoslavia, Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Cameroun, Central African Republic, Ceylon, Chad, Colombia, Congo (Brazzaville), Congo (Leopoldville), Cuba, Cyprus, Czechoslovakia, Ethiopia.

Abstaining: Federation of Malaya, Finland, Guatemala, Iran, Ireland, Japan, Jordan, Lebanon, Mexico, Pakistan, Peru, Philippines, Portugal, Somalia, Sweden, Thailand, Uruguay, Venezuela, Austria, Bolivia, Brazil, Chile.

The amendments were rejected by 50 votes to 28, with 22 abstentions.

41. The CHAIRMAN put to the vote the twelve-Power draft resolution (A/C.1/L.292 and Add.1-3).

A vote was taken by roll-call.

Panama, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Philippines, Poland, Romania, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sudan, Syria, Thailand, Togo, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Upper Volta, Yemen, Yugoslavia, Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Cameroun, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Leopoldville), Cuba, Cyprus, Czechoslovakia, Dahomey, Ethiopia, Federation of Malaya, Gabon, Ghana, Guinea, Hungary, India, Indonesia, Iran, Iraq, Ivory Coast, Japan, Jordan, Laos, Lebanon, Liberia, Libya, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Niger, Nigeria, Pakistan.

Against: South Africa, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Australia, Belgium, China, France, Greece, Guatemala, Ireland, Italy, Luxembourg, Netherlands, New Zealand, Nicaragua.

Abstaining: Panama, Paraguay, Peru, Portugal, Spain, Sweden, Uruguay, Venezuela, Argentina, Austria, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Denmark, Dominican Republic, El Salvador, Finland, Haiti, Honduras, Iceland, Israel, Norway.

The draft resolution was adopted by 60 votes to 16, with 25 abstentions.

Document A/4942/Add.3

Report of the First Committee (part IV)

[*Original text: English*]
[*16 November 1961*]

1. Parts I, II and III of the report of the First Committee (A/4942 and Add.1 and 2) dealing with items 73 and 72 of the agenda of the General Assembly recommended to the General Assembly the adoption of three draft resolutions. The present fourth part brings to a conclusion the report of the Committee's consideration of items 73 and 72.

2. The following documents were available to the Committee in connexion with its consideration of agenda items 73 and 72: documents A/4772 and Add.1, A/4778, A/4787, A/4797 and Corr.1, A/4819, A/4853, A/4869, A/4871, A/4893, A/C.1/849, A/C.1/850, A/C.1/852, A/C.1/853 and Corr.2, and A/C.1/855.

3. At the 1188th meeting, on 7 November, El Salvador moved, under rule 118 of the rules of procedure of the General Assembly, that the Committee should close the general debate on agenda items 73 and 72 and proceed to discuss the two draft resolutions remaining before it. The Salvadorian motion was adopted by 49 votes to none, with 35 abstentions.

4. Discussion on the two remaining draft resolutions took place at the 1189th to 1194th meetings, held between 8 and 14 November 1961.

* * *

7. The second draft resolution, submitted by Ceylon, Ethiopia, Ghana, Guinea, Indonesia, Liberia, Libya, Nigeria, Somalia, the Sudan, Togo and Tunisia (A/C.1/L.292 and Add.1-3), was in the form of a declaration. The operative part read as follows:

"*The General Assembly,*

"...

"1. *Declares* that:

"(*a*) The use of nuclear and thermo-nuclear weapons is contrary to the spirit, letter and aims of the United Nations and, as such, a direct violation of the Charter of the United Nations:

"(*b*) The use of nuclear and thermo-nuclear weapons would exceed even the scope of war and cause indiscriminate suffering and destruction to mankind and civilization and, as such, is contrary to the rules of international law and to the laws of humanity;

"(*c*) The use of nuclear and thermo-nuclear weapons is a war directed not against an enemy or enemies alone but also against mankind in general, since the people of the world not involved in such a war will be subjected to all the evils generated by the use of such weapons;

"(*d*) Any State using nuclear and thermo-nuclear weapons is to be considered as violating the Charter of the United Nations, as acting contrary to the laws of humanity and as committing a crime against mankind and civilization;

"2. *Requests* the Secretary-General to consult the Governments of Member States to ascertain their views on the possibility of convening a special conference for signing a convention on the prohibition of the use of nuclear and thermo-nuclear weapons for war purposes and to report on the results of such consultation to the General Assembly at its seventeenth session."

8. On 9 November 1961, Italy submitted amendments (A/C.1/L.295) to the twelve-Power draft resolution (A/C.1/L.292 and Add.1-3), as follows:

"1. In the fifth preambular paragraph, reading as follows:

"'*Believing* that the use of weapons of mass destruction, such as nuclear and thermo-nuclear weapons, is a direct negation of the high ideals and objectives which the United Nations has been established to achieve through the protection of succeeding generations from the scourge of war and through the preservation and promotion of their cultures,'

"insert the words 'contrary to the Charter of the United Nations' after the words 'such as nuclear and thermo-nuclear weapons'.

"2. In operative paragraph 1 (*a*), insert at the beginning the words 'The threat or use of armed force, including'; and insert the words 'in any manner contrary to the Charter of the United Nations' after the words 'thermo-nuclear weapons'.

"3. In operative paragraph 1 (*b*), insert at the beginning the word 'Accordingly'; and insert the words 'contrary to the Charter of the United Nations' after the words 'thermo-nuclear weapons'.

"4. In operative paragraph 1 (*c*), insert at the beginning the word 'Accordingly'; and insert the words 'contrary to the Charter of the United Nations' after the words 'thermo-nuclear weapons'.

"5. In operative paragraph 1 (*d*), insert the words 'contrary to the Charter of the United Nations' after the words 'thermo-nuclear weapons'; and delete the words 'as violating the Charter of the United Nations,'.

"6. In operative paragraph 2, substitute the words 'to consider the means of prohibiting' for the words 'for signing a convention on the prohibition of'; and insert the words 'contrary to the Charter of the United Nations' after the words 'for war purposes'."

9. At its 1194th meeting, on 14 November, the Committee proceeded to the vote on the draft resolutions and the related amendments.

* * *

(*b*) The twelve-Power draft resolution (A/C.1/L.292 and Add.1-3) and the amendments thereto were voted upon as follows:

The Italian amendments (A/C.1/L.295) were put to the vote in the following manner.

At the request of the representative of Japan, the first part of the sixth Italian amendment, which would substitute the words "to consider the means of prohibiting" for the words "for signing a convention on the prohibition of" in operative paragraph 2 of the twelve-Power draft resolution, was voted upon separately. It was rejected by a roll-call vote of 50 to 25, with 25 abstentions. The voting was as follows:

In favour: Argentina, Australia, Belgium, Canada, China, Denmark, Federation of Malaya, France, Greece, Haiti, Iceland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, South Africa, Spain, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Cameroun, Central African Republic, Ceylon, Chad, Colombia, Congo (Brazzaville), Congo (Leopoldville), Cuba, Cyprus, Czechoslovakia, Ethiopia, Gabon, Ghana, Guinea, Hungary, India, Indonesia, Iraq, Ivory Coast, Laos, Liberia, Libya, Mali, Mauritania, Mongolia, Morocco, Nepal, Niger, Nigeria, Poland, Romania, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sudan, Togo, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Upper Volta, Yemen, Yugoslavia.

Abstaining: Austria, Bolivia, Brazil, Chile, Costa Rica, Dominican Republic, El Salvador, Finland, Guatemala, Honduras, Iran, Ireland, Israel, Jordan, Lebanon, Mexico, Pakistan, Peru, Philippines, Portugal, Sweden, Syria, Thailand, Uruguay, Venezuela.

The remaining Italian amendments were rejected by a roll-call vote of 50 to 28, with 22 abstentions. The voting was as follows:

In favour: Argentina, Australia, Belgium, Canada, China, Costa Rica, Denmark, Dominican Republic, El Salvador, France, Greece, Haiti, Honduras, Iceland, Israel, Italy, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, South Africa, Spain, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Cameroun, Central African Republic, Ceylon, Chad, Colombia, Congo (Brazzaville), Congo (Leopoldville), Cuba, Cyprus, Czechoslovakia, Ethiopia, Gabon, Ghana, Guinea, Hungary, India, Indonesia, Iraq, Ivory Coast, Laos, Liberia, Libya, Mali, Mauritania, Mongolia, Morocco, Nepal, Niger, Nigeria, Poland, Romania, Saudi Arabia, Senegal, Sierra Leone, Sudan, Syria, Togo, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Upper Volta, Yemen, Yugoslavia.

Abstaining: Austria, Bolivia, Brazil, Chile, Federation of Malaya, Finland, Guatemala, Iran, Ireland, Japan, Jordan, Lebanon, Mexico, Pakistan, Peru, Philippines, Portugal, Somalia, Sweden, Thailand, Uruguay, Venezuela.

The draft resolution was adopted by a roll-call vote of 60 to 16, with 25 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Cameroun, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Leopoldville), Cuba, Cyprus, Czechoslovakia, Dahomey, Ethiopia, Federation of Malaya, Gabon, Ghana, Guinea, Hungary, India, Indonesia, Iran, Iraq, Ivory Coast, Japan, Jordan, Laos, Lebanon, Liberia, Libya, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Niger, Nigeria, Pakistan, Philippines, Poland, Romania, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sudan, Syria, Thailand, Togo, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Upper Volta, Yemen, Yugoslavia.

Against: Australia, Belgium, China, France, Greece, Guatemala, Ireland, Italy, Luxembourg, Netherlands, New Zealand, Nicaragua, South Africa, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Austria, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Denmark, Dominican Republic, El Salvador, Finland, Haiti, Honduras, Iceland, Israel, Norway, Panama, Paraguay, Peru, Portugal, Spain, Sweden, Uruguay, Venezuela.

Recommendation of the First Committee

10. The First Committee therefore recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I

CONSIDERATION OF AFRICA AS A DENUCLEARIZED ZONE

[*Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.*]

Draft resolution II

DECLARATION ON THE PROHIBITION OF THE USE OF NUCLEAR AND THERMO-NUCLEAR WEAPONS

[*Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.*]

United Nations
GENERAL ASSEMBLY
SIXTEENTH SESSION
Official Records

1063rd PLENARY MEETING

Tuesday, 24 November, 1961, at 10.30 a.m.

NEW YORK

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President: Mr. Mongi SLIM (Tunisia).

AGENDA ITEMS 73 AND 72

Continuation of suspension of nuclear and thermo-nuclear tests and obligations of States to refrain from their renewal (concluded)*

The urgent need for a treaty to ban nuclear weapons tests under effective international control (concluded)*

REPORT OF THE FIRST COMMITTEE (PART IV) (A/4942/ADD.3)

Pursuant to rule 68 of the Rules of Procedure, it was decided not to discuss the report of the First Committee.

Mr. Enckell (Finland), Rapporteur of the First Committee, presented the report of the Committee and then spoke as follows:

1. Mr. ENCKELL (Finland), Rapporteur of the First Committee: The consideration of the two items under discussion in the First Committee was concluded on 14 November by the adoption of the two draft resolutions reproduced in the present report. [A/4942/Add.3]. During the debate on these draft resolutions the view was expressed by some speakers that their scope, and especially the scope of draft resolution II, was wider than the items under discussion as included in the agenda. The opinion was also voiced that it would have been desirable that draft resolution I be regionally discussed before coming to the Committee. It was, however, very widely felt that the Committee could consider and decide upon these proposals at that stage of its proceedings. Both draft resolutions were adopted: the first one, without opposition; the second one, in its original wording by 60 votes to 16, with 25 abstentions.

2. I have the honour to recommend for adoption by the General Assembly the draft resolutions contained in the report.

3. The PRESIDENT (translated from French): I shall now call on the representatives who wish to explain their vote.

4. Mr. BURNS (Canada): The Canadian delegation would like to explain its vote on draft resolution II presented in the report of the First Committee [A/4942/Add.3] that is, on the draft resolution concerning the prohibition of the use of nuclear weapons.

5. Since this draft resolution was adopted in the First Committee, two significant developments have taken place, both of which affect the attitude of my delegation to it. In the first place, we have received the encouraging news that the negotiations on a nuclear test ban agreement will be resumed in Geneva next Tuesday. Second, we have reason to be hopeful that an agreement will soon be reached concerning the resumption of general disarmament negotiations in an appropriate negotiating forum. My delegation feels that it is of great importance that this Assembly should take no action which might in any way hamper the success of these resumed negotiations.

6. I should like to remind Members that in the First Committee my delegation expressed the sympathy which we felt, and which we continue to feel, for the motives of the sponsors of the twelve-Power draft resolution.

7. However, we made it very clear that we had serious reservations about the effectiveness of this sort of declaration. We recalled in the First Committee that all declarations prohibiting the use of specific types of weapons had, without exception, been violated in the past in wartime; and it was on this ground that Canada abstained on the draft resolution in the First Committee.

8. Now, in the light of recent developments to which I referred, our doubts about the wisdom of adopting this draft resolution have been reinforced. For example, it appears to my delegation that the convening of a special conference, as envisaged in operative paragraph 2 of the draft resolution, would be ill-advised in present circumstances. Action to assemble a world conference to sign a convention of doubtful utility might very well detract from the effort to negotiate binding disarmament agreements which are the only finally effective means of dealing with the threat of nuclear weapons.

9. Accordingly, my delegation has come to the conclusion that we must oppose draft resolution II, on the prohibition of the use of nuclear weapons, on which the Assembly has been called upon to vote.

10. Mr. DEAN (United States of America): I would like to speak first on draft resolution II contained in the report of the First Committee [A/4942/Add.1]. I have a number of the things to say about this draft resolution.

11. The United States fully recognizes that most of the delegations which voted for this draft resolution

*Resumed from the 1049th meeting.

in the First Committee did so in the sincere belief that they were acting from noble motives and effectively, in an attempt to prohibit the use of nuclear weapons in war. With this view everyone can be in sympathy. It is necessary to say frankly and bluntly that in the opinion of the United States delegation—these votes were wasted. I regret to say it but this draft resolution cannot fulfil the wishes of its proponents who, we know, supported it out of their abhorrence of nuclear war. All peoples genuinely interested in peace share that abhorrence.

12. But, as in all these matters, there is a correct way and an incorrect way to make a wish or a desire come true and be carried out. So I am sorry to say that this draft resolution, in the opinion of the United States delegation, will not achieve its objective.

13. I say this carefully because the Soviet Union, as it has indicated in this Assembly, has not the slightest intention of paying any attention to this draft resolution, despite the enthusiastic support which the Soviet Union gave to it in the Committee. How do I know this? We know it from the Soviet representative's own statements in the Committee that the Soviets openly intend to use nuclear weapons at the sole discretion of the Soviet Union, if that country considers their use necessary. The delegation of the United States and other delegations quoted Mr. Khrushchev's statement to this effect. So there can be no doubt of the Soviet intentions in this matter. So, just as in the case of the uninspected, uncontrolled moratorium resolutions on the subject of nuclear testing, the Soviet Union votes for this draft resolution with every intention of violating it, if for its sole purposes it suits it to do so.

14. No, I regret to say that the Soviet Union will not observe this draft resolution. It will continue to rattle its rockets and to threaten other countries with thermo-nuclear destruction.

15. *At the same time*, the Soviet Union will attack the United States when it votes, as a matter of sincere principle, against this draft resolution. It was the Soviet Union and no one else which broke off the nuclear test ban negotiations at Geneva so the Soviet Union could conduct its own series of tests week after week. The Soviet Union will say that our vote here cast as a matter of sincere principle, proves that the United States desires to wage nuclear war. Now the United States desires no such thing, and the Members of this Assembly know that this charge of the Soviet Union is pure hokum, and nothing but hokum. But the point is, that the Soviet Union has already begun to use this draft resolution as an instrument of propaganda in the cold war, while the Soviet Union continues to prepare to disregard it. Surely this is not the result the sincere supporters of this draft resolution had in mind when they cast their favourable votes.

16. The second reason for the ineffectiveness of this draft resolution is, with all respect, that it goes about the task of ridding the world of atomic war in the wrong way. With the end it seeks we can all agree. However, this draft resolution declares that the use of atomic weapons is a crime. But it sets up no safeguards whatsoever to protect any nation against the assaults of the Soviet Union.

17. States which seek security from war which do not wish to wage war—that is the position of the United States—cannot, I submit, trust their safety to such unsupported declarations; or otherwise we, too, might receive invitations to visit Mr. Khrushchev on his own territory. Nuclear war will be effectively outlawed when nuclear weapons are reduced and abolished through a disarmament programme carefully formulated, with effective international controls, as the United States has proposed in this Assembly. [See A/4891.] With such effective safeguards, the United States and other countries could destroy their own nuclear weapons without impairing their own security. There is no other effective way to go about this task with assurance and with success.

18. The third basic defect in the draft resolution arises from its own terms. It is simply untrue to say that the use of nuclear weapons is contrary to the Charter and to international law or to assert that the Charter itself can be emended—for this there are ample provisions—by declarations in the Assembly. That being the case, this draft resolution, I submit, sets a very dangerous precedent. If it is an attempt to try to amend the Charter by resolution, I would like to point out that surely it is ineffective, since this General Assembly has no such power.

19. This Assembly cannot rewrite the Charter in a manner totally foreign to the precise provisions for its amendment. If people wish to amend the Charter, I submit that they should follow the orderly procedure laid down in that regard. But this Assembly is a body of representatives of States. It is essential that they should respect legal processes and procedures, and not flout them. It is essential that the United Nations be preserved as an effective instrument for the preservation of peace. But this Assembly's reputation is bound to suffer if during waves of emotion it casts the Charter provisions to one side and acts capriciously.

20. Indeed, the very provisions of the Charter approve, and demand, the exercise of self-defence against armed attack. It is very clear that the Charter says nothing whatever about any particular weapon or method which may be used for self-defence. Those who wrote the Charter expected victims of aggression to react as necessary to protect their territorial integrity and political independence, and they were very careful not to say how self-defence could be carried out. The unforgivable crime under the Charter is not self-defence but aggression, direct or indirect; in other words, the illegal use of force. The General Assembly has recognized that fact many times. I call the attention of representatives in particular to the resolution [380 (V)] on "Peace through deeds" adopted as far back as the fifth session of the Assembly, and I can cite many other examples.

21. The amendments which the Italian delegation introduced and so ably and courageously defended in the First Committee represented an attempt to reconcile the Assembly's desire to prevent the use of nuclear weapons with the clear and definite provisions of the Charter. Had these amendments proposed by Italy been adopted, the United States would then have been glad to vote for the draft resolution, as so amended, for then it would have been a reflection of a humanitarian desire shared by all men of good will. Instead, in its present form, the draft resolution can only mislead dangerously those who put their faith in the acts of this Assembly.

22. My delegation hopes that all those who wish this Assembly to make a real contribution to the outlawing of nuclear weapons, to the attainment of general and

complete disarmament under effective international controls, and to the support and strengthening of the United Nations Charter, will vote against this draft resolution.

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34. Mr. MENDELEVICH (Union of Soviet Socialist Republics) (translated from Russian): After careful discussion the First Committee has by an overwhelming majority of votes approved two important draft resolutions contained in its report [A/4942/Add.3], which are an important contribution to the cause of peace and to the preparation of conditions which would free humanity from the threat of nuclear war and help to solve the problem of general and complete disarmament. These resolutions have now been submitted for the approval of the General Assembly.

35. The Soviet delegation was very happy to support both the draft resolution of the African States declaring Africa a denuclearized zone and the draft resolution of the African and Asian States concerning adoption of a declaration proclaiming that the use of nuclear and thermonuclear weapons is contrary to the spirit, the letter and the aims of the United Nations and is, accordingly, a direct violation of the United Nations Charter.

36. In advocating an immediate solution of the problem of general and complete disarmament, the most burning and urgent problem of our time, the Soviet Union at the same time warmly supports any constructive proposals aimed at diminishing international tension, strengthening trust between States and thereby facilitating the realization of general and complete disarmament. One such measure which would improve the international atmosphere and lessen the danger of war would be the creation of denuclearized zones and, more especially, a denuclearized zone on the African continent.

37. The idea of creating in various parts of the world zones free of atomic nuclear weapons is a sound and constructive idea and one which meets the wishes of the peoples. It is, therefore, making headway. As we all know, in recent years Governments of various countries have put forward plans for the creation of denuclearized zones for different areas. There is a proposal for the creation of a denuclearized zone in Central Europe—the most sensitive area of the world, where the armed forces of the two military groups of States are in direct contact with one another. This proposal is usually called the Rapacki Plan[1/] after the name of the distinguished Minister for Foreign Affairs of Poland, the State which put forward the plan for creating a denuclearized zone in Central Europe. There are also proposals for creating denuclearized zones in Northern Europe, in the Balkan Peninsula, in the Near and Middle East, in Asia and the Pacific Ocean. This last proposal was put forward by the Government of the People's Republic of China.

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40. It is difficult to over-estimate the great positive significance of the second resolution also—a declaration proclaiming that the use of nuclear and thermonuclear weapons is contrary to the spirit, letter and aims of the United Nations and as such is a violation of the United Nations Charter—a declaration which proposes that a multilateral international convention should be concluded on this question.

41. The Soviet Union has always favoured and, naturally, continues to favour a ban on nuclear and hydrogen weapons. Of course, the best decision would be a complete ban on nuclear weapons, together with the liquidation of all the stock piles of these deadly weapons. We trust that it will in fact be possible in this way to solve this problem within the framework of a treaty on general and complete disarmament and thus to eradicate the threat of nuclear war.

42. At the same time, the Soviet Union has for many years past been emphasizing that, even before the conclusion of an agreement on general and complete disarmament, which would put an end to the very existence of nuclear and hydrogen bombs and the means of delivering them to the target, the States manufacturing nuclear weapons might, as moral preparation for such an agreement, declare their resolve not to use nuclear weapons.

43. The Soviet Union has more than once invited the United States and the other Western Powers to undertake a solemn and unconditional obligation to renounce the use of nuclear weapons and other weapons of mass destruction. And were it not for the obstinate objections of our Western partners, this question would have been settled long ago.

44. We are, therefore, happy that, on the proposal of Ethiopia and a number of other African and Asian States, the First Committee has adopted a declaration on banning the use of nuclear weapons and we voice the hope that the General Assembly will confirm this

1/ See Official Records of the General Assembly, Twelfth Session, Plenary Meetings, 697th meeting.

important decision, which is the first step towards the complete prohibition of nuclear weapons.

45. The Soviet delegation will, of course, vote for both draft resolutions—for declaring Africa a denuclearized zone and for prohibiting the use of nuclear weapons. Only those who do not want peace or who want the United Nations to legalize the inconceivable horrors of thermonuclear warfare can fail to support these resolutions or can vote against them.

46. In this connexion, I cannot refrain from saying at least a few words about the statements made from this platform at the beginning of our discussion today.

47. I would like to say, literally, a couple of words about the speech made by the representative of Canada, who today propounded a rather strange and unintelligible argument in support of his altered position on the prohibition of the use of nuclear weapons. In the First Committee the Canadian delegation did not display a very great degree of boldness and did not vote for this resolution. As a member of NATO, Canada did not go all the way on this question, but still it abstained and did not vote against.

48. Today General Burns indicated that the Canadian delegation would now vote against this resolution. Apparently, NATO discipline has prevailed. At the same time, we cannot but point to the completely unfounded assertion that the better the atmosphere gets as favourable symptoms of progress towards disarmament appear, the more strongly one should oppose the very measure which favour the achievement of agreement on general and complete disarmament. This however, was the very argument put forward by the representative of Canada today. I am sorry, but it is one I cannot accept, and I feel sure that the Assembly will not agree with it.

49. Mr. Dean, the representative of the United States, made a speech here in which, possibly for the first time in United Nations history, he tried to speak, as it were, on behalf of the Soviet Union. This is a rather unusual situation—to find the United States representative speaking for the Soviet Union, speaking from this rostrum—and with complete assurance—about what the Soviet Union will do and what it will not do.

50. With all due respect to Mr. Dean, the Soviet Government has instructed the Soviet delegation to speak from this rostrum and explain the position of the Soviet Union—it gave no instructions to the United States delegation.

51. I leave aside the question of diplomatic tact which, as we think, has not been entirely observed by the United States delegation in trying to speak here for the Soviet Union. But why worry about the diplomatic tact of United States representatives when their country, the country of Abraham Lincoln, is now supporting a proposal that African Negroes should remain for another ten years the slaves of white masters; when their country, the country of Franklin Roosevelt, is now the mainstay of facist regimes in different parts of the world, including the Dominican Republic; when their country, the country of Jefferson and Paine, is now preparing a terrible nuclear catastrophe for the peoples in reply to the Soviet proposal to conclude a German peace treaty.

52. Still, we shall leave the question of diplomatic tact on the side. We only want to say that speeches, such as that made today by Mr. Dean, do not in any way help to create a favourable atmosphere for the negotiations on disarmament which the Soviet Union is approaching with an open mind, with a definite position and with a crystal-clear programme. We would like the United States to help in every way, and not obstruct, the creation of a favourable atmosphere for achieving agreement on the resumption of disarmament negotiations, and for these negotiations themselves.

53. Mr. Dean attempted from this rostrum to cast doubts on the good will of the Soviet Union as regards complying with the General Assembly resolutions on the prohibition of the use of nuclear weapons. May I, not through the mouth of Mr. Dean but through that of the Chairman of the Council of Ministers of the Union of Soviet Socialist Republics, reply to that question.

54. Nikita Sergeevich Khrushchev, the Head of the Government of the Soviet Union, in reply to a letter from Cannon Collins, Chairman of the Committee for Nuclear Disarmament, said:

> "The question of not being the first to use nuclear weapons which you touch upon in your proposal is certainly of paramount importance. A good solution to that problem would play an important role in the elimination of the threat of war and the solution of the whole problem of disarmament. A simultaneous undertaking by all States possessing nuclear weapons not to be the first to use them would be an important step towards the elimination of the danger of a nuclear war. The position of the Soviet Union is quite clear. We are in favour of an undertaking by all States renouncing the use of nuclear weapons and we are prepared to sign an agreement not to be the first State to use nuclear weapons."

55. Yes, we, the Soviet Union, are prepared to sign such an undertaking. We are prepared to sign and implement an international convention on the prohibition of the use of nuclear weapons. That is the position of the Soviet Union.

56. Unfortunately, to our great regret, the position of the United States is, apparantly, the opposite. The United States representative tried to justify this opposite position by referring here to the discussion in the First Committee, where the Italian amendments [A/C.1/L.295] to the Afro-Asian resolution of banning the use of nuclear weapons, were rejected by an overwhelming majority. The United States delegation, you see, cannot, he said, vote for this draft resolution because the Italian amendments were defeated. Yes, there was actually such an incident in the First Committee, one of which it might be better not to remind the Western Powers—the incident of the submission of the Italian amendments, the whole point of which boiled down to the terrible thought that the United Nations Charter sanctions the use of nuclear weapons.

57. No, the United Nations Charter is not a document which can be construed to suit those who want war. The United Nations Charter, of course, does not permit, and cannot permit, the use of nuclear weapons, and the resolution of the African States, which we are now considering, is in full conformity with the United Nations Charter.

58. It is no mere accident that, when the Italian amendments were put to the vote, fewer than a quarter of the United Nations members supported those

amendments. So it was a rather unhappy incident in the First Committee for the Western Powers and it would be better not to remind them of it.

59. Finally, one remark about the position of the United States, and apparently, of the other Western Powers, members of the North Atlantic military bloc, a remark about their position on the first resolution proclaiming the African continent a denuclearized zone.

60. The United States representative expended much energy and many words on trying to justify from this rostrum the unwillingness of the United States to support this noble resolution.

61. He tried to explain this position from various angles but he failed and was unable, to explain one thing: Why after all, is the United States against proclaiming Africa a denuclearized zone? Or does it want, again through France's intermediary, to begin testing nuclear weapons there? Or does it want to transform Africa into a nuclear, not a denuclearized zone, to saturate African States with its nuclear weapons? Is than how the United States understands helping Africa? Is that how the United States understands giving support to the young African States? Is that how the United States understands supporting the initiative of the African States, for it was the initiative of the States of Africa. Mr. Dean said here that the African States must themselves take the initiative in ensuring their security. They did so. They are asking everyone, including the Soviet Union, the United States, the United Kingdom and France, not to transform Africa into a nuclear zone. The Soviet Union signifies its agreement. The United States does not give its agreement to this proposal. It does not support it.

* * *

70. Mr. GODBER (United Kingdom): I should like to make quite a brief intervention here this morning on the vote of my delegation on the second of the two resolutions which we are considering here, namely draft resolution II contained in the report of the First Committee [A/4942/Add.3].

71. Now this is a case in which the sponsors of the draft resolution and those who, as in our own case, have serious hesitations about the wisdom of it in its present form, none the less, I think, both have the same aims. We both want to rid the world of the potential disaster of nuclear and thermonuclear war. We both want the whole of the world to be a denuclearized area, from which the fear of any form of war, including nuclear and thermonuclear war, is banished. That, I think, is common ground. We differ only as to the best methods of achieving our common end.

72. The sponsors of this draft resolution believe—and I am quite sure they are absolutely sincere in this—that the aim can be attained by a noble declaration which, in its present form, we believe—I am bound to say—is doomed to be ineffectual. Now, we, for our part, are convinced that the same goal must be sought, but it must be sought through general and complete disarmament with effective international verification; and I emphasize those last words.

73. We very much regret that it was not possible in the First Committee to achieve a meeting of minds on the best way to secure what we both want, what indeed, I hope that we all want. This regret does not temper our sympathy with the sponsors and with their objective.

74. Since the discussion of this draft resolution in the First Committee, we have, of course, resumed consideration there of the subject of disarmament; and my own delegation and that of the United States have reaffirmed the urgent need for general and complete disarmament, carried out in balance stages and under effective international control. The joint statement of agreed principles [A/4879], submitted by the United States and the Soviet Union, provides for the elimination of stockpiles of nuclear weapons and the cessation of the production of such weapons, carried out in such a way that at no stage of the process could any State or group of States gain military advantage.

75. Under the United States disarmament programme [A/4891], which we support, all nuclear weapons would cease to exist. There would be no nuclear or thermonuclear weapons to use. When all existing nuclear weapons are destroyed, when no more are being made, and when this can be verified internationally, the problem of preventing their use will have solved itself. The aim of this draft resolution and of many other partial proposals will have been achieved. That is what we ourselves favour. For that we are working, and will work, with all our power.

76. But the hard fact remains that so long as States possess nuclear weapons, they will use them in self-defence. Mr. Khrushchev has shown himself a realist on this point. In a recent statement to Mr. Sulzberger, which has already been the subject of discussion in this Assembly, Mr. Khrushchev dealt specifically with the question of undertakings to refrain from the use of nuclear weapons. The Soviet representative in the First Committee sought to show that the point which Mr. Khrushchev was making is, in some way, inapplicable to the draft resolution which is now before us. I would like the Assembly to judge on this. What Mr. Khrushchev said when asked whether the Soviet Union would be the first to employ nuclear weapons in a war was, and I quote his actual words as reported in The New York Times of 8 September 1961:

> "Even if either side should in such a war feel it was losing, would it not use nuclear weapons to avoid defeat? It would undoubtedly use its nuclear bombs . . . .
>
> "All this goes to show"—and I am still quoting Mr. Khrushchev—"that if atomic weapons are preserved, and if war is unleashed, it will be a thermonuclear war. Therefore, world peace must be assured not by undertaking to refrain from the use of nuclear weapons but by radical solution of the cardinal issues. And the best guarantee to peace is

the destruction of armaments and the elimination of armies, in other words, disarmament."

77. Now those are the words of Mr. Khrushchev. You will notice that in this there is no reference whatever to unilateral declarations, no suggestion that this view, so forthrightly and—if I may say so—so effectively, stated, depended upon the number of States which might declare that they would not use nuclear weapons.

78. The arguments which have been advanced by Soviet representatives in the First Committee seeking to justify their vote in favour of such vague declarations as that envisaged in the draft resolution before us, are specious. The point quite clearly made by Mr. Khrushchev himself—and on this, at least, we are bound to agree with him—is that mere unverifiable undertakings not to use nuclear weapons—in the absence of general and complete disarmament under effective international control—are, in those circumstances, entirely valueless. He has clearly said that the Soviet Union would use nuclear weapons in self-defence if it found itself at a disadvantage in any war, including what is usually called a conventional war. I find it impossible to understand how any representative of Mr. Khrushchev or his Government can then justify casting a vote in favour of a draft resolution which says among other things that " ... any State using nuclear and thermonuclear weapons is to be considered to violate the Charter of the United Nations ...." This must surely be taken as a declaration by the Soviet Government of their readiness to violate the Charter. It can mean nothing else.

79. I listened with great care to what the representative of the Soviet Union said to us this morning. He is well aware that I raised this matter on a previous occasion with him in the First Committee [1197th meeting]; indeed, on that occasion, I think he thought the words I used were unnecessarily harsh, but as I reminded him on that occasion, I cannot call other than hypocrisy actions which are, in fact, hypocritical in this way. When we are told that the Soviet Union is supporting this draft resolution, in the light of these remarks of Mr. Khrushchev, then I cannot see any other explanation for that action.

80. I listened carefully this morning to see if we were to receive a further explanation of these words of Mr. Khrushchev; I should have been very interested indeed to hear it. But I do understand that it would be difficult, if not embarrassing, for the representative of the Soviet Union here publicly to disagree with what Mr. Khrushchev said in Moscow. I certainly do not wish the representative any harm and so I do not want to press the point and to embarrass him further on it, but it is a matter in which I think we can all draw our own conclusions; and for myself, even with the greatest respect for the words of the representative here, I prefer the words of Mr. Khrushchev on this occasion as showing what the real intentions of the Soviet Union are.

81. For our own part, since we do agree with Mr. Khrushchev's logic in this matter, we see no alternative, if international honesty and good faith are to be preserved, but to vote against this draft resolution. At the same time, we again pledge ourselves to bend our every effort in the cause of concluding an agreement on general and complete disarmament, with proper provision for effective international control under which there can no longer be any question of using nuclear weapons. This is the way to remove the threat; and it is for this reason that we feel bound to vote against this particular draft resolution.

82. I think it was significant this morning when the representative of Canada here announced that his delegation would now vote against this draft resolution, and I hope that may encourage others, too, to feel that this is really the correct action to take in regard to this particular draft resolution because of the implications which I have tried to spell out. We all want to achieve real and lasting disarmament, in which nuclear weapons will disappear altogether. But in the light of the arguments I have presented, I believe that it is no help to this Organization for us to blind ourselves to the issues involved here merely by passing resolutions which appear to have the right intention and to think that by so doing we are solving these vital problems.

83. I hope very much that other delegations will think carefully about this. For the reasons stated, my delegation will vote against this draft resolution.

84. Mr. IQBAL (Pakistan): When draft resolution II, contained in the report of the First Committee [A/4942/Add.3] and couched in the form of a declaration, was voted upon in the Committee, we pointed out that it in fact related to the item on disarmament, rather than to that on the banning of nuclear weapons tests. There has been a development since the draft resolution was adopted in the First Committee, because the USSR has declared its intention to resume negotiations on the banning of nuclear weapons tests. As we all hope that this may lead speedily to a treaty on the banning of nuclear weapons tests, we feel that draft resolution II has become unnecessary. We therefore think that, in order to give the fullest chance for these negotiations to result in a treaty banning nuclear weapons tests, we should not proceed with this draft resolution. In any case, if this draft resolution is put to the vote, we shall abstain.

* * *

90. Mr. BLUSZTAJN (Poland): I would like briefly to explain the vote of my delegation on the two draft resolutions contained in the report of the First Committee [A/4942/Add.3] now before us.

* * *

96. The Polish delegation will also support draft resolution II, a declaration banning the use of nuclear weapons. We believe that the adoption of this draft resolution would be a very important contribution of this Assembly to the solution of the general problem of disarmament.

97. The representative of the United Kingdom, who spoke a while ago, tried to enlarge the scope of our debate. It seems to him that the problem, which the authors of this draft resolution are trying to solve,

can best be solved by a treaty on general and complete disarmament. I am in full agreement with him on this point, with only one reservation. I cannot see how this declaration can be opposed to our efforts to conclude an agreement on general and complete disarmament. It is certainly not our intention to substitute this declaration for a determined effort to reach an agreement on general and complete disarmament. We are looking forward to the resumption of negotiations on general and complete disarmament and we hope that these negotiations will lead to an early conclusion of a comprehensive treaty.

98. We are also in favour of partial measures leading towards general and complete disarmament and we see many merits in the adoption by this Assembly of a declaration which would state in clear terms that the international community is against the use of nuclear weapons.

99. The representative of the United Kingdom has quoted here a statement by Mr. Khrushchev. This has been the subject of debate in the First Committee and has been, I think, clearly and definitely refuted by the representative of the Soviet Union. I wonder why we have here reverted to the custom of some representatives taking the floor to explain their own vote and trying also to explain the votes of other representatives. The representative of the United Kingdom has used rather harsh language.

100. It seems to me that it is not hypocritical to favour disarmament and to vote for a declaration such as this. But one can easily call it hypocrisy when one sees somebody vote against the declaration and pretend, at the same time, to be in favour of general and complete disarmament.

101. The PRESIDENT (translated from French): Before calling on the succeeding speakers and in order to facilitate our work somewhat, I intend, before the vote, to call on three speakers who have asked to explain their vote. I shall grant any other requests for an explanation of vote, under Rule 90, after the voting. I call on the first of these three persons, the representative of Thailand.

102. Mr. ANUMAN RAJADHON (Thailand): In the First Committee, the delegation of Thailand voted in favour of draft resolution II contained in the Committee's report [A/4942/Add.3]. The reason for its action was that it has full sympathy with the noble desire and motives of the sponsors of this draft resolution.

103. The genuine desire of my country and my people to see the banishment of all nuclear weapons, as well as to see all areas of the world denuclearized, is well known. That is why my delegation has supported all previous resolutions on nuclear matters adopted by this Assembly.

104. However, now that the two great nuclear Powers, the United States of American and the Soviet Union, have agreed to return to the conference table at Geneva in order to resume negotiations on a nuclear test ban, my delegation is of the view that no duplicating action should be taken by this Assembly which might prejudice the resumption of these negotiations. A special conference for signing a convention on the prohibition of the use of nuclear and thermonuclear weapons for war purposes, as envisaged by this draft resolution will, in the view of my delegation, not serve any useful purpose at the present time, for it will certainly clash with the conference at Geneva. Its work will not only duplicate, but also complicate, the work of the Geneva conference.

105. In the light of these reasons—change of situation and the conviction that all peace-loving people everywhere should welcome the resumed negotiations and should give their wholehearted support to achieving their success—my delegation will abstain in the vote on draft resolution II.

106. Mr. DE LEQUERICA (Spain) (translated from Spanish): The Spanish delegation has no comment to make on the first of the draft resolutions on which we are to vote—that concerning atomic explosions on the African continent. We shall cast our vote and pursue our policy on this proposal as we did in the First Committee. On the other hand, our delegation is among those which are changing their votes on the other draft resolution—that concerning the use of nuclear weapons. The two draft resolutions appear in part IV of the report of the First Committee [A/4942/Add.3].

107. Strictly speaking, however, we are not changing our vote; above all, we are not changing our ideas, which we expressed with the utmost firmness in the First Committee. I venture to read what I said there:

> "Furthermore, the proposal unintentionally serves to bind hand and foot, in the face of acts of aggression by the country of constant atomic explosions, those countries which obey international law. To deprive those countries of the right to take adequate military counter-measures in the face of the Soviet's untrammelled preparations would be an injustice. These bonds would not be over-strong, for they would lack true moral force, which is what we are in a position to give; If I remember my Swift correctly, they would be rather like Gulliver's bonds, which were of soft silk, and which he threw off with a single movement when he awoke.
>
> "At all events, we must be mindful of the moral consideration we owe to the opinions of the United Nations, and must not be over-hasty in giving expression to them . . . ."[4]

108. Our view, then, was wholly unfavourable to the draft resolution. When the vote was taken, we expressed that unfavourable view in the courteous form, increasingly adopted here, of abstention: first, out of respect, friendship and consideration for the sponsoring countries, of whose good intentions and aims we had no doubt, and secondly out of a kind of instinctive respect for the wording; for it is difficult to say "no" to noble and generous words, even if in practice they may serve dangerous ends. This is the strength of drafts which are couched in sublime language but whose outcome may be less sublime and even, perhaps, prejudicial to the smooth progress of international order and external defence. Moreover, we were then unaware of the fortunate agreement to continue negotiations, reached between the countries representing the two main contending schools of thought on this matter of armaments—an agreement which clarifies many problems and calls for clear and well-defined positions on our part also.

109. The Spanish delegation, then refusing to be tempted by generous words and good intentions, was opposed to the draft resolution, as I have just said; but when the time came to vote, it took the courteous

[4] This statement was made at the 1193rd meeting of the First Committee, the official records of which are published only in summary form.

course of abstaining, as the correct and civilized thing to do. At the present grave juncture, faced with new circumstances, and wishing to assume its full responsibilities and avoid the snare of mere words, it announces that it will vote against the draft resolution in question.

110. Mr. GEBRE-EGZY (Ethiopia): The draft resolutions contained in the report of the First Committee [A/4942/Add.3] and upon which we are about to vote, are historic. We have given birth to both of them—that is to say, we, the Ethiopian delegation. Of course, being the father of two historic children, if I may put it so, we have no preference whatsoever. Yet, since one of them comes before the other—that is, the draft resolution containing the declaration, draft resolution II—the first child should have a little bit of preference, although not very much.

111. The idea of this draft resolution was brought up by my delegation—indeed, by my Minister of State for Foreign Affairs—three years ago. We brought it here during the fourteenth session, but we did not submit a draft resolution. We consulted a number of delegations and, as history now shows, the great majority of the Members were completely in favour of it.

112. During the fifteenth session we presented the draft resolution[5] and, for reasons which are now well known, it was not voted upon. So it was that this year again twelve African-Asian countries brought the draft resolution to the First Committee. Now the Ethiopean Government and delegation have already explained in detail the reasons for submitting the draft resolution. We have replied to all criticisms and I am most happy to note that the Committee adopted our resolution not simply by a majority vote, not simply by a two-thirds vote, but by a vote approaching unanimity. A glance at the voting record shows that the amendments which were submitted against our draft resolution—amendments which would have authorized something which the Charter itself never knew and would not dare, even if it did know, to authorize—were rejected by 50 votes to 28, with 22 abstentions. Once that was done, the draft resolution was adopted by a roll-call vote of 60 to 16 with 25 abstentions.

113. I think the conclusion is clear that the entire human race is for the draft resolution. As a matter of fact, even those who voted against it accepted it—they could not say they wanted to use atomic weapons. They simply said that they wanted to achieve the same end by other means, so that, to my delegation, the occasion is very historic. The world has now accepted that which we brought to its attention, that which grew out of our experience. The world now respects our experience in this matter and is ready to vote on this draft resolution, and thereby take a position on it.

114. I have heard a number of delegations say that there are some developments which must be brought to the attention of the Assembly. What are these developments? One is, that the two great Powers have agreed to further negotiations regarding a nuclear test ban treaty, and so it is argued that this draft resolution now ties our hands. It is said that for this reason it should be defeated.

115. I submit that nothing in our draft resolution prevents anybody from doing anything—in fact, it welcomes negotiations to prepare and define a treaty banning nuclear weapons. Nowhere does the draft resolution say that it is against the conclusion of a treaty banning nuclear weapons; it does not say that. In all humility, I am bound to say that those who invoke this fact are not giving a proper interpretation to the situation. The draft resolution in fact, in operative paragraph 2, envisages such a convention, but that is to come in due course.

116. Supposing, however, that there is agreement on nuclear weapons. There is no conflict, because operative paragraph 2 does not say that this cannot be done; it simply requests the Secretary-General to consult the Governments of Member States on the possibility of convening a conference for drawing up a convention. There is no conflict whatsoever. If the countries now engaged in negotiations on a nuclear test ban succeed before the replies come from the various Governments, well and good; we shall be the the first to applaud them. If they do not succeed, I submit that they should not prevent other Governments, including themselves as a matter of fact, from making another attempt.

117. Second, the draft resolution in substance is not against the nuclear Powers concluding an agreement on nuclear weapons. Nowhere does it say that it is in fact against it. If they agree, by control and other means, to conclude such an agreement, again, our declaration would be implemented, just as is envisaged in its operative paragraph 2.

118. I also heard an argument to the effect that negotiations on disarmament are being advanced and that therefore this draft resolution is unnecessary. This is really a repetition of the previous argument and I need not deal with it at length. If there is an advance, well and good. If an agreement on disarmament is concluded, this would constitute a part of that historic document. I see no contradiction whatsoever in that.

119. I heard one more argument, which seems to deserve my attention, and that was, that nuclear weapons cannot be done away with by banning them. Well, that is a declaration of the human race and it must be respected. I do not know why it must be concluded: "Do not do this because I am not going to follow it or others are not going to follow it". If we take that line of action then we shall not do anything. If I am told: "Do not do this because I am going to do something against it", then that line of action, I submit, can prevent action everywhere, not only here, but everywhere.

120. I am therefore compelled to beg those delegations that have spoken against the draft resolution to weigh the consequences of their position and at least, if they cannot vote for it, to abstain.

121. The PRESIDENT (translated from French): We shall now vote on the draft resolutions.

5/ Official Records of the General Assembly, Fifteenth Session, Annexes, agenda items 67, 86, 69 and 73, documents A/C.1/L.254 and Add.1-3.

122. The President (translated from French): We shall now vote on draft resolution II contained in the report [A/4942/Add.3] of the First Committee. A vote in parts has been requested, as well as a roll-call vote on the operative paragraphs and on the draft resolution as a whole. In accordance with this request, we shall first vote on the preamble, paragraph by paragraph.

The first paragraph of the preamble was adopted by 62 votes to none, with 28 abstentions.

The second paragraph of the preamble was adopted by 63 votes to none, with 29 abstentions.

The third paragraph of the preamble was adopted by 63 votes to 1, with 31 abstentions.

The fourth paragraph of the preamble was adopted by 62 votes to none, with 28 abstentions.

The fifth paragraph of the preamble was adopted by 61 votes to 6, with 25 abstentions.

123. The PRESIDENT (translated from French): We shall now vote on the operative part of draft resolution II. A vote in parts has been requested for each of the sub-paragraphs of operative paragraph 1; a roll-call vote has been requested on sub-paragraph (a) of paragraph 1, on paragraph 1 as a whole, on paragraph 2 and on the draft resolution as a whole.

The vote was taken by roll-call on sub-paragraph (a) of operative paragraph 1.

Turkey, having been drawn by lot by the President, was called upon to vote first.

In favour: Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Upper Volta, Yemen, Yugoslavia, Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Cameroun, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Leopoldville), Cuba, Cyprus, Czechoslovakia, Dahomey, Ethiopia, Federation of Malaya, Gabon, Ghana, Guinea, Hungary, India, Indonesia, Iraq, Ivory Coast, Japan, Jordan, Lebanon, Liberia, Libya, Madagascar, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Niger, Nigeria, Poland, Romania, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sudan, Syria, Togo, Tunisia.

Against: Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Australia, Belgium, Canada, China, France, Greece, Guatemala, Ireland, Italy, Luxembourg, Netherlands, New Zealand, Nicaragua, Portugal, South Africa, Spain.

Abstaining: Uruguay, Venezuela, Argentina, Austria, Bolivia, Brazil, Chile, Colombia, Costa Rica, Denmark, Ecuador, El Salvador, Finland, Haiti, Honduras, Iceland, Iran, Israel, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Sweden, Thailand.

Sub-paragraph (a) was adopted by 56 votes to 19, with 26 abstentions

Sub-paragraph (b) was adopted by 59 votes to 17, with 19 abstentions.

Sub-paragraph (c) was adopted by 63 votes to 12, with 24 abstentions.

Sub-paragraph (d) was adopted by 52 votes to 20, with 23 abstentions.

124. The PRESIDENT (translated from French): I shall now put the whole of operative paragraph 1 to the vote.

A vote was taken by roll-call.

Guinea, having been drawn by lot by the President, was called upon to vote first.

In favour: Guinea, Hungary, India, Indonesia, Iraq, Ivory Coast, Japan, Jordan, Lebanon, Liberia, Libya, Madagascar, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Niger, Nigeria, Poland, Romania, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sudan, Syria, Togo, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Upper Volta, Yemen, Yugoslavia, Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Cameroun, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Leopoldville), Cuba, Cyprus, Czechoslovakia, Dahomey, Ethiopia, Federation of Malaya, Gabon, Ghana.

Against: Ireland, Italy, Luxembourg, Netherlands, New Zealand, Nicaragua, Portugal, South Africa, Spain, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Australia, Belgium, Canada, China, France, Greece, Guatemala.

Abstaining: Haiti, Honduras, Iceland, Iran, Israel, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Sweden, Thailand, Uruguay, Venezuela, Argentina, Austria, Bolivia, Brazil, Chile, Colombia, Costa Rica, Denmark, Ecuador, El Salvador, Finland.

Operative paragraph 1 as a whole was adopted by 56 votes to 19, with 26 abstentions.

125. The PRESIDENT (translated from French): We shall now vote on operative paragraph 2 of draft resolution II set fourth in the report [A/4942/Add.3] of the First Committee.

A vote was taken by roll-call.

The United Kingdom, having been drawn by lot by the President, was called upon to vote first.

In favour: Upper Volta, Yemen, Yugoslavia, Afghanistan, Albania, Bulgaria, Burma, Byelorussian

Soviet Socialist Republic, Cambodia, Cameroun, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Leopoldville), Cuba, Cyprus, Czechoslovakia, Dahomey, Ethiopia, Gabon, Ghana, Guinea, Hungary, India, Indonesia, Iraq, Ivory Coast, Jordan, Lebanon, Liberia, Libya, Madagascar, Mali, Mauritania, Mongolia, Morocco, Nepal, Niger, Nigeria, Poland, Romania, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sudan, Syria, Togo, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic.

Against: United Kingdom of Great Britain and Northern Ireland, United States of America, Australia, Belgium, Canada, China, Costa Rica, France, Greece, Guatemala, Italy, Luxembourg, Netherlands, New Zealand, Nicaragua, Portugal, South Africa, Spain, Turkey.

Abstaining: Uruguay, Venezuela, Argentina, Austria, Bolivia, Brazil, Chile, Colombia, Denmark, Ecuador, El Salvador, Federation of Malaya, Finland, Haiti, Honduras, Iceland, Iran, Ireland, Israel, Japan, Mexico, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Sweden, Thailand.

Operative paragraph 2 was adopted by 53 votes to 19, with 29 abstentions.

126. The PRESIDENT (translated from French): We shall now vote on draft resolution II as a whole.

A vote was taken by roll-call.

Yemen, having been drawn by lot by the President, was called upon to vote first.

In favour: Yemen, Yugoslavia, Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Cameroun, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Leopoldville), Cuba, Cyprus, Czechoslovakia, Dahomey, Ethiopia, Gabon, Ghana, Guinea, Hungary, India, Indonesia, Iraq, Ivory Coast, Japan, Jordan, Lebanon, Liberia, Libya, Madagascar, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Niger, Nigeria, Poland, Romania, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sudan, Syria, Togo, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republic, United Arab Republic, Upper Volta.

Against: Australia, Belgium, Canada, China, Costa Rica, France, Greece, Guatemala, Ireland, Italy, Luxembourg, Netherlands, New Zealand, Nicaragua, Portugal, South Africa, Spain, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Austria, Bolivia, Brazil, Chile, Colombia, Denmark, Ecuador, El Salvador, Federation of Malaya, Finland, Haiti, Honduras, Iceland, Iran, Israel, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Sweden, Thailand, Uruguay, Venezuela.

Draft resolution II as a whole was adopted by 55 votes to 20, with 26 abstentions.

127. The PRESIDENT (translated from French): There are still two speakers on my list who wish to exercise their right of reply, one who wishes to explain his vote after the vote. I call upon the representative of the United States of America, who desires to exercise his right of reply.

128. Mr. DEAN (United States of America): It was not quite clear to our delegation what the representative of the Soviet Union was complaining about this morning.

129. I used Soviet sources and nothing else to describe the Soviet position. The representative of the United Kingdom has already quoted Mr. Khrushchev's statement in which he said that

> "... it would be untimely at present to say that in the event of war atomic weapons would not be employed. Anyone who made such a statement could turn out to be untruthful even though, when making such a pledge, he would be sincere and not be lying ... if either side should in such a war feel it was losing, would it not use nuclear weapons to avoid defeat?[6] It would undoubtedly use its nuclear bombs."

130. Nevertheless, the Soviet Union has supported a statement that the use of nuclear wapons, even in self-defence, was a violation of the Charter. In the First Committee, in the meeting of 13 November 1961, the representative of the Soviet Union, Mr. Tsarapkin, said:

> "It is quite clear to us—and I think it is just as clear to the representative of Italy—because the draft resolution of the eleven African countries states that the use of nuclear and thermonuclear weapons is a direct violation of the Charter of the United Nations."[7]

131. I stated that the Soviet Union enthusiastically supported this draft resolution. The next day, in the meeting of 14 November, Mr. Tsarapkin of the Soviet Union said:

> "Yesterday, in reply to our criticism of the Italian amendments [A/C.1/L.295], the representative of Italy, being unable to refute that criticism, stated that the Soviet Union was prepared to deal a crushing nuclear blow"—I repeat: crushing nuclear blow—"to any aggressor. Everybody will understand that that will happen. It is exactly what will happen if war begins. War is war, and it has its own logical sequence of events. In our day any war can immediately become a nuclear war, and since Italy is a member of NATO, and has allowed the United States to establish military bases on its territory, it is clear that, in view of its undertakings under the NATO agreements, it will, whether it wishes or not, be drawn into any such war in the most active manner and, of course, with all due consequences.
>
> "The Italian representative has no doubts concerning the objective of these NATO bases in his country. We have no doubts on that score either. That is why it is within the logic of events that, in the event of war, those bases will be immediately dealt a crushing and devastating blow"—and here is Soviet irony—"but the responsibility for these consequences will, of course, rest with those who created NATO, who have drawn Italy into NATO and who have established military bases on Italian soil and have thus made that country vulnerable to such blows."[8]

132. I submit that what I said is entirely justified by what Mr. Khrushchev has said and what the repre-

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6/ This statement was published in The New York Times of 8 September 1961.

7/ This statement was made at the 1193rd meeting of the First Committee, the official record of which was published only in summary form.

8/ This statement was made in the 1194th meeting of the First Committee, the official record of which was published only in summary form.

sentative of the Soviet Union has said in this hall, namely, that although they have voted for a resolution which would outlaw nuclear weapons even in the exercise of self-defence, nevertheless, the Soviet Union does not intend to live up to that resolution.

133. The PRESIDENT (translated from French): I call upon the representative of the Union of Soviet Socialist Republics, who wishes to exercise his right of reply.

134. Mr. MENDELEVICH (Union of Soviet Socialist Republics) (translated from Russian): At this hour I have no intention of detaining the General Assembly for long, and want to make only two short remarks. The fondness which the United Kingdom and United States delegations have lately shown for quoting from Soviet sources should, in our view, be backed up also by correctness of quotation, since what is the point of quoting, if the quotation is incorrect?

135. As regards the declarations by the Head of the Soviet Government which were quoted by the representatives of Western delegations speaking from this rostrum, I cannot do other than say that they were quoted incorrectly. I read out today a clear and absolutely definite statement by the Head of the Soviet Government about that Government's readiness to sign an undertaking by States to renounce the use of nuclear weapons the very same day that other States also do so.

136. As regards the declarations made by Mr. N.S. Khrushchev in reply to questions put by the United States journalist, Mr. Sulzberger, the Soviet delegation is obliged, for the third time, to draw the attention of the delegations of Western Powers to the fact that the United States observer, Mr. Sulzberger. asked: "Would the Soviet Union agree to declare that it would never be the first to employ nuclear weapons in the event of war?" Mr. Sulzberger went on to say: "It seems to me that, if just one country were to make such a statement, then perhaps the other nuclear Powers also would make similar statements".[9] And N. S. Khrushchev, the Head of the Soviet Government, replied: "We shall never be the first to start a war against any country. That is our position: we shall never be the first to start a war against any country". Further, in reply to Mr. Sulzberger's question about the unilateral assumption by the Soviet Union of a commitment not to employ nuclear weapons, Mr. Khrushchev explained why such a commitment could not be accepted unilaterally. And we, today, continue to hope that, after the General Assembly has, by an overwhelming majority of votes, adopted the resolution in favour of concluding a multilateral convention prohibiting the use of nuclear weapons, it will prove possible to conclude such a convention and that the Governments of the United States and the United Kingdom will not oppose this. On its part, the Soviet Union is prepared to conclude such a convention.

137. Secondly, with reference to Mr. Dean's last speech, the Soviet delegation would like once again to draw attention to the vitally important necessity of ensuring a healthy and favourable atmosphere for the forthcoming disarmament negotiations. We consider this to be a most important task and we appeal to all delegations, including the United States delegation, to help in creating such an atmosphere.

138. The PRESIDENT (translated from French): I call upon the representative of the Upper Volta, for an explanation of vote.

139. Mr. GUIRMA (Upper Volta) (translated from French): It may seem strange and contradictory that certain African countries should have abstained in the vote on the resolution [1652 (XVI)] which asks for the denuclearization of Africa, and yet have voted in favour of the resolution [1653 (XVI)] which declares that the use of nuclear and thermonuclear weapons is contrary to the spirit, letter and aims of the United Nations and, as such, a direct violation of the Charter of the United Nations.

140. Nevertheless, our position is clear. I should like to repeat briefly here the explanations we have already given in the First Committee. During the Committee's discussion on denuclearization and various nuclear problems, we found ourselves witnessing what was virtually a duel between the United States of American and the Soviet Union. This brought it home to us that disarmament was an extremely pressing problem; that the problems had to be placed in order of importance and urgency; that the disarmament problem was, into the bargain indivisible; and that it was necessary to think in terms of general disarmament rather than disarmament by continents. Even if a continent was declared a denuclearized zone, it would not, in the event of nuclear war, necessarily be spared by the atomic bombs, much less by the radio-active fall-out that the nuclear explosions might produce. This prompted us to feel that we should strive for a more general and more comprehensive form of disarmament throughout the world, because it would be idle to think that Africa's destiny could be kept apart from that of the rest of the world.

141. We also felt that this move should come from the various African Heads of State. Faced with the controversy aroused by the various problems of disarmament and denuclearization, the African Heads of State must reach a thorough and unanimous agreement on the steps to be taken to keep Africa safe. It is not our function, here in the United Nations, to take up positions and ask our Heads of State to sanction them; we are here rather in order to secure international sanction for the decisions taken by the supreme authorities of our States. That is why we abstained on the resolution concerning the denuclearization of Africa, yet voted in favour of the resolution submitted by Ethiopia and its friends.

142. I say this in order to dispel any confusion regarding our intentions and to make it clear that there has never been any question of our wishing to protect anyone, or any intention in connexion with the initial testing or storage of atomic weapons in Africa.

The meeting rose at 1.45 p.m.

9/ Published in The New York Times, 8 September 1961.

33/71. Review of the implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session

B

NON-USE OF NUCLEAR WEAPONS AND PREVENTION OF NUCLEAR WAR

The General Assembly,

Alarmed by the threat to the survival of mankind and to the life-sustaining system posed by nuclear weapons and by their use inherent in concepts of deterrence,

Convinced that nuclear disarmament is essential for the prevention of nuclear war and for the strengthening of international peace and security,

Recalling the statement contained in the Final Document of the Tenth Special Session of the General Assembly that all States should actively participate in efforts to bring about conditions in international relations among States in which a code of peaceful conduct of nations in international affairs could be agreed and which would preclude the use or threat of use of nuclear weapons,[43]

1. *Declares* that:

(*a*) The use of nuclear weapons will be a violation of the Charter of the United Nations and a crime against humanity;

(*b*) The use of nuclear weapons should therefore be prohibited, pending nuclear disarmament;

2. *Requests* all States, particularly nuclear-weapon States, to submit to the Secretary-General, before the thirty-fourth session of the General Assembly, proposals concerning the non-use of nuclear weapons, avoidance of nuclear war and related matters, in order that the question of an international convention or some other agreement on the subject may be discussed at that session.

84th plenary meeting
14 December 1978

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[43] Resolution S-10/2, para. 58.

UNITED NATIONS

GENERAL ASSEMBLY

Distr.
LIMITED

A/C.1/33/L.2
20 October 1978

ORIGINAL: ENGLISH

Thirty-third session
FIRST COMMITTEE
Agenda item 125

REVIEW OF THE IMPLEMENTATION OF THE RECOMMENDATIONS AND DECISIONS ADOPTED BY THE GENERAL ASSEMBLY AT ITS TENTH SPECIAL SESSION

Algeria, Argentina, Cyprus, Ethiopia, India, Indonesia, Malaysia, Nigeria and Yugoslavia: draft resolution

Non-use of nuclear weapons and prevention of nuclear war

The General Assembly,

Alarmed by the threat to the survival of mankind and to the life-sustaining system posed by nuclear weapons and by their use inherent in concepts of deterrence,

Convinced that nuclear disarmament is essential for the prevention of nuclear war and for the strengthening of international peace and security,

Recalling the Declaration of the General Assembly contained in the Final Document adopted at its tenth special session that "all States should actively participate in efforts to bring about conditions in international relations among States in which a code of peaceful conduct of nations in international affairs could be agreed and which would preclude the use or threat of use of nuclear weapons", 1/

1. Declares that:

(a) The use of nuclear weapons will be a violation of the Charter of the United Nations and a crime against humanity;

(b) The use of nuclear weapons should therefore be prohibited, pending nuclear disarmament;

2. Requests all States, particularly nuclear-weapon States, to submit to the General Assembly at its thirty-fourth session proposals concerning the non-use of nuclear weapons, avoidance of nuclear war and related matters in order that the question of an international convention or some other agreement on the subject may be discussed at the thirty-fourth session.

1/ S-10/2.

United Nations
GENERAL ASSEMBLY
THIRTY-THIRD SESSION
Official Records *

FIRST COMMITTEE
18th meeting
held on
Friday, 27 October 1978
at 10.30 a.m.
New York

VERBATIM RECORD OF THE 18TH MEETING

Chairman: Mr. PASTINEN (Finland)

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AGENDA ITEM 125: REVIEW OF THE IMPLEMENTATION OF THE RECOMMENDATIONS AND DECISIONS ADOPTED BY THE GENERAL ASSEMBLY AT ITS TENTH SPECIAL SESSION: REPORT OF THE SECRETARY-GENERAL (continued)

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Corrections will be issued shortly after the end of the session, in a separate fascicle for each Committee.

78-73504

Distr. GENERAL
A/C.1/33/PV.18
30 October 1978

ENGLISH

The CHAIRMAN: In the few minutes that are left to us, I call on the representative of India formally to introduce to the Committee the draft resolutions in document A/C.1/33/L.2 and A/C.1/33/L.3.

Mr. GHAREKHAN (India): Permit me to introduce the two draft resolutions which have been before this Committee for the past week and, in a manner of speaking, before the delegations assembled here for the past four to five months. The draft resolutions pertain to important questions which were not adequately reflected in the Final Document adopted at the special session devoted to disarmament.

Representatives will recall that India did not press its draft resolutions to a vote during the special session in the interests of achieving a consensus, but we reserved the right to introduce those draft resolutions, suitably amended, during this session.

On behalf of the delegations of Algeria, Angola, Argentina, Bhutan, Cyprus, Egypt, Ethiopia, Guinea, Indonesia, Malaysia, Morocco, Nigeria, Romania, the Syrian Arab Republic, Yugoslavia, Zaire and my own, I have the privilege to introduce the draft resolution contained in document A/C.1/33/L.2 on the non-use of nuclear weapons and the prevention of nuclear war.

The General Assembly at its special session unambiguously and unanimously reiterated the fact that nuclear weapons posed the greatest danger to mankind and to the survival of civilization.

The Final Document of the special session also recognized that the most effective guarantee against the danger of nuclear war and the use of nuclear weapons is nuclear disarmament and the complete elimination of nuclear weapons. In fact the General Assembly had, at its very first session held 32 years ago, called for the adoption of measures preventing the use of atomic energy for military purposes and for the elimination of nuclear weapons. Since there is no indication whatsoever of an early halt to the nuclear arms race, let alone the commencement of a process of nuclear disarmament leading to the final elimination of nuclear weapons, there is no reason why mankind should not be given credible and binding assurance against the use of nuclear weapons.

Both during the special session and in the general debate here in the First Committee arguments have been put forward by some nuclear weapons States, as well as by some of their allies, to the effect that they were obliged to retain nuclear arsenals in the interests of their security. But surely these Powers have an equal obligation not to endanger the rest of mankind by the use or threat of nuclear weapons.

This draft resolution reiterates the provisions of the declaration contained in General Assembly resolution 1653 (XVI) of November 1961. It also reiterates the position of the non-aligned countries adopted since the first non-aligned summit meeting held in Belgrade in 1961. Most recently the Belgrade Declaration of the Foreign Ministers of non-aligned countries expressed regret that the negative attitude of some nuclear-weapon States had prevented the special session from adopting measures necessary to prohibit the use of nuclear weapons and to have a moratorium on their testing.

I should like to point out that in this draft resolution the sponsors are not asking for an immediate conclusion of a convention on non-use of nuclear weapons. We are merely calling upon all States, particularly the nuclear weapon States, to submit proposals on the arrangements for the conclusion of a convention or any other agreement on the non-use of nuclear weapons so that the subject could be studied at the thirty-fourth session of the General Assembly.

Surely, no delegation should find any difficulty in supporting such a simple and non-controversial resolution.

I have just been asked to announce that the United Republic of Cameroon has also become a co-sponsor of draft resolution A/C.1/33/L.2. The respective co-sponsors of both these draft resolutions which I have just formally introduced sincerely hope that both will receive the general approval of all members and will be adopted by consensus.

United Nations
GENERAL ASSEMBLY
THIRTY-THIRD SESSION
*Official Records**

FIRST COMMITTEE
19th meeting
held on
Friday, 27 October 1978
at 3 p.m.
New York

VERBATIM RECORD OF THE 19TH MEETING

Chairman: Mr. PASTINEN (Finland)

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AGENDA ITEM 125: REVIEW OF THE IMPLEMENTATION OF THE RECOMMENDATIONS AND DECISIONS ADOPTED BY THE GENERAL ASSEMBLY AT ITS TENTH SPECIAL SESSION: REPORT OF THE SECRETARY-GENERAL (continued)

A/C.1/33/PV.19
24-25

(Mr. Ibrahim, Ethiopia)

Ethiopia is firmly committed to strengthening international peace and security, building confidence among States, consolidating détente and promoting respect for the purposes and principles of the Charter of the United Nations. As the victim of successive wars of aggression, the people and Government of Ethiopia are always ready to join in all efforts aimed at avoiding the horrors of war. The nuclear Powers and non-nuclear-weapon States must realize that time is of the essence, because war in the present-day world is a war of total destruction. For these reasons Ethiopia has been participating actively in efforts to strengthen the effectiveness of the principle of the non-use of force, and particularly the prohibition of the use of nuclear weapons. This also explains why we have joined in sponsoring the draft resolution, initiated by India, on non-use of nuclear weapons and the prevention of nuclear war (A/C.1/33/L.2).

Ethiopia's ultimate objective is general and complete disarmament under effective international control on the basis of equal security for all. This process can begin only after the cessation of the arms race in the nuclear field. Since there is no indication that this will be attained in the near future, Ethiopia supports all efforts that contribute towards the achievement of that objective.

United Nations
GENERAL ASSEMBLY
THIRTY-THIRD SESSION
Official Records *

FIRST COMMITTEE
51st meeting
held on
Monday, 27 November 1978
at 10.30 a.m.
New York

VERBATIM RECORD OF THE 51ST MEETING

Chairman: Mr. PASTINEN (Finland)

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AGENDA ITEM 125: REVIEW OF THE IMPLEMENTATION OF THE RECOMMENDATIONS AND DECISIONS ADOPTED BY THE GENERAL ASSEMBLY AT ITS TENTH SPECIAL SESSION: REPORT OF THE SECRETARY-GENERAL (continued)

The CHAIRMAN: As no other delegation has asked to speak, the Committee has thus concluded its consideration of the draft resolution in document A/C.1/33/L.1. It will now consider the draft resolution in document A/C.1/33/L.2, entitled "Review of the implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session". The draft concerns the non-use of nuclear weapons and prevention of nuclear war. It has 36 sponsors, and was introduced by the representative of India at the eighteenth meeting of the First Committee, on 27 October 1978. The sponsors have expressed the wish that the draft resolution be adopted by consensus.

Mr. GHAREKHAN (India): When the First Committee adjourned on Friday evening, Mr. Chairman, you were good enough to announce that the sponsors of draft resolutions A/C.1/33/L.2 and L.3 would be meeting this morning at 9.30. Unfortunately today's Journal contained an unfortunate error It announced that the sponsors of draft resolutions A/C.1/33/L.1 and L.2 were to meet this morning for informal consultations. As a result of this mistake in the Journal many of the sponsors did not attend the morning consultations. I would therefore ask, Mr. Chairman at least as far as draft resolution A/C.1/33/1.3 is concerned, if you could possibly give us some time for informal consultations.

As far as draft resolution A/C.1/33/L.2 is concerned, perhaps we could dispense with the need for consultations among the sponsors.

I should like to read out a small drafting change to operative paragraph 2 of the draft. That paragraph should be reworded to read as follows:

> "Requests all States, particularly nuclear-weapon States, to submit to the Secretary-General, before the thirty-fourth session of the General Assembly, proposals concerning the non-use of nuclear weapons ..."

the rest of that paragraph remaining unchanged.

That is a very small change, and it does not at all affect the substance of the draft resolution.

The CHAIRMAN: I thank the representative of India for his clarification. If I understood him correctly, the sponsors of draft resolution A/C.1/33/L.2 have nothing against the Committee proceeding to consider that draft resolution as amended by the representative of India. For the sake of clarity I shall now read out his amendment. The paragraph should read:

> "Requests all States, particularly nuclear-weapon States, to submit to the Secretary-General, before the thirty-fourth session of the General assembly, proposals ..."

and so on. That is the only change.

I would ask the representative of India whether that is correct.

Mr. GHAREKHAN (India): Yes, Mr. Chairman, it is correct.

I would take this opportunity to state that if the draft resolution is not to be adopted by consensus my delegation would appreciate a recorded vote.

The CHAIRMAN: I shall now call upon those representatives wishing to speak in explanation of vote before the vote.

Mr. ISSRAELYAN (Union of Soviet Socialist Republics) (interpretation from Russian): The Soviet Union considers that the question of the prohibition of the use of nuclear weapons must be considered and decided upon in connexion with the non-use of force in international relations and the strengthening of international legal guarantee of the security of States. Such an approach is in total accord with the decisions of the United Nations, and in particular with General Assembly resolution 2936 (XXVII) on the non-use of force in international relations and permanent prohibition of the use of nuclear weapons which was adopted. as will be recalled, at the twenty seventh session of the General Assembly.

That principle was reflected as well in a number of provisions of the Final document of the special session devoted to disarmament. On the basis of those provisions and decisions, the Soviet Union, as is known, introduced for consideration in the United Nations a draft universal treaty on the non-use of force in international relations, article 1 of which provides that parties to the treaty shall refrain from the use of armed force involving the use of any types of weapons, including nuclear weapons and other weapons of mass destruction. The conclusion of such a treaty in accordance with United Nations decisions would, in our opinion, be a major step towards the solution of the question of the prohibition of the use of nuclear weapons.

Unfortunately, in the draft resolution before us, document A/C.1/33/L.2, the question of the prohibition of the use of nuclear weapons is artificially divorced from the question of the adoption of international political and legal measures to strengthen security for all States and from the question of the non-use of force by States in international relations.

In view of this, the Soviet delegation will abstain in the vote on this draft resolution.

Mr. FISHER (United States of America): The United States would like to explain the vote that it will cast against the draft resolution in document A/C.1/33/L.2. This vote is based, in large part, on operative paragraph 1 of this draft resolution which purports to outlaw the use of nuclear weapons, under any circumstances, as a violation of the Charter.

The United States cannot find the basis for this draft resolution in the Charter. The Charter provides that all States must not use or threaten to use force in their relations with other States except in self defence or in other situations permitted under the Charter. The United Nations Charter does not outlaw nuclear means for deterrence or defence against an attack against the United States or its allies.

The United States has previously referred to the facts of nuclear deterrence. These are not pleasant facts but we cannot overlook the fact that in many areas of the world nuclear weapons are part of the security arrangements that have kept the peace. This fact exists, as does its frightening corollary, the number of nuclear weapons and weapon systems deployed on both sides. They cannot be made to disappear by the passage of a resolution by the United Nations.

Against: Australia, Belgium, Canada, Denmark, France, Germany, Federal Republic of, Greece, Ireland, Italy, Luxembourg, Netherlands, New Zealand, Norway, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining: Austria, Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia, Finland, German Democratic Republic, Guatemala, Honduras, Hungary, Iceland, Israel, Japan, Mongolia, Poland, Spain, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics

Draft resolution A/C.1/33/L.2 was adopted by 84 votes to 16, with 18 abstentions.

The CHAIRMAN: I shall now call on those representatives who wish to explain their vote after the vote.

Mr. HSU (China) (interpretation from Chinese): The Chinese delegation is of the view that the desire of many countries for the non-use of nuclear weapons is just. China has consistently stood for the complete prohibition and thorough destruction of nuclear weapons and has repeatedly declared that China will at no time and under no circumstances use nuclear weapons against non-nuclear States. It is known to all that the most effective way to eliminate the danger of a nuclear war is the complete prohibition and thorough destruction of nuclear weapons. Before this objective is realized, the two super-Powers possessing the largest nuclear arsenals should be the first to undertake unconditionally that at no time and under no circumstances will they use nuclear weapons against non-nuclear States or nuclear-free zones, and should proceed forthwith to reduce substantially their nuclear weapons.

As no reference is made in draft resolution A/C.1/33/L.2 to this fundamental question, the Chinese delegation did not participate in the vote on this draft resolution and requests that this statement of the Chinese delegation be reflected in the records.

Mr. OGISO (Japan): The question of non-use of nuclear weapons has been discussed a number of times in United Nations forums, and my country has consistently taken the position that a commitment to the non-use of nuclear weapons will never be genuinely effective unless it is backed up by the implementation of concrete measures of nuclear disarmament and effective international control.

Furthermore, it is well understood by all members present here that the Charter of the United Nations has a legally binding provision in Article 2, paragraph 4, that

> "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations."

The Government of Japan therefore believes that the question of non-use of nuclear weapons should be considered by the United Nations only after progress has been made on concrete measures of disarmament and arms control, such as SALT II and III, a comprehensive test-ban, prohibition of chemical weapons, a cut-off of fissionable materials, and so forth.

For this reason, my delegation abstained from voting on draft resolution A/C.1/33/L.2.

Sir Derek ASHE (United Kingdom): The views of my Government on the issues raised in this draft resolution are too well known for me to need to make more than the briefest explanation of why my delegation has voted against it.

We of course agree on the supreme importance of ensuring that nuclear weapons never need to be used, but a ban on use is not a practical measure for Western countries in an area where nuclear weapons exist in large numbers and where there is a heavy conventional imbalance, so that security for the present rests on nuclear deterrence. Deterrence of aggression is essential to international security until nuclear disarmament has been achieved. Any non-use pledge would weaken the credibility of deterrence and increase the chances of aggression.

Mr. RAJAKOSKI (Finland): The Finnish delegation abstained in the vote on the draft resolution in document A/C.1/33/L.2. We did so because of operative paragraph 1 (a), and more specifically because of the mention that "The use of nuclear weapons will be a violation of the Charter". We think that this mention does not accurately reflect reality.

Having said that, I should like to add that my delegation would have been happy to vote in favour of it could the aforementioned inconsistency with the Charter have been avoided. The main purpose of the draft resolution is, in our view, certainly quite positive and thus meets the concerns of the Finnish Government as far as the danger of nuclear war is concerned.

Mr. LIDGARD (Sweden): It is in the interest of the survival of mankind that nuclear weapons not be used. There is also a certain logical link between non-use and non-proliferation which must be kept in mind. Thus the issue of non-use merits the highest attention. The latest occasion when it was discussed in depth was during the deliberations of the special session of the General Assembly on disarmament.

I wish to recall what is said in paragraph 58 of the Final Document on that issue. Those deliberations have however also reminded us of all the practical difficulties involved. It is all too evident that the problems inherent in the nuclear arsenals and their related military doctrines cannot be solved simply by a declaration of non-use. It is in fact necessary to grapple with the concrete reality of deployed nuclear forces and of the doctrines for their possible use which go deeply into the general military dispositions of the leading military Powers and concern conventional forces as well.

Just as in the case of security guarantees, a declaration of non-use which could gain general acceptance can under no circumstances serve as a substitute for measures on nuclear disarmament. Unfortunately, in the absence of substantial results in the efforts undertaken so far to restrain the nuclear arms race, and in view of the differences in force postures and doctrines already mentioned, the issue of a non-use declaration tends too easily to become less a clear way to greater security for all than a divisive issue between the nuclear-weapon States.

That must be avoided, and for those various reasons my delegation abstained in the vote.

I wish to conclude by recalling once again the Final Document of the special session. The question of non-use is too important to be left aside, and the non-nuclear-weapon States have a legitimate right to expect constructive actions in order to halt the nuclear arms race.

Mr. NGUYEN VAN LUU (Viet Nam) (interpretation from French): The delegation of the Socialist Republic of Viet Nam voted in favour of draft resolution A/C.1/33/L.2, it being understood that under its terms recourse to nuclear weapons in case of aggression is a violation of the Charter and a crime against humanity.

The CHAIRMAN: We have now heard all delegations wishing to explain their votes after the vote.

United Nations

GENERAL ASSEMBLY

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ANNEXES

THIRTY-THIRD SESSION

NEW YORK, 1978/1979

Agenda item 125:* Review of the implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session:
(*a*) Report of the Disarmament Commission;
(*b*) Reports of the Secretary-General

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*For the discussion of this item, see *Official Records of the General Assembly, Thirty-third Session, First Committee*, 4th to 12th, 14th to 19th and 51st to 53rd meetings, and *ibid., First Committee, Sessional Fascicle*, corrigendum; *ibid., Fifth Committee*, 59th meeting and *ibid., Fifth Committee, Sessional Fascicle*, corrigendum; and *ibid., Plenary Meetings*, 84th meeting.

DOCUMENT A/33/461

Report of the First Committee

[*Original: English*]
[*12 December 1978*]

I. INTRODUCTION

1. The item entitled "Review of the implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session: (*a*) Report of the Disarmament Commission; (*b*) Reports of the Secretary-General" was included in the provisional agenda of the thirty-third session in accordance with paragraph 115 of the Final Document of the Tenth Special Session of the General Assembly (resolution S-10/2), adopted on 30 June 1978.

2. At its 4th and 5th plenary meetings, on 22 September 1978, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and allocate it to the First Committee.

3. At its 3rd meeting, on 6 October, the First Committee decided to consider separately items 125 and 128 and then to hold a combined general debate on the other items allocated to it relating to disarmament, namely, items 35 to 49. The general debate on item 125 took place at the 4th to 19th meetings, from 16 to 27 October.

* * *

II. PROPOSALS

* * *

6. On 20 October, Algeria, Argentina, Cyprus, Ethiopia, India, Indonesia, Malaysia, Nigeria and Yugoslavia submitted a draft resolution (A/C.1/33/L.2), subsequently also sponsored by Angola, Barbados, Bhutan, Bolivia, Burundi, Colombia, the Congo, Cuba, Ecuador, Egypt, Guinea, Jordan, Liberia, Madagascar, Mali, Mauritius, Morocco, Peru, Romania, Senegal, Sri Lanka, the Syrian Arab Republic, the United Republic of Cameroon, Uruguay and Zaire, which was introduced by the representative of India at the 18th meeting, on 27 October. The text read as follows:

[*Same text as draft resolution B in paragraph 33 below, with the exception of operative paragraph 2 which read as follows:*

"2. *Requests* all States, particularly nuclear-weapon States, to submit to the General Assembly at its thirty-fourth session proposals concerning the non-use of nuclear weapons, avoidance of nuclear war and related matters in order that the question of an international convention or some other agreement on the subject may be discussed at the thirty-fourth session."]

* * *

III. VOTING

* * *

20. At the same meeting, before the First Committee proceeded to vote on draft resolution A/C.1/33/L.2, India announced a drafting change to operative paragraph 2; the paragraph read in part as follows:

"*Requests* all States, particularly nuclear-weapon States, to submit to the Secretary-General, before the thirty-fourth session of the General Assembly, proposals concerning the non-use of nuclear weapons . . . ",

the rest of the paragraph remaining unchanged. Thereupon, the draft resolution, as revised, was adopted by a recorded vote of 84 to 16, with 18 abstentions (*ibid.*, draft resolution B). The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Botswana, Brazil, Burma, Burundi, Chad, Chile, Colombia, Congo, Costa Rica, Cuba, Democratic Yemen, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Ghana, Guinea, Guyana, Haiti, India, Indonesia, Iran, Iraq, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Morocco, Mozambique, Nepal, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Romania, Senegal, Sierra Leone, Sri Lanka, Sudan, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yugoslavia, Zaire, Zambia.

Against: Australia, Belgium, Canada, Denmark, France, Germany, Federal Republic of, Greece, Ireland, Italy, Luxembourg, Netherlands, New Zealand, Norway, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Austria, Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia, Finland, German Democratic Republic, Guatemala, Honduras, Hungary, Iceland, Israel, Japan, Mongolia, Poland, Spain, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Recommendations of the First Committee

33. The First Committee recommends to the General Assembly the adoption of the following draft resolutions:

Review of the implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session

* * *

B

NON-USE OF NUCLEAR WEAPONS AND PREVENTION OF NUCLEAR WAR

The General Assembly,

Alarmed by the threat to the survival of mankind and to the life-sustaining system posed by nuclear weapons and by their use inherent in concepts of deterrence,

Convinced that nuclear disarmament is essential for the prevention of nuclear war and for the strengthening of international peace and security,

Recalling the statement contained in the Final Document of the Tenth Special Session of the General Assembly that "all States should actively participate in efforts to bring about conditions in international relations among States in which a code of peaceful conduct of nations in international affairs could be agreed and which would preclude the use or threat of use of nuclear weapons",[4]

1. *Declares* that:

(*a*) The use of nuclear weapons will be a violation of the Charter of the United Nations and a crime against humanity;

(*b*) The use of nuclear weapons should therefore be prohibited, pending nuclear disarmament;

2. *Requests* all States, particularly nuclear-weapon States, to submit to the Secretary-General, before the thirty-fourth session of the General Assembly, proposals concerning the non-use of nuclear weapons, avoidance of nuclear war and related matters, in order that the question of an international convention or some other agreement on the subject may be discussed at that session.

[4] Resolution S-10/2, para. 58.

United Nations
GENERAL ASSEMBLY
THIRTY-THIRD SESSION
Official Records

Thursday, 14 December 1978, at 3.40 p.m.
NEW YORK

Agenda item 125:
Review of the Implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session:
(a) Report of the Disarmament Commission:
(b) Reports of the Secretary-General
Report of the First Committee . . . . . .

• • •

54. Mr. MIHAJLOVIĆ (Yugoslavia), Rapporteur of the First Committee: I have the honour to present to the General Assembly the reports of the First Committee on its work relating to agenda items 35 to 50, 125 and 128. The First Committee considered these 18 items during the period from 16 October to 8 December 1978. As a result of its deliberations, the Committee adopted 45 draft resolutions and one recommendation, which are contained in the following reports.

• • •

70. Document A/33/461 contains the report of the First Committee on item 125. Under that item, the Committee adopted 14 draft resolutions which are to be found in paragraph 33.

• • •

73. This year—as a result of the decision of the tenth special session, devoted to disarmament—the First Committee dealt exclusively with the problem of disarmament and related international security questions. The unprecedented number of proposals adopted by the Committee—41 draft resolutions concerning disarmament and four concerning international security, and one recommendation on disarmament—and the record number of statements made during the general debate and in the course of consideration of the aforementioned agenda items, are, in my opinion, an expression of the increased interest, particularly of small countries, in the solving of questions of disarmament and international security within the framework of the United Nations and in the strengthening of the role of the world Organization in this field.

74. On behalf of the First Committee it is my pleasure to commend to the General Assembly for its adoption the draft resolutions and the decision to which I have just referred.

• • •

221. The PRESIDENT *(interpretation from Spanish)*: I now put to the vote draft resolution B. A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Burma, Burundi, Cape Verde, Central African Empire, Chad, Chile, Colombia, Congo, Costa Rica, Cuba, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, Equatorial Guinea, Ethiopia, Fiji, Gambia, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Iraq, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Morocco, Mozambique, Nepal, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Romania, Rwanda, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia

Against: Australia, Belgium, Canada, Denmark, France, Germany, Federal Republic of, Greece, Iceland, Ireland, Italy, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining: Austria, Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia, El Salvador, Finland, Gabon, German Democratic Republic, Hungary, Israel, Japan, Mongolia, Nicaragua, Poland, Spain, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics

Draft resolution B was adopted by 103 votes to 18, with 18 abstentions (resolution 33/71 B).[22]

[22] The delegation of Mauritius subsequently informed the Secretariat that it wished to have its vote recorded as having been in favour of the draft resolution.

34/83. Review of the implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session

G

NON-USE OF NUCLEAR WEAPONS AND PREVENTION OF NUCLEAR WAR

The General Assembly,

Recalling its resolution 33/71 B of 14 December 1978, in which, *inter alia,* it called for prohibition of the use of nuclear weapons, pending nuclear disarmament,

Taking into account proposals submitted by States concerning the non-use of nuclear weapons, prevention of nuclear war and related matters,[48]

1. *Decides* to transmit to the Committee on Disarmament the views of States concerning the non-use of nuclear weapons, avoidance of nuclear war and related matters;

2. *Requests* the Committee on Disarmament to take those views into appropriate consideration and to report thereon to the General Assembly at its thirty-fifth session.

97th plenary meeting
11 December 1979

[48] See A/34/456 and Add.1.

UNITED NATIONS

34A

General Assembly

Distr.
GENERAL

A/34/456
28 September 1979

ORIGINAL: ENGLISH/FRENCH/
SPANISH

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Thirty-fourth session
Agenda item 42 (d)

REVIEW OF THE IMPLEMENTATION OF THE RECOMMENDATIONS AND DECISIONS ADOPTED BY THE GENERAL ASSEMBLY AT ITS TENTH SPECIAL SESSION

Non-use of nuclear weapons and prevention of nuclear war

Report of the Secretary-General

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I. INTRODUCTION

1. On 14 December 1978, the General Assembly adopted, under the item entitled "Review of the implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session", resolution 33/71 B, the operative part of which reads as follows:

"The General Assembly,

...

"1. Declares that:

(a) The use of nuclear weapons will be a violation of the Charter of the United Nations and a crime against humanity;

(b) The use of nuclear weapons should therefore be prohibited, pending nuclear disarmament;

"2. Requests all States, particularly nuclear-weapon States, to submit to the Secretary-General, before the thirty-fourth session of the General Assembly, proposals concerning the non-use of nuclear weapons, avoidance of nuclear war and related matters, in order that the question of an international convention or some other agreement on the subject may be discussed at that session."

2. Pursuant to paragraph 2 of the resolution, the Secretary-General submits herewith the report on the proposals received from Member States concerning the non-use of nuclear weapons, avoidance of nuclear war and related matters.

II. REPLIES RECEIVED FROM GOVERNMENTS

BARBADOS

[Original: English]

[12 July 1979]

1. Barbados has set as its goal general and complete disarmament and has approached the question of disarmament with this goal.

2. Barbados is deeply opposed to the threat which the proliferation of nuclear and other weapons poses to international peace and security and to the very survival of mankind.

3. Barbados supports all efforts which seek to reduce or eliminate the threat of the arms race.

4. Barbados considers that nuclear weapons pose the greatest danger to the survival of mankind and hence there is a real need to prohibit the use of these weapons not only by removing them from the drawing board and the lines of production but also by banning them from combat.

5. Barbados gives its fullest support to measures which seek to achieve nuclear disarmamemt whether by the establishment of nuclear-weapon-free zones or by adherence to the nuclear non-proliferation treaty.

6. Barbados will lend its support to the drafting of an international convention or agreement if by its very existence such a convention or agreement will enhance the effectiveness of the international thrust for the elimination of the threat of nuclear warfare and its destructive consequences and for the achievement of general and complete disarmament.

CHILE

[Original: Spanish]

[27 June 1979]

1. Traditionally the Government of Chile has affirmed its position against the frantic arms race into which mankind has been dragged despite the valiant efforts of all States Members of the United Nations to avoid it. It accordingly supports as the ultimate goal general and complete disarmament under strict and effective international control and supports all proposals for achieving individual disarmament goals.

2. It recognizes that the way in which this will be achieved is through gradual disarmament action, isolated or simultaneous, and to this end it has supported the order of priorities laid down in paragraph 45 of the Final Document of the Tenth Special Session of the General Assembly.

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3. It is discouraged to note that enormous investments in armaments are retarding the development of peoples, especially those of the developing countries, which are compelled to invest disproportionate sums in armaments, since war tensions are reaching regions which until now seemed to be free from the scourge of war.

4. We have repeatedly stated that all attempts at disarmament would fail as long as rivalry and mistrust existed between the major Powers, which are threatening to unleash a general conflict in which it would be very difficult for any country to remain neutral and uncommitted. Accordingly there is an urgent need:

(a) To devise effective verification procedures in order to monitor disarmament measures;

(b) To make the deterrence procedures worked out in Europe universal and to ensure that political deterrence is complemented by military deterrence;

(c) To prevent the formation of military blocs;

(d) To secure real achievements in halting the arms race;

(e) To ensure respect for the purposes and principles of the Charter of the United Nations, especially the peaceful settlement of disputes, non-use of force, non-interference in the internal affairs of other States, etc.

5. At present the greatest threat is that the nuclear weapon may be used. A general nuclear strike would have catastrophic consequences for mankind and the use of that weapon in local wars could lead us irrevocably into a global conflict. From this it can be deduced that nuclear disarmament takes priority over any other type of disarmament.

6. Nevertheless, we realize that existing treaties do not fulfil and have not fulfilled their purpose of limiting, reducing and eliminating those weapons.

(a) Today vertical proliferation is increasing and, more seriously, is increasing in quality rather than in quantity. That means that with less weaponry and smaller but more sophisticated weapons greater destructive force can be attained.

(b) Horizontal proliferation is increasing alarmingly, inasmuch as in a few years from now over 30 countries will be able to join the nuclear terror club. Year after year one more Member State acquires nuclear capacity. And this cannot be stopped.

(c) The SALT talks are slow and are merely helping to limit and control nuclear weapons at levels capable of destroying mankind.

7. Undoubtedly the greatest responsibility lies at the moment with the nuclear Powers, but as States Members of the United Nations we have a duty to help in seeking a solution to this problem and to know clearly where we stand.

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8. Nuclear proliferation is a consequence of a number of factors which we must stresswith a view to ensuring speedy adoption of legal documents regulating that process and so preventing its exacerbating the problem.

(a) Military scientific research leads to the development of increasingly sophisticated weapons, thereby raising the cost of national security and improving its efficacy.

(b) The treaty on the general and total prohibition of nuclear-weapon tests must be completed without delay, for without it nothing can be done to prevent nuclear proliferation.

We must make it clear that this step does not imply banning the use of nuclear energy for peaceful purposes, which is an inalienable right of all peoples. Such use is guaranteed by the safeguards accepted by IAEA, which should become increasingly effective and rigorous.

9. Moreover, we believe that we have the necessary material available to consider an "international convention covering all subjects" which would provide greater assurance of the non-use of the nuclear weapon.

(a) Latin America has set an example in the matter of a treaty prohibiting nuclear weapons. What is required now is to encourage the establishment of nuclear-weapon-free zones in Africa, the Middle East, the South Pacific and elsewhere.

(b) All nuclear Powers or those that are in a position to manufacture nuclear military devices should conclude a treaty on the non-use of weapons of this type against non-nuclear-weapon States. The treaty on the non-use of force in international relations should cover these matters.

10. Finally, we welcome any proposal aimed at banning war, at settling by peaceful means any disputes that may arise between peoples, at avoiding the use of force in international relations and at devoting all our efforts to conquering the serious problems of development.

CUBA

[Original: Spanish]

[26 April 1979]

1. The Government of the Republic of Cuba considers that present levels of nuclear weapons arsenals represent a serious danger to all mankind.

2. It therefore considers it vitally important to reach agreements which effectively guarantee that nuclear weapons will never be used again. This guarantee will only be fully in effect when the nuclear arms race is halted and reversed and when, at the final stage, this type of weapon is completely eliminated.

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3. The attainment of these objectives will call for the negotiation of agreements at appropriate stages, with the participation of all nuclear-weapon States and other States with a large military potential, in a favourable international atmosphere, after all attempts to obtain unilateral advantages have ceased.

4. The renunciation of the use or threat of force in international relations should most specifically cover nuclear force. In the present-day world, the use or threat of nuclear force by a State or group of States against another State or other States would cause a crisis that would extend beyond the confines of the States involved in the conflict and become a serious threat to the very survival of civilization.

5. The dangers inherent in such a situation would increase in proportion to the increase in the levels of nuclear arsenals throughout the world. Hence the urgent need to start negotiations with a view to bringing about the cessation of production of all types of nuclear weapons and the gradual reduction of nuclear arsenals until they have been completely destroyed.

6. These negotiations could be conducted in different phases, by degrees, and in a manner mutually acceptable to and agreed upon by these States in the negotiations. The Committee on Disarmament might be the most suitable forum for the talks, which should also ensure the steady lowering of levels of nuclear strength, while keeping the existing balance in that area unchanged and guaranteeing the security of all States.

7. Lastly, the Government of the Republic of Cuba considers that the initiation of these negotiations should in no way affect the conduct of other negotiations that are in progress and designed to achieve the same objective of nuclear-arms limitation.

FINLAND

[Original: English]

[21 August 1979]

1. Effective measures of nuclear disarmament and the prevention of nuclear war have been identified as a priority task towards the ultimate goal of general and complete disarmament under effecive international control. Without prejudice to other urgent tasks, this priority was reaffirmed by the General Assembly at its special session devoted to disarmament.

2. Efforts to eliminate the dangers posed by nuclear weapons and to halt and reverse the nuclear arms race should include a variety of approaches. The ongoing efforts to this effect should be intensified and further aspects of nuclear arms build-up should be brought within the scope of negotiations.

3. While not being disarmament measures per se, arrangements for limitations on the development, production, deployment and use or threat of use of nuclear weapons can constitute important measures to reduce the dangers inherent in the very existence of these weapons.

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4. Among such measures, the establishment of nuclear-weapon-free zones has already proved its viability. Based on arrangements freely arrived at among the states of the region concerned and involving commitments by nuclear-weapon States, nuclear-weapon-free zones are a contribution to nuclear arms control and the non-proliferation of nuclear weapons and thereby to the security of the region and to international security in general. The consideration of the establishment of such zones should continue to benefit from the comprehensive study of the question of nuclear-weapon-free zones in all its aspects undertaken by the United Nations in 1975. 1/

5. The prevention of the proliferation of nuclear weapons and other nuclear explosive devices is a central element in the efforts to contain the dangers of an outbreak of nuclear war. In this regard, the non-proliferation treaty remains the best instrument. As the acquisition of nuclear weapons by more States is against the security interests of all States, nuclear and non-nuclear alike, further efforts should be made to strengthen the non-proliferation régime in the interest of the international community as a whole.

6. From the point of view of the countries that have renounced nuclear weapons - be it in the context of the non-proliferation treaty or regional arrangements such as nuclear-weapon-free zones - it is reasonable that nuclear-weapon States give commitments not to use or threaten to use nuclear weapons against such States.

7. The Government of Finland has noted with satisfaction the security assurances already unilaterally given by the five nuclear-weapon States. While these are steps forward, such unilateral declarations of individual nuclear-weapon States can neither by their content nor by their form completely satisfy the objective sought by the non-nuclear-weapon States. In paragraph 59 of the Final Document of the Tenth Special Session of the General Assembly, the nuclear-weapon States were urged "to pursue efforts to conclude, as appropriate, effective arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons".

8. It is to be hoped that the consideration of security guarantees undertaken by the General Assembly at its thirty-third session and, subsequently, by the Committee on Disarmament, will lead to arrangements for the provision of such guarantees as called for by the Assembly.

9. In this perspective, the bilateral agreements concluded for the prevention of nuclear war between a number of nuclear-weapon States are also a contribution to the security of all States and the international community as a whole.

10. While the responsibility for the prevention of nuclear war lies primarily with the nuclear-weapon States, the issue is of crucial concern for all States. The Final Document of the Tenth Special Session called upon all States, in particular nuclear-weapon States, to consider, as soon as possible, various proposals designed to secure the avoidance of the use of nuclear weapons. To this

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1/ Official Records of the General Assembly, Thirtieth Session, Supplement No. 27A (A/10027/Add.1), annex I.

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effect, the Final Document envisages the possibility of international agreement, a goal which has the support of the Finnish Government.

GERMAN DEMOCRATIC REPUBLIC

[Original: English]

[10 August 1979]

1. To halt the arms race and proceed to disarmament have become key issues where the safeguarding of peace is concerned. Only through effective measures of disarmament in both the nuclear and conventional fields will it be possible to create the conditions to make security lasting and stable. Steps towards nuclear disarmament have priority since the nuclear arms race is bound to heighten the risk of a nuclear war. Such a war would threaten the survival of all mankind. It is therefore necessary to counter this danger with the utmost determination.

2. It was fully in line with the Final Document adopted at the United Nations special session devoted to disarmament when the German Democratic Repulbic, jointly with the other States parties to the Warsaw Treaty, proposed concrete and effective measures designed to halt the arms race and achieve disarmament in the nuclear field in the Moscow Declaration of 23 November 1978 and at the Meeting of the Committee of Foreign Ministers on 14 and 15 May 1979.

3. The German Democratic Republic welcomes the signing of SALT II as a significant step toward lastingly ensuring peace and security for the peoples and lessening the danger of a nuclear war. The Treaty constitutes the basis for the preparation of further accords. Its ratification is a matter of great urgency.

4. To counteract the danger of the outbreak of a nuclear war and of the use of nuclear weapons, the German Democratic Republic believes that States should concentrate their efforts on the following steps:

I

5. The most effective way of eliminating the risk of nuclear war is the complete liquidation of nuclear weapons. This objective could be reached by way of partial steps of the widest possible scope. In this connexion the immediate initation of negotiations among all nuclear-weapon Powers with the participation of a number of non-nuclear-weapon States on the cessation of the production of all types of nuclear weapons and on the gradual reduction of their stockpiles and eventually their complete liquidation is of primary importance.

6. This objective could be reached if the qualitative improvement and further development of nuclear weapons were halted, if the production of all types of nuclear arms, their means of delivery as well as the production of fissionable material for armament purposes were discontinued, and if nuclear weapons stocks and the means of their delivery were reduced step by step and finally eliminated completely.

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7. A complete and general ban on nuclear-weapon tests would be a significant step toward discontinuing the qualitative improvement of nuclear weapons and would, at the same time, counteract the development of new such weapons. The participation of all nuclear-weapon States in such a move is a sine qua non.

8. The non-proliferation régime concerning nuclear weapons should be further strengthened. The emergence of new nuclear-weapon States would considerably heighten the danger of nuclear war. Therefore, the universaility of the Treaty on the Non-Proliferation of Nuclear Weapons should be regarded as an urgent requirement. This would at the same time facilitate negotiations among the nuclear-weapon Powers.

9. The establishment of nuclear-weapon-free zones must effectively benefit the non-proliferation of nuclear weapons and enhance the security of the States involved.

II

10. Measures of nuclear disarmament should be accompanied by activities to strengthen political and international legal security guarantees for States.

11. The German Democratic Republic holds the view that it is essential, parallel to the efforts for nuclear disarmament, to create political instruments of international law that will give States stronger safeguards against the outbreak of a nuclear war and the use of nuclear weapons. It considers it necessary for the nuclear-weapon States to shape their relations on the basis of peaceful coexistence in a way that avoids dangerous aggravation and conflicts. This is also an effective method of guarding against nuclear conflict being unleashed through the failure of technical systems. International security would also benefit from a ban on the use of nuclear weapons. This problem should be tackled, parallel to negotiations on nuclear disarmament, in the framework of a world treaty on the non-use of force in international relations. Such a treaty should commit all States to renounce the use or threat of force in all forms and manifestations, including the use of nuclear weapons.

12. The German Democratic Republic further believes that the security guarantees for non-nuclear-weapon States ought to be improved without delay. This should be done through the conclusion of an international convention on the renunciation of the use of nuclear weapons against States that forgo the production and acquisition of such weapons and do not have nuclear weapons deployed in their territories.

13. Another important step in this direction would be taken if the nuclear-weapon Powers were to renounce the deployment of nuclear weapons in the territories of States where there are no such weapons at present.

14. The lessening of military confrontation in Europe is a task of increasing urgency. In view of the importance which stability in Europe has for the political climate all over the world, the conclusion of an accord among the States of the Conference on Security and Co-operation in Europe on the renunciation of

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the first use of both nuclear and conventional weapons carries particularly great weight. Such a treaty would be a form of practical application of the principles agreed in Helsinki as well as a logical and effective step in the continued pursuit of political détente and in complementing it by concrete measures in the military field.

III

15. The German Democratic Republic is convinced that joint action by the nuclear-weapon States is of decisive importance for progress in the field of nuclear disarmament. Theirs is a special responsibility, and the participation of all nuclear-weapon States in the negotiations is absolutely necessary.

IV

16. International relations can be meaningfully stabilized only through the reduction of armaments on the basis of the principle of equal, undiminished security. The policy of deterrence, on which the stepped-up arms race thrives, must be abandoned once and for all. What is required is resolute action of Governments to halt the arms race, limit armaments and achieve disarmament and, in particular, to ban the weapons of mass destruction.

17. A world disarmament conference in which all States, possessing nuclear weapons or not, participate, would be apt to bring about genuine progress in the field of nuclear disarmament as it would elaborate and conclude corresponding agreements.

18. The German Democratic Republic welcomes the joint statement made on a world disarmament conference by Leonid I. Brezhnev, General Secretary of the Central Committee of the Communist Party of the Soviet Union and Chairman of the Supreme Soviet of the USSR, and James E. Carter, President of the United States of America, at their meeting in Vienna (see A/34/414).

19. The German Democratic Republic wishes to express the expectation that that conference will take place at the earliest suitable date.

INDIA

[Original: English]

[30 July 1979]

1. Nuclear weapons are weapons of mass destruction. The international community has unequivocally and repeatedly expressed its sense of concern and alarm at the grave threat posed by the existence of nuclear weapons to the very survival of mankind.

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2. So long as any nuclear weapons remain in the possession of any nation, anywhere in the world, the danger of a nuclear war with all its awesome implications, including a world holocaust, will continue to exist. It is, therefore, imperative that no effort should be spared to achieve nuclear disarmament, whereby nuclear weapons would have been completely eliminated from the face of this earth.

3. Pending nuclear disarmament, there should be a total prohibition of all use of nuclear weapons, particularly since any use of nuclear weapons has already been declared by the international community as a violation of the United Nations Charter and a crime against humanity.

4. Security against the use or threat of use of nuclear weapons, like peace in this nuclear age, is indivisible. Efforts to seek security against the use of nuclear weapons can only be fruitful if all States, without any exception, are covered, including those States which possess such weapons, as they too are insecure against such weapons and need to be protected against them, pending nuclear disarmament. To be effective, a convention on the prohibition of the use or threat of use of nuclear weapons would require the active support of all States, particularly of States possessing such weapons.

KENYA

[Original: English]

[23 April 1979]

The Government of Kenya does not have any nuclear weapons and welcomes and supports the nations that are pressing for easing of international tension through promotion of détente. Concerted efforts in the search for more lasting and effective means of avoiding nuclear war have the full support of the Government of Kenya.

PERU

[Original: Spanish]

[21 June 1979]

1. Aware of the threat posed by the continuing and increasing manufacture and refinement of nuclear weapons and of the negative consequences which their use would have for the forms of life on this planet, Peru reiterates its support for General Assembly resolution 33/71 B by reaffirming that the use of such weapons would be a violation of the United Nations Charter, in that it would detract from the Organization's aim and objective of maintaining international peace and security.

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2. To that end, Peru endorses the idea of supporting any initiative designed to strengthen the principle of the non-use of nuclear weapons and advocating the drafting of a convention or agreement, the main contractual element of which would be that the nuclear-weapon States expressly renounced the use of nuclear weapons in any form or in any circumstance, thereby ruling out the possibility of a nuclear war, with unforeseeable consequences for the whole of mankind.

3. Once again, we must emphasize that the nuclear-weapon States have a very special responsibility that they alone can fulfil, namely, a responsibility to reach the agreements needed to avoid the possibility of nuclear war.

TOGO

[Original: French]

[12 July 1979]

1. First of all, the Togolese Army has no nuclear weapons at the present time.

2. Secondly, the Togolese Army has no intention of acquiring nuclear weapons.

3. Consequently, the Togolese Government endorses the principle of the non-use of nuclear weapons as set out in General Assembly resolution 33/71 B.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

[Original: English]

[5 September 1979]

1. The Government of the United Kingdom voted against General Assembly resolution 33/71 B because the wording did not, in our view, reflect the realities of the modern world, and the relationship between deterrence of aggression and the maintenance of peace. Our vote did not signify any disagreement with the fundamental importance of ensuring that a conflict never arises in which the use of nuclear weapons needs to be contemplated. But, in the British view, such avoidance of conflict can only be achieved through the creation of conditions in which there is sufficient confidence between States to remove all fears of aggression. The Government of the United Kingdom will co-operate in all measures which will lead to an increase in such confidence, but it has to be recognized that the achievement of our ultimate goal will necessarily be a long-term process. In the meantime our immediate aims are twofold: on the one hand, to pursue efforts to check and to reverse the arms race, both nuclear and conventional; and on the other, to prevent the spread of nuclear weapons to areas where such weapons are not an integral part of current security arrangements.

2. In this process, recognition must be given to the differing basis on which the security of regions is founded. In the European theatre, the existing composition of forces and the strategies of the military alliances mean that steps towards nuclear disarmament cannot be considered in isolation. It is necessary to maintain a stable equilibrium both in nuclear and conventional terms. Otherwise the instability created would seriously increase the risk of miscalculation and conflict, which could have grave consequences for mankind. We therefore seek balanced and verifiable measures of arms control and disarmament which, through a step-by-step approach, reduce the numbers of both nuclear and conventional arms while maintaining the security of all States at each stage, though with progressively lower levels of armaments. The willingness of all States to co-operate in full measures of verification is essential for progress in this area. Equally, it is important to devise measures which are susceptible to such verification.

The North Atlantic Treaty Organization, to which British nuclear deterrent forces are committed, is a defensive alliance and will not contemplate the use of nuclear weapons except where necessary in self-defence. If one of its members were attacked, NATO would respond at the most appropriate level both to halt the attack and to convince the aggressor that continued aggression would involve risks out of all proportion to the gains he might have hoped to achieve. To sustain the credibility of this deterrent ability, NATO needs to possess a full range of nuclear and conventional weapons, both to deter the use of similar weapons by those who deploy them in Europe and to demonstrate that the Alliance would be willing, if attacked, to defend itself to whatever level might be necessary. Pledges of "non-use" or "no first use" of nuclear weapons, or attempts to outlaw the use of such weapons, would remove NATO's ability to deter all forms of aggression, and thereby lead to instability with all the grave risks which this entails.

4. Undertakings by nuclear-weapon States not to use or threaten to use nuclear weapons against non-nuclear-weapon States are a different matter. The Government of the United Kingdom made such an undertaking at the tenth special session of the General Assembly on Disarmament, in June 1978, when it gave an assurance to non-nuclear-weapon States which are parties to the non-proliferation treaty, or other internationally binding commitments not to manufacture or acquire nuclear explosive devices, not to use nuclear weapons against them "except in the case of an attack on the United Kingdom, its dependent territories, its armed forces or its allies by such a state in association or alliance with a nuclear-weapon State". The United Kingdom believes that such assurances should increase the confidence of non-nuclear-weapon States in their own security from nuclear attack.

5. The Government of the United Kingdom placed emphasis at the special session on disarmament on the objective of halting and reversing the nuclear arms race in its quantitative and qualitative dimensions. The two SALT agreements and the ABM treaty have already been successfully achieved in this field. The Final Document of the Tenth Special Session recommended that SALT II should be followed promptly by further strategic arms limitation negotiations between the two parties, leading to agreed significant reductions of and qualitative limitations on strategic arms. The United Kingdom is itself engaged in intensive negotiations with the

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United States and the Soviet Union on a comprehensive test ban treaty. These agreements should constitute an important step in the direction of nuclear disarmament and ultimately of establihsing a world free of nuclear weapons.

6. So long as nuclear weapons exist, and bearing in mind the potentially devastating results which nuclear war would have on belligerents and non-belligerents alike, the nuclear-weapon States have special responsibilities to do everything possible to avoid the risk of the outbreak of such a war. It is incumbent upon them in particular to maintain and, where necessary, to improve their existing organizational and technical arrangements for guarding against the accidental or unauthorized use of nuclear weapons under their control. The Government of the United Kingdom note that appropriate bilateral arrangements on the prevention of accidental nuclear war exist between France, the United Kingdom and the United States on the one hand, and the Soviet Union on the other. They believe that these agreements have been helpful in building international confidence.

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REVIEW OF THE IMPLEMENTATION OF THE RECOMMENDATIONS AND DECISIONS ADOPTED BY THE GENERAL ASSEMBLY AT ITS TENTH SPECIAL SESSION

Non-use of nuclear weapons and prevention of nuclear war

Report of the Secretary-General

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BYELORUSSIAN SOVIET SOCIALIST REPUBLIC

/Original: Russian
/16 October 1979/

The countries of the socialist community, including the Byelorussian SSR, consistently advocate the limitation and elimination of nuclear weapons, the permanent prohibition of the use of such weapons and, at the same time, the renunciation of the use of force in international relations. The Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water, the Treaties prohibiting the emplacement of nuclear weapons and other weapons of mass destruction in outer space and on the sea-bed, and the Treaty on the Non-Proliferation of Nuclear Weapons, concluded during the 1960s and 1970s, played an important role in curbing the nuclear arms race.

An outstanding event in international life was the signing in Vienna in June 1979 of the Soviet-United States Treaty on the Limitation of Strategic Offensive Arms (SALT-II), which represented a real contribution to the limitation of the arms race both quantitatively and qualitatively and with regard to the most destructive means of waging war, namely strategic nuclear missiles. The conclusion of the SALT-II Treaty makes possible progress in other directions, too, in the limitation of the nuclear arms race and in disarmament.

The latest initiative of the USSR and other countries of the socialist community in introducing in the Committee on Disarmament a proposal for negotiation on ending the production of all types of nuclear weapons and gradually reducing their stockpiles until they have been completely destroyed and the participation in such negotiations of all nuclear-weapon States and some non-nuclear States deserves full support.

There is no doubt that the implementation of practical measures in this field should be considered in close conjunction with the renunciation of the use of force in international relations and the strengthening of international legal guarantees of the security of States. In this connexion, the conclusion of a world treaty on the non-use of force in international relations would be of enormous significance.

A number of bilateral agreements on measures to reduce the danger of an outbreak of nuclear war and to prevent the accidental or unauthorized use of nuclear weapons concluded during the 1970s by the Soviet Union with the United States, France and the United Kingdom are aimed at preventing the possibility of an outbreak of nuclear war. Measures of this kind, designed to reduce the danger of nuclear war, must be expanded and improved.

The solemn declaration by the Soviet Union that it would never use nuclear weapons against those countries which renounce the production and acquisition of nuclear weapons and have no nuclear weapons on their territories was of fundamental significance for the security of the non-nuclear States. The USSR has also declared its readiness to conclude appropriate agreements with such countries.

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On the initiative of the Soviet Union, the General Assembly at its thirty-third session adopted a resolution on the preparation of an international convention on the non-use of nuclear weapons against those States which renounce the production and acquisition of nuclear weapons and have no nuclear weapons on their territories. A speedy preparation and conclusion of the convention proposed by the USSR would considerably reduce the possibility of the outbreak of nuclear war. The strengthening in every possible way of the régime for the non-proliferation of nuclear weapons, the creation of nuclear-free zones in various regions of the world, and the non-stationing of nuclear weapons on the territories of States where there are no such weapons at present would contribute towards the same ends.

The nuclear arms race represents the major danger to international peace and security today. The Byelorussian SSR is convinced that the efforts of all peace-loving States should be directed towards limiting and ending the nuclear arms race and averting the threat of an outbreak of nuclear war.

UKRAINIAN SOVIET SOCIALIST REPUBLIC

/Original: Russian/
/11 October 1979/

The nuclear arms race represents the main danger to peace and international security. The efforts of States should therefore focus on measures directed towards eliminating the threat of nuclear war and excluding nuclear weapons in all their different forms from the arsenals of States. Since the first appearance of this most devastating weapon of mass destruction, the socialist countries, in particular the Soviet Union, have repeatedly put forward in the United Nations concrete proposals calling for an end to the nuclear arms race, the prohibition of the use of nuclear weapons and their complete elimination, and, at the same time, the renunciation of the use of force as a means of settling disputes between States. The Ukrainian SSR has consistently supported all these initiatives.

In recent years, a number of international agreements have been concluded which have to some extent limited the nuclear arms race. Of particular significance in the curbing of the nuclear arms race was the signing in Vienna in June 1979 by the leaders of the USSR and the United States of the Treaty on the Limitation of Strategic Offensive Arms and other Soviet-United States documents. The practical implementation of those documents would give a considerable impetus to further progress towards the limitation and reduction of arsenals of nuclear missiles and towards nuclear disarmament in general.

At the special session of the General Assembly, the Soviet Union put forward an important proposal in the field of nuclear disarmament - a proposal for ending the production of all types of nuclear weapons and gradually reducing their stockpiles until they have been completely destroyed. A detailed description of that proposal was given in spring 1979 by the socialist States which are members of the Committee on Disarmament at the meetings of that organ, which is a forum for multilateral negotiations on matters relating to disarmament.

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The Ukrainian SSR considers that an early start to preparatory consultations regarding negotiations on ending the production of all types of nuclear weapons and gradually reducing their stockpiles until they have been completely destroyed, and to the negotiations themselves, in which all the nuclear-weapon Powers and some non-nuclear States would participate, would in a practical way implement the decisions adopted by the General Assembly at its special session devoted to disarmament and would represent a significant step forward towards the prevention of nuclear war.

The Ukrainian SSR believes that the working out and implementation of measures aimed at ending the production of nuclear weapons and at destroying such weapons should be closely linked to the strengthening of political and international legal guarantees of the security of States. The General Assembly has already adopted a number of important resolutions the implementation of which could contribute in a significant way to the elimination of the threat of nuclear war and the strengthening of peace and the security of peoples.

In 1972, the General Assembly, in resolution 2936 (XXVII), solemnly declared, on behalf of the States Members of the United Nations, their renunciation of the use or threat of force in all its forms and manifestations in international relations, in accordance with the Charter of the United Nations, and the permanent prohibition of the use of nuclear weapons. Unfortunately, because of the position taken by a number of States, that important declaration could not be given binding force. Prompted by a desire to strengthen the existing system for safeguarding peace and security and to establish a more reliable legal basis for important advances in the field of disarmament, in particular nuclear disarmament, the Soviet Union, at the thirty-first session of the General Assembly in 1976, proposed the conclusion of a world treaty on the non-use of force in international relations, which would impose an obligation on all States to renounce the use or threat of force in all its forms and manifestations and to prohibit the use of nuclear weapons. However, this proposal, too, has so far not been implemented, for reasons which are well known.

The strengthening of the régime for the non-proliferation of nuclear weapons, the establishment on all continents of nuclear-weapon-free zones and the preparation of international agreements on questions relating to the strengthening of guarantees of the security of non-nuclear-weapon States and the non-stationing of nuclear weapons on the territories of States where there are no such weapons at present would be a significant contribution towards eliminating the threat of a nuclear catastrophe.

In view of the above, the Ukrainian SSR considers that the efforts of the United Nations to solve the question of the non-use of nuclear weapons and to prevent nuclear war should focus on the adoption of effective measures in the field of nuclear disarmament and the simultaneous strengthening of political and international legal guarantees of the security of States, as well as measures to reduce the danger of the use of nuclear weapons.

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UNION OF SOVIET SOCIALIST REPUBLICS

/Original: Russian/
/2 October 1979/

As a result of the active efforts of the countries of the socialist community and of all peace-loving States in recent years it has been possible to avert the threat of a further world war; détente has become the dominant trend in international relations. The main task now consists in supplementing political détente with military détente.

Since the main danger to international peace and security arises from the nuclear arms race, the efforts of States should focus on measures directed towards the halting and reversal of the nuclear arms race, the permanent prohibition of the use of nuclear weapons, and, at the same time, the renunciation of the use of force in international relations.

With this aim in view, the Soviet Union, since the first appearance of nuclear weapons, has consistently advocated and continues to advocate the implementation of practical steps in the field of the limitation and elimination of nuclear weapons and the adoption of parallel measures to strengthen international peace and security.

As a result of these efforts, a number of bilateral and multilateral agreements were concluded during the 1960s and 1970s which have had a certain restraining influence on the nuclear arms race. These include the important international Treaties banning nuclear-weapon tests in the atmosphere, in outer space and under water, and prohibiting the emplacement of nuclear weapons and other weapons of mass destruction in outer space and on the sea-bed, the Treaty on the Non-Proliferation of Nuclear Weapons, and others.

An event of historic importance in the curbing of the nuclear arms race was the signing on 18 June 1979 in Vienna by the leaders of the USSR and the United States of the Treaty on the Limitation of Strategic Offensive Arms and related documents. The essence of this Treaty consists in the quantitative limitation of weapons and controls on their qualitative improvement. The full implementation of the documents signed in Vienna would open up new possibilities for halting the increase in the arsenals of nuclear missiles and ensuring the further quantitative and qualitative limitation and the significant reduction of such weapons.

At the present time, on the initiative of the USSR, the question of ending the production of all types of nuclear weapons and gradually reducing their stockpiles until they have been completely destroyed is on the agenda of international negotiations. At the beginning of February 1979, the USSR, together with other socialist countries, introduced in the Committee on Disarmament a concrete proposal that negotiations should be held on that question with the participation of all nuclear-weapon States and some non-nuclear States. The aim now is to begin consultations without delay with a view to preparing for practical negotiations on this question.

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In its endeavours to achieve genuine results in the halting of the nuclear arms race, the Soviet Union believes that the working out and implementation of measures in that field should be closely linked to the strengthening of political and international legal guarantees of the security of States. The conclusion of a world treaty on the non-use of force in international relations would be a major step in this direction. The parties to such a treaty, including, of course, the nuclear Powers, would assume an obligation to refrain from the use or threat of force employing any type of weapons, including nuclear weapons and other types of weapons of mass destruction. The advantage of solving the question of the nonuse of nuclear weapons in the context of the prohibition of the use of any type of weapons lies in the fact that all States - both nuclear and non-nuclear - would be placed in the same position.

Such an approach is also fully in keeping with the decisions of the United Nations. In particular, in resolution 2936 (XXVII) on the non-use of force in international relations and permanent prohibition of the use of nuclear weapons, the General Assembly, on behalf of the States Members of the Organization solemnly declared their renunciation of the use of force in international relations and permanent prohibition of the use of nuclear weapons. The Final Document of the special session of the General Assembly devoted to disarmament, notes the need the adoption of measures aimed at preventing the outbreak of nuclear war and the use of force in international relations, in accordance with the provisions of the Charter of the United Nations, including the use of nuclear weapons.

In conditions where nuclear weapons are retained in the arsenals of States and the nuclear arms race continues, the Soviet Union is doing everything in its power to exclude the possibility of the outbreak of nuclear war and to avert the threat of the use of nuclear weapons. With this aim in mind, the USSR has concluded a number of agreements with other nuclear States with a view to preventing the possibility of the outbreak of conflicts involving the use of nuclear weapons. These include such important documents as the agreement between the USSR and the United States on the prevention of a nuclear war (1973), the agreement with the United States on measures to reduce the danger of the outbreak of nuclear war and on measures to improve direct communications lines (1971), the exchange of letters between the Ministers for Foreign Affairs of the USSR and France on the prevention of the accidental or unauthorized use of nuclear weapons (1976), the agreement between the Governments of the USSR and the United Kingdom on the prevention of accidental outbreak of nuclear war (1977). From the standpoint of the USSR, all nuclear-weapon States which have not yet done so should conclude with other nuclear States agreements concerning measures to reduce and avert the danger of nuclear war and to prevent the accidental or unauthorized use of nuclear weapons, and those nuclear States between which such agreements already exist should improve and expand such measures.

The USSR has declared that it is opposed to the use of nuclear weapons; only extraordinary circumstances - aggression against the USSR or its allies by another nuclear Power - could compel it to resort to that extreme means of self-defence. The USSR has solemnly declared that it will never use nuclear weapons against those countries which renounce the production and acquisition of nuclear weapons and have

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nuclear weapons on their territories. The Soviet Union has also expressed its readiness to conclude special agreements on this matter with any such countries. the USSR has appealed to all the other nuclear Powers to follow the same course of action and to assume the same obligations.

At its thirty-third session, the General Assembly, on a proposal of the Soviet Union. adopted a resolution on the conclusion of an international convention on the non-use of nuclear weapons against those States which renounce the production and acquisition of nuclear weapons and have no nuclear weapons on their territories. The speedy preparation and conclusion of such a convention would considerably induce the possibility of the outbreak of nuclear conflict and would strengthen the security of non-nuclear countries against the threat of the use of nuclear weapons against them.

The intensification of United Nations efforts with regard to the non-proliferation of nuclear weapons, the expansion of the number of parties to the Treaty on the Non-Proliferation of Nuclear Weapons and the establishment of nuclear-free zones in various regions of the world, and the implementation of the resolution adopted by the General Assembly at its thirty-third session, on the initiative of the USSR, on the question of the non-stationing of nuclear weapons on the territories of States where there are no such weapons at present would undoubtedly contribute towards the goal of preventing nuclear war.

Thus, the Soviet Union considers that a solution to the question of the non-use of nuclear weapons and the prevention of nuclear war can be achieved, first and foremost, through halting the nuclear arms race and ending the production of nuclear weapons and reducing and destroying stockpiles of such weapons; secondly, parallel with such measures, through the strengthening of political and international legal guarantees of the security of States providing for the prohibition of the use of both nuclear and other types of weapons and of force in general in international relations; and, third, through the adoption of measures directed towards strengthening the régime for the non-proliferation of nuclear weapons and averting the danger of the outbreak of conflicts involving the use of nuclear weapons.

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GENERAL ASSEMBLY

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A/C.1/34/L.26
15 November 1979

ORIGINAL: ENGLISH

Thirty-fourth session
FIRST COMMITTEE
Agenda item 42

REVIEW OF THE IMPLEMENTATION OF THE RECOMMENDATIONS AND DECISIONS ADOPTED BY THE GENERAL ASSEMBLY AT ITS TENTH SPECIAL SESSION

Argentina, Cyprus, Egypt, Ethiopia, India, Indonesia, Iran, Nigeria, Sri Lanka and Yugoslavia: draft resolution

The General Assembly,

Recalling its resolution 33/71 B, inter alia, calling for prohibition of the use of nuclear weapons, pending nuclear disarmament,

Taking into account proposals submitted by States concerning the non-use of nuclear weapons, avoidance of nuclear war and related matters (A/34/456 and Add.1),

1. Decides to transmit the views of States concerning the non-use of nuclear weapons, avoidance of nuclear war and related matters, to the Committee on Disarmament;

2. Requests the Committee on Disarmament to take those views into consideration along with other related items on its agenda and to report thereon to the General Assembly at its thirty-fifth session.

United Nations
GENERAL ASSEMBLY
THIRTY-FOURTH SESSION
Official Records *

FIRST COMMITTEE
36th meeting
held on
Friday, 16 November 1979
at 10.30 a.m.
New York

VERBATIM RECORD OF THE 36TH MEETING

Chairman: Mr. HEPBURN (Bahamas)

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DISARMAMENT ITEMS

AGENDA ITEMS 30 TO 45, 120 AND 121 (continued)

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79-74213

Distr. GENERAL
A/C.1/34/PV.36
19 November 1979

ENGLISH

The CHAIRMAN:

...

I now call on the representative of India, who wishes to introduce draft resolution A/C.1/34/L.26.

Mr. GHAREKHAN (India): On behalf of the delegations of Argentina, Cyprus, Egypt, Ethiopia, Indonesia, Iran, Nigeria, Sri Lanka and Yugoslavia, as well as my own, I introduce the draft resolution contained in document A/C.1/34/L.26. This draft resolution is related to agenda item 42, which deals with the review of the implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session. The Committee will recall that at the session last year, the Assembly adopted, by an overwhelming majority, resolution 33/71 B, which called for the prohibition of the use of nuclear weapons pending nuclear disarmament and which further called upon Member States to transmit their views regarding the non-use of nuclear weapons and the avoidance of a nuclear war.

My delegation was happy that several Members responded to the Secretary-General's letter inviting their views and those views are available in document A/34/456 and Add.1. The draft resolution in A/C.1/34/L.26 is of a procedural nature. It is a very simple text, in accordance with the custom of Indian

.../

(Mr. Gharekhan, India)

delegations of drafting resolutions in very simple language, and we trust that the draft will be acceptable to all delegations. The first preambular paragraph merely recalls resolution 33/71 B, which, as I stated earlier, was adopted by a very large majority last year. The second preambular paragraph would take into account the proposals submitted by States concerning the non-use of nuclear weapons, the avoidance of nuclear war and other related matters. In operative paragraph 1 the Assembly would decide to transmit those views to the Committee on Disarmament for consideration and in operative paragraph 2 it would request the Committee to take those views into consideration when it considers other items on its agenda and to report on its considerations to the Assembly at its next session.

I would not like to take any more of the Committee's time since the draft resolution is really very simple and self-explanatory, and on behalf of the sponsors I would request and express the hope that the resolution be adopted without a vote when it is taken up.

United Nations
GENERAL ASSEMBLY
THIRTY-FOURTH SESSION
Official Records*

FIRST COMMITTEE
42nd meeting
held on
Monday, 26 November 1979
at 10.30 a.m.
New York

VERBATIM RECORD OF THE 42ND MEETING

Chairman: Mr. HEPBURN (Bahamas)

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DISARMAMENT ITEMS

AGENDA ITEMS 31, 32, 35, 39 AND 42 TO 45 (continued)

A statement was made by:

Mr. Garcia Robles (Mexico)

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79-74249

Distr. GENERAL
A/C.1/34/PV.42
27 November 1979

ENGLISH

The CHAIRMAN: The Committee has concluded its consideration of A/C.1/34/L.23.

It is my intention to turn now to draft resolutio A/C.1/34/L.26, under agenda item 42, entitled "Review of the Implementation of the Recommendations and Decisions Adopted by the General Assembly at its Tenth Special Session". This draft resolution has 12 sponsors and was introduced by the representative of India at the 36th meeting of the First Committee on 16 November.

Mr. GHAREKHAN (India): I should like to inform the Committee of a slight amendment to this draft resolution. The phrase in the second line of operative paragraph 2, "along with other related items on its agenda" should be deleted, and the word "appropriate" should be inserted between the words "into" and "consideration" so that the paragraph now reads:

> "Requests the Committee on Disarmament to take those views into appropriate consideration and to report thereon to the General Assembly at its thirty-fifth session".

This small amendment is in response to suggestions made to us by some delegations, and I hope that it will facilitae the task of those delegations.

The CHAIRMAN: The sponsors of draft resolution A/C.1/34/L.26 are: Argentina, Cyprus, Egypt, Ethiopia, India, Indonesia, Iran, Nigeria, Qatar, Sri Lanka, Uruguay and Yugoslavia. The draft resolution as just amended by the representative of India, will now be put to the vote.

Mr. FISHER (United States of America): I wish to request a recorded vote.

The CHAIRMAN: A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Bhutan, Bolivia, Brazil, Burma, Burundi, Cape Verde, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Democratic Yemen, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Finland, Gabon, Gambia, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, India, Indonesia, Iran, Iraq, Ireland, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Mali, Malta, Mauritania, Mauritius, Mexico, Morocco, Mozambique, Nepal, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Romania, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia

Against: Belgium, Canada, Denmark, France, Germany, Federal Republic of, Greece, Iceland, Italy, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining: Australia, Austria, Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia, German Democratic Republic, Hungary, Israel, Japan, Mongolia, Poland, Spain, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics

Draft resolution A/C.1/34/L.26, as amended, was adopted by 100 votes to 16, with 14 abstentions.

The CHAIRMAN: I shall now call on those representatives who wish to explain their votes.

Mr. PETROVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): With respect to the vote just taken on draft resolution A/C.1/34/L.26 on the review of the implementation of the recommendations and decisions of the tenth special session, we should like to state the following.

From the time when nuclear weapons had just emerged, the Soviet Union has consistently advocated and still advocates the implementation of practical steps to reduce and eliminate nuclear weapons together with parallel measures to strengthen international peace and security. We recognize that the main danger for international peace and security stems from the nuclear arms race and the Soviet Union considers that the central place in the efforts of States should be taken by measures aimed at the halting and then the reversal of the arms race, to ban forever the use of nuclear weapons and at the same time to refrain from using force in international relations.

To attain real results, the Soviet Union believes that the elaboration and implementation of measures in this field should be part of the organic process of strengthening legal and political guarantees of the security of States. An important step in this direction would be the conclusion of a world treaty on the non-use of force in international relations. The parties to such a treaty, naturally including the nuclear Powers, would undertake to refrain from the use of force and the threat of the use of force from the use of any types of weapons, including nuclear weapons and other types of weapons of mass destruction.

The advantage of resolving the question of nuclear weapons in the context of banning all types of weapons is that all States - both nuclear and non-nuclear States - would be put on an equal footing. That approach is fully in line with the decisions taken by the United Nations, in particular resolution 2936 (XXVII) adopted at the twenty-seventh session of the General Assembly on the Non-Use of Force in International Relations and the Permament Prohibition of the Use of Nuclear Weapons. That resolution contains an appeal by the General Assembly to States to renounce the use of

(Mr. Petrovsky, USSR)

such weapons and to prohibit permanently the use of such weapons. In the Final Document of the special session of the General Assembly devoted to disarmament, the need is noted to take measures

> "... to eliminate the danger of war, in particular nuclear war, to ensure that war is no longer an instrument for settling international disputes and that the use and the threat of force are eliminated from international life, as provided for in the Charter of the United Nations". (resolution S-10/2, para. 19)

As nuclear weapons are still maintained in the arsenals of States and the nuclear arms race continues unabated, the Soviet Union is doing its utmost to exclude the possibility of the outbreak of a nuclear war and to prevent the threat of such a war. On these lines, we have concluded a number of agreements with other nuclear States to prevent the possibility of the use of nuclear weapons in conflicts which might arise.

In order to prevent a nuclear war, further efforts should be made by States Members of the United Nations so as to halt the proliferation of nuclear weapons and to expand the number of parties to the Non-Proliferation Treaty, to create nuclear-weapon-free zones throughout the world and also to implement, at the initiative of the Soviet Union, the resolution on the non-stationing of nuclear weapons on the territories of States where there are no such weapons at present.

The Soviet Union thus sees the solution to the non-use of nuclear weapons in war first and foremost in the halting of the nuclear-arms race, the cessation of the production of such weapons and the cutting down of arsenals of them. Secondly, and parallel with this, we would strengthen international legal guarantees for the security of States, envisaging the prohibition of the use of nuclear and other types of weapons and in fact of force in general in international relations. Thirdly, we would advocate adopting measures to strengthen the régime of non-proliferation of nuclear weapons and to prevent the danger of conflicts arising which would use nuclear weapons.

Unfortunately, the draft resolution that we have just adopted refers to resolution 33/71 B which calls for the prohibition of the use of nuclear weapons but artificially separates it from the other measures which should be taken, namely, the provision of international legal guarantees and the renunciation by all States of the use of force in international relations. For that reason the Soviet Union abstained in the vote on this draft resolution.

Mr. MULLOY (Ireland): Ireland regards draft resolution A/C.1/34/L.26 introduced by India, entitled "Review of the Implementation of the Recommendations and Decisions adopted by the General Assembly at its tenth special session", as a procedural resolution; first, deciding to transmit proposals concerning the non-use of nuclear weapons, avoidance of nuclear war and related matters to the Committee on Disarmament; secondly, requesting the Committee on Disarmament to take those views into appropriate consideration and to report thereon to the General Assembly at its thirty-fifth session.

Ireland, in voting for the procedural draft resolution, believes it necessary to say that we regard it as important that all views formally notified on this issue should be fully taken into account in the discussions in the Committee on Disarmament.

Our views on the substantive issue arising were expressed in the position we took on last year's resolution 33/71 B, which Ireland voted against.

Mr. LIDGARD (Sweden): Sweden has voted in favour of draft resolution A/C.1/34/L.26. This positive vote does not imply that we are not aware of the role of nuclear weapons in the current military doctrines of certain States and military alliances, or the interrelationship between nuclear weapons and conventional forces and the relative sizes of such forces. Unfortunately, we do not think that there is sufficient ground to imply that the use of such weapons is prohibited by present international law. Deficiencies in last year's resolution in these respects led us to abstain in the vote which then took place.

But our positive vote today should be seen as an expression of our deep conviction that the use of nuclear weapons, in all circumstances, should be prohibited, taking into account their utterly inhumane effects and their threat to the very survival of civilized society. This objective must remain our central concern.

It is our firm belief that a more resolute effort to achieve that objective is urgent. This should take place through gradual and balanced reductions of nuclear-weapon stockpiles with the aim of their total abolition. Such an effort holds greater prospects for increasing everybody's security than the present seemingly never-ending build-up and the modernization beyond any reasonable limit of nuclear weapons, strategic and tactical, within nations and both major alliances.

Report of the First Committee on agenda item 42

[*Original: English*]
[*8 December 1979*]

I. Introduction

1. The item entitled: "Review of the implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session: (*a*) Report of the Committee on Disarmament; (*b*) Report of the Disarmament Commission; (*c*) United Nations studies on disarmament: report of the Secretary-General; (*d*) Non-use of nuclear weapons and prevention of nuclear war: report of the Secretary-General; (*e*) Disarmament Week: reports of the Secretary-General; (*f*) United Nations programme of fellowships on disarmament: report of the Secretary-General; (*g*) Implementation of the recommendations and decisions of the tenth special session: report of the Secretary-General; (*h*) Dissemination of information on the arms race and disarmament: (i) Reports of the Secretary-General; (ii) Report of the Director-General of the United Nations Educational, Scientific and Cultural Organization; (*i*) Monitoring of disarmament agreements and strengthening of international security: reports of the Secretary-General; (*j*) Programme of research and studies on disarmament: report of the Secretary-General; (*k*) Study on the relationship between disarmament and development: report of the Secretary-General; (*l*) New philosophy on disarmament: report of the Secretary-General" was included in the provisional agenda of the thirty-fourth session in accordance with General Assembly resolutions 33/71 B, D, E, F, G, H, J, K, M and N of 14 December 1978.

2. At its 4th plenary meeting, on 21 September 1979, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the First Committee.

3. At its 3rd meeting, on 1 October, the First Committee decided to hold a combined general debate on the items allocated to it relating to disarmament, namely, items 30 to 45, 120 and 121. The general debate took place at the 4th, 6th, 8th to 13th and 15th to 30th meetings, from 6 October to 5 November.

* * *

II. Consideration of proposals

* * *

H. *Draft resolution A/C.1/34/L.26*

22. On 15 November, Argentina, Cyprus, Egypt, Ethiopia, India, Indonesia, Iran, Nigeria, Sri Lanka and Yugoslavia submitted a draft resolution (A/C.1/34/L.26) concerning the non-use of nuclear weapons, which was introduced by the representative of India at the 36th meeting, on 16 November. The draft was subsequently sponsored also by Qatar and Uruguay.

23. At the 42nd meeting, on 26 November, before the First Committee proceeded to vote on the draft resolution the representative of India orally revised operative paragraph 2 by deleting the phrase "along with other related items on its agenda" after the word "consideration" and inserting the word "appropriate" between the words "into" and "consideration" (for the text, see para. 38 below, draft resolution G). The draft resolution, as orally revised, was adopted by a recorded vote of 100 to 16, with 14 abstentions. The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Bhutan, Bolivia, Brazil, Burma, Burundi, Cape Verde, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Democratic Yemen, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Finland, Gabon, Gambia, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, India, Indonesia, Iran, Iraq, Ireland, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Mali, Malta, Mauritania, Mauritius, Mexico, Morocco, Mozambique, Nepal, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Romania, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

Against: Belgium, Canada, Denmark, France, Germany, Federal Republic of, Greece, Iceland, Italy, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia, German Democratic Republic, Hungary, Israel, Japan, Mongolia, Poland, Spain, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

* * *

Recommendations of the First Committee

38. The First Committee recommends to the General Assembly the adoption of the following draft resolutions:

Review of the implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session

* * *

G

NON-USE OF NUCLEAR WEAPONS AND PREVENTION OF NUCLEAR WAR

The General Assembly,

Recalling its resolution 33/71 B of 14 December 1978, in which, *inter alia*, it called for prohibition of the use of nuclear weapons, pending nuclear disarmament,

Taking into account proposals submitted by States concerning the non-use of nuclear weapons, avoidance of nuclear war and related matters (A/34/456 and Add.1),

1. *Decides* to transmit to the Committee on Disarmament the views of States concerning the non-use of nuclear weapons, avoidance of nuclear war and related matters;

2. *Requests* the Committee on Disarmament to take those views into appropriate consideration and to report thereon to the General Assembly at its thirty-fifth session.

United Nations
GENERAL ASSEMBLY
THIRTY-FOURTH SESSION
Official Records

97th PLENARY MEETING
Tuesday, 11 December 1979, at 11 a.m.
NEW YORK

Agenda item 42:
Review of the implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session:
(*a*) Report of the Committee on Disarmament;
(*b*) Report of the Disarmament Commission;
(*c*) United Nations studies on disarmament: report of the Secretary-General;
(*d*) Non-use of nuclear weapons and prevention of nuclear war: report of the Secretary-General;
(*e*) Disarmament Week: reports of the Secretary-General;
(*f*) United Nations programme of fellowships on disarmament: report of the Secretary-General;
(*g*) Implementation of the recommendations and decisions of the tenth special session: report of the Secretary-General;
(*h*) Dissemination of information on the arms race and disarmament:
(i) Reports of the Secretary-General;
(ii) Report of the Director-General of the United Nations Educational, Scientific and Cultural Organization;
(*i*) Monitoring of disarmament agreements and strengthening of international security: reports of the Secretary-General;
(*j*) Programme of research and studies on disarmament: report of the Secretary-General;
(*k*) Study on the relationship between disarmament and development: report of the Secretary-General;
(*l*) New philosophy on disarmament: report of the Secretary-General
Report of the First Committee: .....

1. The PRESIDENT: I regret that through no fault of ours, and particularly no fault of the delegations, we have had to start our meeting rather late. That was not because representatives were not here punctually—all of them were—but because the documents were not ready. In order to give time to all delegations to go through the documents, I thought it more prudent to wait until all members had the documents before starting the meeting.

2. Mr. SUCHARIPA (Austria), Rapporteur of the First Committee: I have the honour of presenting to the General Assembly the reports of the First Committee on its work concerning agenda items 30 to 45 and items 120 and 121, which all relate to questions of disarmament.

3. The First Committee this year held a combined general debate on these items having regard to the review of the implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session [*resolution S-10/2*] as well as other disarmament items. The general debate on these items took place at the 4th to 30th meetings of the First Committee from 16 October to 5 November. Subsequently, the First Committee devoted 15 meetings, from 6 to 27 November, and again part of one meeting on 30 November, to an in-depth consideration of and action on the draft resolutions that had been presented. As a result of its deliberations, the Committee adopted 38 draft resolutions and one draft decision.

4. Before introducing the individual reports on the various agenda items, I wish to apologize to delegations for the fact that it was not possible for the Secretariat to publish all the reports in time for distribution to the permanent missions. I have been assured, however, that all the reports are now available at the documents booth.

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17. The Committee's report on item 42, entitled "Review of the implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session", appears in document A/34/752. Under this item the Committee adopted 13 draft resolutions entitled, respectively: "Disarmament and international security"; "Report of the Committee on Disarmament"; "Implementation of the recommendations and decisions of the tenth special session"; "United Nations programme of fellowships on disarmament"; "Monitoring of disarmament agreements and strengthening of international security"; "Freezing and reduction of military budgets"; "Non-use of nuclear weapons and prevention of nuclear war"; "Report of the Disarmament Commission"; "Disarmament Week"; "Nuclear weapons in all aspects"; "Study on the relationship between disarmament and development"; "Committee on Disarmament"; and "Programme of research and studies on disarmament". These draft resolutions appear in paragraph 38 of the report.

18. Furthermore, under the same item, the Committee adopted also a draft decision concerning a study on a comprehensive nuclear test ban. The relevant recommendations of the Committee are contained in paragraph 39 of its report [*A/34/752*]. I wish to point out a minor error in this report. The last paragraph should be numbered 39, instead of 21.

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23. The large number of proposals adopted by the Committee and the fact that no less than 105 statements were made in the general debate on disarmament items are again a clear expression of the intensified interest of all delegations in these pressing issues as well as a reflection of the serious efforts made by the General Assembly to solve questions of disarmament within the framework of the United Nations which, in the words of the Final Document of the tenth special session, which was devoted to disarmament, has, in accordance with the Charter, a central role and primary responsibility in the sphere of disarmament [*see resolution S-10/2, sect. II, para. 27*]. Most, if not all, of these proposals are designed to ensure the earliest implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session.

24. On behalf of the First Committee, it is my pleasure to recommend to the General Assembly for adoption the draft resolutions and the draft decision to which I have just referred.

60. The PRESIDENT: The General Assembly will now consider the report of the First Committee on agenda item 42 [*A/34/752*]. The Assembly will now take a decision on the 13 draft resolutions recommended by the First Committee in paragraph 38 of its report, which appear together under the title "Review of the implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session".

69. The PRESIDENT: Draft resolution G is entitled "Non-use of nuclear weapons and prevention of nuclear war". A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Burma, Burundi, Cape Verde, Central African Republic, Chad, Chile, China, Comoros, Congo, Costa Rica, Cuba, Cyprus, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Iraq, Ireland, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Morocco, Mozambique, Nepal, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Romania, Rwanda, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

Against: Belgium, Canada, Denmark, France, Germany, Federal Republic of, Greece, Iceland, Italy, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia, German Democratic Republic, Hungary, Israel, Japan, Mongolia, Poland, Spain, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Draft resolution G was adopted by 112 votes to 16, with 14 abstentions (resolution 34/83 G).

35/152. Review of the implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session

D

NON-USE OF NUCLEAR WEAPONS AND PREVENTION OF NUCLEAR WAR

The General Assembly,

Alarmed by the threat to the survival of mankind and to the life-sustaining system posed by nuclear weapons and by their use, inherent in concepts of deterrence,

Convinced that nuclear disarmament is essential for the prevention of nuclear war and for the strengthening of international peace and security,

Recalling its declaration, contained in the Final Document of the Tenth Special Session of the General Assembly, that all States should actively participate in efforts to bring about conditions in international relations among States in which a code of peaceful conduct of nations in international affairs could be agreed upon and which would preclude the use or threat of use of nuclear weapons,[49]

Recalling its resolutions 1653 (XVI) of 24 November 1961, 33/71 B of 14 December 1978 and 34/83 G of 11 December 1979,

Taking note of the report of the Secretary-General,[50] to which is annexed the Comprehensive Study on Nuclear Weapons, prepared with the assistance of a Group of Experts,

1. *Declares once again* that:

(*a*) The use of nuclear weapons would be a violation of the Charter of the United Nations and a crime against humanity;

(*b*) The use or threat of use of nuclear weapons should therefore be prohibited, pending nuclear disarmament;

2. *Requests* all States that have so far not submitted their proposals concerning the non-use of nuclear weapons, avoidance of nuclear war and related matters, to do so, in order that the question of an international convention or some other agreement on the subject may be further considered at the thirty-sixth session of the General Assembly;

3. *Decides* to include in the provisional agenda of its thirty-sixth session the item entitled "Non-use of nuclear weapons and prevention of nuclear war".

94th plenary meeting
12 December 1980

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[49] Resolution S-10/2, para. 58.

[50] A/35/392; see also foot-note 67 below.

[51] The report was later issued with the title *Comprehensive Study on Nuclear Weapons* (United Nations publication, Sales No. E.81.I.11).

UNITED NATIONS
GENERAL
ASSEMBLY

UN/SA COLLECTION

Distr.
LIMITED

A/C.1/35/L.22
14 November 1980

ORIGINAL: ENGLISH

Thirty-fifth session
FIRST COMMITTEE
Agenda item 44 (g)

REVIEW OF THE IMPLEMENTATION OF THE RECOMMENDATIONS AND DECISIONS ADOPTED BY THE GENERAL ASSEMBLY AT ITS TENTH SPECIAL SESSION

NON-USE OF NUCLEAR WEAPONS AND PREVENTION OF NUCLEAR WAR

Algeria, Angola, Argentina, Congo, Ethiopia, India, Indonesia, Jamaica, Madagascar, Nigeria, Peru, Romania, Sri Lanka, Uruguay, Yugoslavia and Zaire: draft resolution

The General Assembly,

Alarmed by the threat to the survival of mankind and to the life-sustaining system posed by nuclear weapons and by their use inherent in concepts of deterrence,

Convinced that nuclear disarmament is essential for the prevention of nuclear war and for the strengthening of international peace and security,

Recalling its declaration, contained in the Final Document of the Tenth Special Session, that "All States should actively participate in efforts to bring about conditions in international relations among States in which a code of peaceful conduct of Nations in international affairs could be agreed and which would preclude the use or threat of use of nuclear weapons",

Recalling its resolutions 1653 (XVI) of 24 November 1961, 33/71 B of 14 December 1978 and 34/83 G of 11 December 1979,

Noting the comprehensive study of nuclear weapons prepared by the Secretary-General with the assistance of a group of experts (A/35/392),

1. Declares once again that:

(a) The use of nuclear weapons will be a violation of the Charter of the United Nations and a crime against humanity;

(b) The use or threat of use of nuclear weapons should therefore be prohibited, pending nuclear disarmament;

2. Requests all States which have so far not submitted their proposals concerning the non-use of nuclear weapons, avoidance of nuclear war and related matters, to do so, in order that the question of an international convention or some other agreement on the subject may be further considered at the thirty-sixth session of the General Assembly;

3. Decides to include in the provisional agenda of its thirty-sixth session an item entitled "Non-use of nuclear weapons and prevention of nuclear war".

United Nations
GENERAL ASSEMBLY
THIRTY-FIFTH SESSION
Official Records *

FIRST COMMITTEE
35th meeting
held on
Wednesday, 19 November 1980
at 10.30 a.m.
New York

VERBATIM RECORD OF THE 35TH MEETING

Chairman: Mr. NAIK (Pakistan)

CONTENTS

DISARMAMENT ITEMS

AGENDA ITEMS 31 TO 49 AND 121 (continued)

Draft resolutions were introduced by:

Mr. Balasubramaniam (Sri Lanka) - A/C.1/35/L.24
Mr. Komives (Hungary) - A/C.1/35/L.27
Mr. Mittal (India) - A/C.1/35/L.22
Mr. Adeniji (Nigeria) - A/C.1/35/L.30 and L.31

PROGRAMME OF WORK

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80-63707

Distr. GENERAL
A/C.1/35/PV.35
20 November 1980

ENGLISH

The CHAIRMAN: I call on the representative of India to introduce the draft resolution contained in document A/C.1/35/L.22.

Mr. MITTAL (India): On behalf of its sponsors, including my own delegation, I have the honour of introducing the draft resolution contained in document A/C.1/35/L.22 on the non-use of nuclear weapons and prevention of nuclear war.

It will be recalled that the Final Document of the special session of the General Assembly devoted to disarmament unequivocally states:

> "Nuclear weapons pose the greatest danger to mankind and to the survival of civilization. It is essential to halt and reverse the nuclear arms race in all its aspects in order to avert the danger of war involving nuclear weapons. The ultimate goal in this context is the complete elimination of nuclear weapons." (resolution s-10/2, para. 47)

(Mr. Mittal, India)

The Final Document also stated that the most effective guarantee against the danger of nuclear war and the use of nuclear weapons is nuclear disarmament and the complete elimination of nuclear weapons.

The several statements that we have heard during our debate in the past few weeks in this Committee have underscored the fact that the nuclear arms race has continued unchecked and that the danger of a nuclear war breaking out has significantly escalated. This is due not only to the continued increase in the nuclear arsenals of nuclear-weapon States, but also to the espousal of such dangerous strategic doctrines as nuclear deterrence, limited nuclear strikes and so on. Given this situation, the question of providing mankind with a credible and binding assurance against the use or threat of use of nuclear weapons has become more urgent than ever before.

The draft resolution before us is basically a reiteration of the provisions of the Declaration contained in General Assembly resolution 1653 (XVI) of November 1961. That Declaration had clearly stated that the use of nuclear weapons would be a violation of the United Nations Charter and a crime against humanity. The effects of any nuclear war, as should be apparent to all, would not be limited merely to the territories of those who may wage it. All States, including non-nuclear-weapon countries, would suffer from the radioactive fall-out and the contamination that would inevitably ensue. This is amply clear from the study on nuclear weapons prepared by the Secretary-General with the assistance of a group of experts, contained in document A/35/392. It is for this pressing reason that we continue to hold that the sovereignty and well-being of all States, including those not involved in the conflict, would be endangered in the event of a nuclear war. Such a development, then, would clearly be a violation of the United Nations Charter and a crime against the whole of mankind. In addition, given the catastrophic consequences of a nuclear war, it may well mean the end of our species and human civilization as we know it.

(Mr. Mittal, India)

The present draft resolution refers in addition to two other resolutions on the subject. The first, General Assembly resolution 33/71 B, was sponsored by as many as 34 delegations and was adopted by an overwhelming majority of the international community. The present draft resolution is on similar lines. The reason why it is felt necessary to focus attention once again on this extremely important issue rests on the increasingly elusive prospect of making meaningful progress in regard to nuclear disarmament. The draft resolution further takes note of the study on nuclear weapons prepared by the Secretary-General to which I have already made reference.

The other resolution referred to is General Assembly resolution 34/83 G, which was mainly procedural in nature and had asked for the views of States concerning the non-use of nuclear weapons and avoidance of nuclear war to be transmitted to the Committee on Disarmament for its consideration.

The sponsors of the draft resolution which is now before us are not asking for the immediate conclusion of a convention on the non-use of nuclear weapons, since this would obviously take considerable time. But they do consider it necessary that at least a beginning must be made without delay in that direction to prevent the possibility of a nuclear conflict. In response to the earlier resolution 33/71 B, some States had communicated their proposals in this regard to the United Nations. These are available in documents A/34/456 of 28 September 1979 and A/34/456/Add.1 of 16 October 1979. The current draft resolution calls upon those States that have not already done so similarly to submit their suggestions in this regard so that the possibility of concluding an international convention or other suitable agreement on the subject may be seriously considered at the thirty-sixth session of the General Assembly. It is the opinion of the sponsors that once a cross-section of views, which should be as broad as possible, has been obtained, the objective of negotiating a convention banning the use of nuclear weapons, or some other internationally binding agreement to that effect, could be taken up in a more practical and concrete manner.

(Mr. Mittal, India)

The sponsors of the draft resolution which I have just introduced earnestly hope that it will receive the widest support of all members of the First Committee and that this will in turn move the world community closer towards the goal of eliminating once and for all the danger of a nuclear war, thereby ensuring that our generation as well as future generations are free from the ever-present and growing threat to their survival from such a war.

Mr. PETREE (United States of America): For the first time in its history, the Ad Hoc Committee on the Indian Ocean has been able to formulate a draft resolution which, we believe, should be able to command unanimous support in this body. All countries who participated in the lengthy Ad Hoc Committee discussions of the past year share the credit for this achievement, but praise is most especially due to Chairman Balasubramaniam and his group of friends, whose tireless efforts played a key role in negotiating the present consensus draft resolution.

It is well recognised that this draft resolution may not be entirely satisfactory to all members of the Ad Hoc Committee. Indeed, the lengthy substantive discussions undertaken in the Committee and at the meetings of the "Friends of the Chairman" have clearly demonstrated that a wide divergence of views on a number of fundamental issues remains.

As this Committee is aware, the United States itself over the years has voiced its concerns on fundamental issues relating to the work of the Ad Hoc Committee. Indeed, our difficulties with aspects of the mandate of the Ad Hoc Committee precluded our participation in its work until this year when, after lengthy consultations, the United States accepted the invitation extended to it to join the Ad Hoc Committee.

United Nations
GENERAL ASSEMBLY
THIRTY-FIFTH SESSION
Official Records *

FIRST COMMITTEE
39th meeting
held on
Friday, 21 November 1980
at 3 p.m.
New York

VERBATIM RECORD OF THE 39TH MEETING

Chairman: Mr. NAIK (Pakistan)

CONTENTS

DISARMAMENT ITEMS

AGENDA ITEMS 31, 32, 34 TO 37, 39 TO 42 AND 44 TO 49 (continued)

A draft resolution was introduced by:

Mr. Rose (German Democratic Republic) - A/C.1/35/L.36

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80-63731

Distr. GENERAL
A/C.1/35/PV.39
22 November 1980

ENGLISH

The CHAIRMAN: We now turn to draft resolution A/C.1/35/L.22. It is sponsored by 24 delegations and was introduced by the representative of India at the Committee's 35th meeting on 19 November 1980.

I shall now call on those representatives wishing to explain their votes before the voting.

Mr. MULLOY (Ireland): I should like to explain Ireland's vote on the non-use of nuclear weapons and prevention of nuclear war as set out in draft resolution A/C.1/35/L.22, which was introduced by India, calling once again on the General Assembly to declare the use of nuclear weapons to be a violation of the Charter of the United Nations and a crime against humanity.

We are opposed to the use of nuclear weapons; we consider that their use would indeed be disastrous. I wish to quote the statement made by the Irish delegation earlier, in the general debate:

> "We do not ever want to see such weapons used. We believe that it would be madness, the ultimate madness... We want to see an end to the further development of these weapons; a reduction in the stockpiles; and the complete elimination of nuclear weapons as soon as possible."
> (A/C.1/35/PV.28, p. 5)

We deeply regret, therefore, that we should be obliged to vote against a draft resolution under the title "Non-use of nuclear weapons and prevention of nuclear war" and, to avoid any misunderstanding of our position on this very issue, we want to put it quite clearly on record.

Already in 1961 Ireland voted against resolution 1653 (XVI) on 24 November 1961, which declared

> "the use of nuclear and thermo-nuclear weapons /to be/ contrary to the spirit, letter and aims of the United Nations and, as such, a direct violation of the Charter of the United Nations."

The 1961 resolution further declared that the use of such weapons was

> "contrary to the rules of international law and to the laws of humanity."

In explaining our position on that issue the Irish Minister for Foreign Affairs, Mr. Frank Aiken, in a letter to the Secretary-General dated 29 June 1962 indicated that Ireland was not convinced that a simple declaration would be an

(Mr. Mulloy, Ireland)

effective method of preventing the use of nuclear weapons or that such a declaration would add anything to the clear terms of the Charter, by which all Members are obliged to "refrain in their international relations from the threat or use of force against...any State".

(Mr. Mulloy, Ireland)

In Ireland's view, said Mr. Aiken, the declaration might even be positively dangerous, in so far as it would tend to encourage a false sense of security and lead States to reduce their endeavours to prevent the further spread of these terrible weapons and to establish a world security system which would be effective in preventing war and would ensure the gradual elimination of nuclear weapons in the hands of individual Powers.

That was the position in 1962, three years after Ireland's first introduction to this Assembly of a draft resolution to prevent the spread of nuclear weapons and six years before the culmination of the efforts initiated by Ireland in 1958 which resulted in the conclusion of the Non-Proliferation Treaty (NPT).

While I would not wish at this point to enter into the merits of the system of controls and safeguards established as the result of the NPT, is it realistic to imply that a single declaration is an adequate substitute for patient negotiations involving the nuclear Powers to restrict the production, transfer and stockpiling of nuclear weapons and fissionable materials for weapons purposes. However, the draft resolution on which we are to vote is not simply a general statement with which all can agree. It declares specifically that the use of nuclear weapons would be a violation of the Charter and a crime against humanity and that the use or threat of use of nuclear weapons should therefore be prohibited pending nuclear disarmament.

I regret to have to say that we do not agree that this particular approach is a good one. The nuclear Powers which claim to hold nuclear weapons as a deterrent have developed those weapons over many years as a matter of military policy and they always emphasize that they are ready to retaliate if attacked. Granted that position, we see little prospect that the nuclear Powers will now put into practice a declaration here that the use of nuclear weapons would be a violation of the Charter, especially since the Charter itself makes no mention of any weapons and does provide for the right of self-defence.

(Mr. Mulloy, Ireland)

Nor will the nuclear Powers accept a declaration by the Assembly that the use of nuclear weapons is a crime against humanity. They may agree, as we do, that it would be the supreme folly. But they attach a particular legal significance to the term "crime against humanity", which was given a specific definition by the international community following the Second World War, and they will not concede in response to a simple declaration by the Assembly that the military policies of deterrence to which they are at present committed are in effect crimes in international law which merit international punishment.

Furthermore, we consider it unrealistic and indeed dangerously misleading to the world at large to suggest that pending nuclear disarmament the nuclear Powers could be willing to accept a prohibition on the threat of use of nuclear weapons when that is central to the logic of their strategic doctrines, however much we regret those doctrines.

Given the huge arsenals that exist, it is, rather, only through nuclear disarmament that the immense risk to mankind can be reduced and eventually removed. We question seriously the value of sweeping declarations of this kind because we fear that they may distract attention from the very serious need to negotiate the reduction and eventual elimination of nuclear weapons, to which we are strongly committed, and devalue the currency of United Nations resolutions and their authority.

We know that a simple declaration by the Assembly will change nothing in practice, however emotionally satisfying it may seem. Even if the nuclear Powers were to accept such a declaration now, they would, we believe, still retain their weapons, and we see no prospect that they would really abide by the declaration in time of war.

As evidence of the ineffectiveness of such declarations in achieving real nuclear disarmament, I would point to the fact that the 1961 resolution declared the use of nuclear and thermonuclear weapons a violation of the Charter and a crime against humanity. That was 19 years ago, and the only change since then has been a great increase in the arsenals of nuclear weapons held by the nuclear Powers.

(Mr. Mulloy, Ireland)

In voting against the draft resolution already in 1961, Ireland's delegation explained its position as follows:

"Each nuclear Power may declare now that to use its nuclear weapons would be contrary to international law, but if its very survival were at stake, it would not hesitate to use the most potent weapons available to it, regardless of what declarations it subscribed to ... My delegation yields to none in our horror at the prospect of the use of nuclear weapons ... but we strongly feel that this declaration" - the 1961 draft declaration - "although well intended, would be of very little real value. Indeed, in so far as a convention of the kind proposed would give a false sense of security, it may even be positively dangerous - as it would lead States to reduce their search for the construction of a world security system which would be effective in preventing war and would permit the gradual elimination of nuclear weapons in the hands of individual Powers." (A/C.1/PV.1193, p. 38)

Those were the views of my delegation in 1961, as expressed in this Committee on a somewhat similar resolution. I believe that those views have been fully borne out in the 19 years which have passed since then and it is essentially for similar reasons that to our regret we must vote against the present draft resolution.

Mr. NONOYAMA (Japan): Against the background of increased international tension in various regions, notably in Afghanistan, my Government considers a stabilized system of nuclear deterrence to be of ever-increasing importance as a factor to contain the further spreading of such tension. That is the reason why this year my delegation has been instructed to vote against the draft resolution contained in document A/C.1/35/L.22.

The CHAIRMAN: I shall now put to the vote draft resolution A/C.1/35/L.22.

Draft resolution A/C.1/35/L.22 was adopted by 101 votes to 19, with 15 abstentions.

The CHAIRMAN: I shall now call on those representatives who wish to explain their votes.

Mr. ZHARKOV (Union of Soviet Socialist Republics) (interpretation from Russian): With respect to the vote that has just been taken on the draft resolution contained in document A/C.1/35/L.22, on the non-use of nuclear weapons and the prevention of nuclear war, the delegation of the USSR would like to state the following.

The Soviet Union considers that a solution to the question of the non-use of nuclear weapons and the prevention of nuclear war can be achieved by a cessation of the nuclear-arms race and the cessation of the production of those weapons, the reduction and elimination of stockpiles of nuclear weapons and, parallel with that, by all States refraining from the use of force in international relations. The position of the USSR on this matter has been repeatedly stated in the United Nations, including in a letter sent by the Permanent Mission of the USSR to the United Nations addressed to the Secretary-General of the United Nations on the question of the non-use of nuclear weapons and the prevention of nuclear war, dated 2 October 1979, which was circulated as document A/34/456 Add.1. The Soviet Union sees the solution of this matter first and foremost through a cessation of the nuclear-arms race; secondly, and in parallel with that, through strengthening the political and international legal guarantees for the security of States, including a ban on the use of nuclear and other types of weapons and banning the use of force in general in international relations; and thirdly, through the adoption of measures aimed at strengthening the non-proliferation régime and preventing the danger of conflicts arising where nuclear weapons might be used.

We believe that it is inadmissible artificially to divorce the prohibition of the use of nuclear weapons from the prohibition of the use of force in international relations. We are convinced that the advantage of resolving the question of the non-use of nuclear weapons in the context of the prohibition of the use of all types of weapons lies in the fact that all States, nuclear and non-nuclear, would be placed on an equal footing. Unfortunately, in the draft resolution contained in document A/C.1/35/L.22, the question of the prohibition of the use of nuclear weapons is once more artificially divorced from the question of the adoption of international political and legal measures to strengthen the security of all States and from the question of the renunciation by States of the use of force in international relations. Because of that the Soviet Union was compelled to abstain in the vote on that draft resolution.

Mr. LIDGARD (Sweden): The Swedish Government attaches the greatest importance to measures aimed at preventing the use of nuclear weapons. It is in fact a matter of the very survival of mankind that such weapons should not be used. There is also a logical link between non-use and non-proliferation which must be kept in mind.

I wish to recall what was said in paragraph 58 of the Final Document of the first special session of the General Assembly devoted to disarmament on the question of the non-use of nuclear weapons. Negotiations on the matter during that session reminded us of all the practical difficulties involved. It is all too evident that effective measures in the field of non-use cannot be achieved without fully taking into account the problems inherent in the nuclear arsenals and their related military doctrines. It is in fact necessary to grapple with the concrete reality of nuclear forces and of the doctrines for their possible use which go deeply into the general military dispositions of the leading military Powers and concern their conventional forces as well.

It is our firm belief that more resolute efforts to achieve nuclear disarmament are urgently needed. That should take place through gradual and balanced reductions of nuclear-weapons stockpiles with the aim of their total abolition. Measures of non-use have their natural place in such a process, although unfortunately it does not seem realistic to expect that a prohibition of nuclear weapons can start such a process.

Sweden entirely shares, however, the objectives of this draft resolution. We also share the opinion of the representative of India in his introductory statement that a nuclear war most probably would have such effects that it would constitute a crime against humanity.

As operative paragraph 1 is worded, making a precise interpretation of the Charter of the United Nations, we think it has to be carefully scrutinized from a legal standpoint as well. In that light we have, much to our regret, not found it possible to vote in favour of this draft resolution, since we do not think that a declaration of this kind will fulfil its purpose.

Mr. RAJAKOSKI (Finland): The Finnish delegation voted in favour of the draft resolution contained in document A/C.1/35/L.22 that has just been adopted. We believe that efforts to eliminate the dangers posed by nuclear weapons and to halt and reverse the arms race should include a variety of approaches, including measures aimed at the prevention of nuclear war. We consider that to be the overriding goal of that draft resolution.

However, in the view of my delegation, operative paragraph 1 is not in conformity with the Charter of the United Nations. That is a serious shortcoming in the draft resolution just adopted. Taking into account, however, the ultimate objective expressed in the draft resolution, namely the prevention of nuclear war, my delegation cast a positive vote.

Report of the First Committee on agenda item 44

1. The first part of the report dealt only with draft resolution A/C.1/35/L.7 on the preparations for the second special session of the General Assembly devoted to disarmament; the present part deals with all other proposals submitted under agenda item 44.

.../

E. *Draft resolution A/C.1/35/L.22*

10. On 14 November, Algeria, Angola, Argentina, the Congo, Ethiopia, India, Indonesia, Jamaica, Madagascar, Nigeria, Peru, Romania, Sri Lanka, Uruguay, Yugoslavia and Zaire submitted a draft resolution (A/C.1/35/L.22) entitled "Non-use of nuclear weapons and prevention of nuclear war" (for the text, see para. 27 below, draft resolution D). This draft resolution, which was subsequently also sponsored by Bhutan, Costa Rica, Cyprus, Ecuador, Egypt, Malaysia, Qatar and Yemen, was introduced by the representative of India at the 35th meeting, on 19 November.

11. At its 39th meeting, on 21 November, the Committee adopted the draft resolution by 101 votes to 19, with 15 abstentions.

...

Recommendations of the First Committee

27. The First Committee recommends to the General Assembly the adoption of the following draft resolution:

REVIEW OF THE IMPLEMENTATION OF THE RECOMMENDATIONS AND DECISIONS ADOPTED BY THE GENERAL ASSEMBLY AT ITS TENTH SPECIAL SESSION

...

D

Non-use of nuclear weapons and prevention of nuclear war

The General Assembly,

Alarmed by the threat to the survival of mankind and to the life-sustaining system posed by nuclear weapons and by their use, inherent in concepts of deterrence,

Convinced that nuclear disarmament is essential for the prevention of nuclear war and for the strengthening of international peace and security,

Recalling its declaration, contained in the Final Document of the Tenth Special Session of the General Assembly, that all States should actively participate in efforts to bring about conditions in international relations among States in which a code of peaceful conduct of nations in international affairs could be agreed upon and which would preclude the use or threat of use of nuclear weapons,[8]

Recalling its resolutions 1653 (XVI) of 24 November 1961, 33/71 B of 14 December 1978 and 34/83 G of 11 December 1979,

Taking note of the report of the Secretary-General, to which is annexed the Comprehensive Study on Nuclear Weapons, prepared with the assistance of a Group of Experts (A/35/392),

1. *Declares once again* that:

(*a*) The use of nuclear weapons would be a violation of the Charter of the United Nations and a crime against humanity;

(*b*) The use or threat of use of nuclear weapons should therefore be prohibited, pending nuclear disarmament;

2. *Requests* all States that have so far not submitted their proposals concerning the non-use of nuclear weapons, avoidance of nuclear war and related matters, to do so, in order that the question of an international convention or some other agreement on the subject may be further considered at the thirty-sixth session of the General Assembly;

3. *Decides* to include in the provisional agenda of its thirty-sixth session the item entitled "Non-use of nuclear weapons and prevention of nuclear war".

[8] Resolution S-10/2, para. 58.

United Nations
GENERAL ASSEMBLY
THIRTY-FIFTH SESSION
Official Records

94th PLENARY MEETING

Friday, 12 December 1980, at 3 p.m.

NEW YORK

Agenda item 44:
Review of the implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session *(concluded)*:
(*a*) Report of the Committee on Disarmament;
(*b*) Report of the Disarmament Commission;
(*c*) Preparations for the second special session of the General Assembly devoted to disarmament;
(*d*) Paragraph 125 of the Final Document of the Tenth Special Session:
(i) Report of the Committee on Disarmament;
(ii) Report of the Disarmament Commission;
(*e*) Implementation of the recommendations and decisions of the tenth special session;
(*f*) United Nations programme of fellowships on disarmament: report of the Secretary-General;
(*g*) Non-use of nuclear weapons and prevention of nuclear war: report of the Committee on Disarmament;
(*h*) Disarmament Week: report of the Secretary-General;
(*i*) Nuclear weapons in all aspects: report of the Committee on Disarmament;
(*j*) Programme of research and studies on disarmament: report of the Secretary-General;
(*k*) United Nations studies on disarmament: report of the Secretary-General
Report of the First Committee .....

President: Mr. Rüdiger von WECHMAR (Federal Republic of Germany).

1. Mr. KENSMIL (Suriname), Rapporteur of the First Committee: I have the honour of presenting to the General Assembly the reports of the First Committee on its work concerning agenda items 31 to 35, 37 to 46, 48 and 49 on the question of disarmament and item 50 on the implementation of the Declaration on the Strengthening of International Security.

* * *

4. As at previous sessions, this year the First Committee held a combined general debate on the items relating to disarmament. A total of 47 draft resolutions were submitted, out of which four were withdrawn.

* * *

17. Part II of the report of the First Committee on agenda item 44 appears in document A/35/665/Add.1. Under that item, the First Committee adopted 10 draft resolutions dealing with the United Nations programme of fellowships on disarmament, nuclear weapons in all aspects, non-use of nuclear weapons and the prevention of nuclear war, the implementation of the recommendations and decisions of the tenth special session, the report of the Disarmament Commission, paragraph 125 of the Final Document of the Tenth Special Session, the programme of research and studies on disarmament, the world disarmament campaign and the report of the Committee on Disarmament. The relevant recommendation under this item is to be found in paragraph 27 of the report.

* * *

23. As at previous sessions, the work of the First Committee reflected the General Assembly's deep concern at the pace of disarmament and expressed a definite desire for action, in particular for the implementation, on the eve of the second special session on disarmament, of the decisions and recommendations of the first special session. This year the First Committee adopted 20 draft resolutions by consensus and a large number by a substantial majority—indicating, let us hope, a trend, however slow, towards the enlargement of areas of agreement in the field of disarmament. Highlights of this session were the establishment of the Preparatory Committee for the Second Special Session of the General Assembly Devoted to Disarmament and the adoption of the Declaration of the 1980s as the Second Disarmament Decade. Many other draft resolutions laid stress on the need for action in the field of disarmament.

* * *

27. On behalf of the First Committee, I commend to the General Assembly the adoption of the draft resolutions that I have just outlined.

* * *

103. The PRESIDENT: Now the General Assembly will consider part II of the report of the First Committee on agenda item 44 [*A/35/665/Add.1*]. In addition to the 10 draft resolutions recommended by the First Committee, the Assembly has before it a draft decision [*A/35/L.47/Rev.1*].

104. The Assembly will now take a decision on the 10 draft resolutions recommended by the First Committee in paragraph 27 of its report.

* * *

108. The PRESIDENT: Now we turn to draft resolution D, entitled "Non-use of nuclear weapons and prevention of nuclear war". A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Brazil, Burma, Burundi, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Cyprus, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran, Iraq, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Romania, Rwanda, Saint Lucia, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Australia, Belgium, Denmark, France, Germany, Federal Republic of, Greece, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Austria, Bulgaria, Byelorussian Soviet Socialist Republic, Canada,[5] Czechoslovakia, German Democratic Republic, Hungary, Malawi, Mongolia, Poland, Spain, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Draft resolution D was adopted by 112 votes to 19, with 14 abstentions (resolution 35/152 D).

[5] The delegation of Canada subsequently informed the Secretariat that it wished to have it vote recorded as having been against the draft resolution.

36/92. Review of the implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session

I

NON-USE OF NUCLEAR WEAPONS AND PREVENTION OF NUCLEAR WAR

The General Assembly,

Alarmed by the threat to the survival of mankind and to the life-sustaining system posed by nuclear weapons and by their use, inherent in concepts of deterrence,

Convinced that nuclear disarmament is essential for the prevention of nuclear war and for the strengthening of international peace and security,

Recalling its declaration, contained in the Final Document of the Tenth Special Session of the General Assembly, that all States should actively participate in efforts to bring about conditions in international relations among States in which a code of peaceful conduct of nations in international affairs could be agreed upon and which would preclude the use or threat of use of nuclear weapons,[47]

Recalling its resolutions 1653 (XVI) of 24 November 1961, 33/71 B of 14 December 1978, 34/83 G of 11 December 1979 and 35/152 D of 12 December 1980,

Taking note of the *Comprehensive Study on Nuclear Weapons*[48] prepared by the Secretary-General with the assistance of a group of experts,

1. *Declares once again* that:

(*a*) The use of nuclear weapons would be a violation of the Charter of the United Nations and a crime against humanity;

(*b*) The use or threat of use of nuclear weapons should therefore be prohibited, pending nuclear disarmament;

2. *Urges* the consideration, at the second special session of the General Assembly devoted to disarmament, of the question of an international convention on the non-use of nuclear weapons and prevention of nuclear war or some other agreement on the subject, taking into account the proposals and views of States in this regard;

3. *Decides* to include in the provisional agenda of its thirty-seventh session the item entitled "Non-use of nuclear weapons and prevention of nuclear war".

91st plenary meeting
9 December 1981

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[46] United Nations publication, Sales No. E.78.IX.2.
[47] Resolution S-10/2, para. 58.
[48] United Nations publication, Sales No. E.81.I.11.

UNITED NATIONS

47

General Assembly

Distr.
LIMITED

A/C.1/36/L.29
16 November 1981

ORIGINAL: ENGLISH

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Thirty-sixth session
FIRST COMMITTEE
Agenda item 51 (g)

REVIEW OF THE IMPLEMENTATION OF THE RECOMMENDATIONS AND DECISIONS ADOPTED BY THE GENERAL ASSEMBLY AT ITS TENTH SPECIAL SESSION

NON-USE OF NUCLEAR WEAPONS AND PREVENTION OF NUCLEAR WAR

Algeria, Argentina, Bahamas, Barbados, Bhutan, Colombia, Cyprus, Ecuador, Egypt, Ethiopia, India, Indonesia, Jamaica, Jordan, Madagascar, Malaysia, Nigeria, Peru, Romania, Yemen and Yugoslavia: draft resolution

The General Assembly,

Alarmed by the threat to the survival of mankind and to the life-sustaining system posed by nuclear weapons and by their use, inherent in concepts of deterrence,

Convinced that nuclear disarmament is essential for the prevention of nuclear war and for the strengthening of international peace and security,

Recalling its declaration, contained in the Final Document of the Tenth Special Session of the General Assembly, that all States should actively participate in efforts to bring about conditions in international relations among States in which a code of peaceful conduct of nations in international affairs could be agreed upon and which would preclude the use or threat of use of nuclear weapons,

Recalling its resolutions 1653 (XVI) of 24 November 1961, 33/71 B of 14 December 1978, 34/83 G of 11 December 1979 and 35/152 D of 12 December 1980,

Noting the comprehensive study of nuclear weapons prepared by the Secretary-General with the assistance of a group of experts,

1. Declares once again that:

(a) The use of nuclear weapons would be a violation of the Charter of the United Nations and a crime against humanity;

(b) The use or threat of use of nuclear weapons should therefore be prohibited, pending nuclear disarmament;

2. Urges the second special session of the United Nations General Assembly devoted to disarmament to consider the question of an international convention on the non-use of nuclear weapons and prevention of nuclear war or some other agreement on the subject, taking into consideration the proposals and views of States in this regard;

3. Decides to include in the provisional agenda of its thirty-seventh session the item entitled "Non-use of nuclear weapons and prevention of nuclear war".

United Nations
GENERAL
ASSEMBLY
THIRTY-SIXTH SESSION
*Official Records**

FIRST COMMITTEE
32nd meeting
held on
Tuesday, 17 November 1981
at 10.30 a.m.
New York

VERBATIM RECORD OF THE 32ND MEETING

Chairman: Mr. GOLOB (Yugoslavia)

CONTENTS

DISARMAMENT ITEMS

AGENDA ITEMS 39 TO 56, 128 AND 135 (continued)

Draft resolutions were introduced by:

Mr. Ahmad (Pakistan) - A/C.1/36/L.17
Mr. Elliott (Belgium) - A/C.1/36/L.37
Mr. Garcia Robles (Mexico) - A/C.1/36/L.22
Mr. Krishna (India) - A/C.1/36/L.29
Mr. Djokic (Yugoslavia) - A/C.1/36/L.26
Mr. Kostov (Bulgaria) - A/C.1/36/L.24

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81-64188

Distr. GENERAL
A/C.1/36/PV.32
19 November 1981

ENGLISH

Mr. S. M. KRISHNA (India): On behalf of the delegations of Algeria, Argentina, Bahamas, Barbados, Bhutan, Colombia, Cyprus, Ecuador, Egypt, Ethiopia, Indonesia, Jamaica, Jordan, Madagascar, Malaysia, Nigeria, Peru, Qatar, Romania, Yemen, Yugoslavia and India, I have the honour to introduce today draft resolution A/C.1/36/L.29 entitled "Non-Use of Nuclear Weapons and Prevention of Nuclear War".

It will be recalled that a similar resolution, 35/152 D, was adopted last year by the General Assembly by an overwhelming majority of 112 votes in favour, 19 against and 14 abstentions. An important feature of the voting last year was the positive vote cast by one nuclear-weapon State. That and the growing support that our initiative has been able to command have encouraged the co-sponsors to keep this item on the disarmament agenda.

During the general debate in the First Committee this year, there has been an unprecedented and universal expression of concern over the growing danger of a nuclear war. The nuclear arms race in both its quantitative and its qualitative aspects has acquired a new momentum and the international

.../

(Mr. S. M. Krishna, India)

situation has worsened to the point that the international community has greater apprehensions than ever before that a nuclear war, with all its catastrophic consequences, may break out. In such circumstances, it is our collective responsibility to undertake all possible measures to reduce the threat of a nuclear war. What is at stake is not the security of a handful of countries or military alliances, but the very survival of the human species itself. It is the conviction of the co-sponsors of the draft resolution on the non-use of nuclear weapons and prevention of nuclear war that, pending the complete elimination of nuclear weapons, an agreement on the prohibition of the use or threat of use of nuclear weapons would reduce the threat of a nuclear war.

The draft resolution makes it clear that our ultimate objective, and indeed an objective which has been universally accepted, is the achievement of nuclear disarmament. Nuclear disarmament alone can provide the only effective guarantee against the use or threat of use of nuclear weapons. Nuclear disarmament is, however, a complex issue and may not be achieved immediately. However, the threat of the use of such weapons creates insecurity for all States, including the nuclear-weapon States themselves. Nuclear weapons cannot be regarded as ordinary weapons, as instruments of war. They are weapons of mass destruction, whose use will have disastrous consequences for belligerents and non-belligerents alike. The effects of the use of nuclear weapons cannot, because of the very nature of such weapons, be confined to national or regional boundaries. Their use will mean the mass slaughter of millions of innocent civilians, including those belonging to States which are non-belligerents. It is for that reason that the draft resolution declares that the use of nuclear weapons would be a violation of the United Nations Charter and a crime against humanity. It is true that the United Nations Charter permits individual and collective self-defence, but it would be making a mockery of the Charter to suggest that in the pursuit of its individual security concerns, a State may jeopardize the collective survival of all the States and peoples in the world. A State's choice of weapons and the means of warfare, even in the exercise of individual and collective self-defence, is not unlimited.

(Mr. S. M. Krishna, India)

The use of nuclear weapons will not merely mean the mutual annihilation of States using them, but would result in the death and permanent incapacitation of millions of human beings all over the world through the spread of radioactive fallout and the snapping of the economic and social linkages which would inevitably follow a nuclear war. We live today in a world that has, under the pressure of technological progress, become increasingly interdependent and interlinked. The massive destruction which would result from the use of nuclear weapons would destroy the delicate interlinkages which have been built up over the years and which sustain the economic and social life over our entire planet. Those disruptive effects of a nuclear war are well documented in the comprehensive study on nuclear weapons, which the draft resolution has referred to in its preamble.

The tragic experience of Hiroshima and Nagasaki indicates that not only would millions upon millions die in a nuclear war, but that succeeding generations would suffer permanent impairment as a result of radiation-induced genetic disorders. Taking all those factors into account, is it not true to say that the use of nuclear weapons would be a crime against humanity?

The draft resolution I have introduced today is similar to the text of resolution 35/152 D adopted by the General Assembly last year. However, operative paragraph 2 is different from last year's. It urges the second special session devoted to disarmament scheduled to be held next year to consider the question of an international convention, or some other agreement, on the non-use of nuclear weapons and prevention of nuclear war, taking into consideration the proposals and views of States in this regard. We are convinced that one of the urgent questions that the second special session would have to address is the prevention of a nuclear war. It is our earnest hope that the prohibition of the use or threat of use of nuclear weapons would be given the attention it deserves in that context.

Finally, the sponsors of this draft resolution venture to hope that those States, which for one reason or another have earlier opposed our initiative or abstained on it, will rise above their separate and individual security concerns and join the mainstream of international opinion in ensuring the collective survival and well-being of mankind as a whole.

United Nations
GENERAL
ASSEMBLY
THIRTY-SIXTH SESSION
*Official Records**

FIRST COMMITTEE
40th meeting
held on
Monday, 23 November 1981
at 3 p.m.
New York

VERBATIM RECORD OF THE 40TH MEETING

Chairman: Mr. GOLOB (Yugoslavia)

CONTENTS

DISARMAMENT ITEMS

AGENDA ITEMS 39 TO 56, 128 AND 135 (continued)

ORGANIZATION OF WORK

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81-64236

Distr. GENERAL
A/C.1/36/PV.40
29 December 1981

ENGLISH

The CHAIRMAN: That concludes our consideration of draft resolution A/C.1/36/L.24.

We shall now take up draft resolution A/C.1/36/L.29, relating to agenda item 51 (g), "Review of the implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session; non-use of nuclear weapons and prevention of nuclear war". This draft resolution has 30 sponsors and was introduced by the representative of India on 17 November at the 32nd meeting of the First Committee. The 30 sponsors are: Algeria, Argentina, Bahamas, Bangladesh, Barbados, Bhutan, Colombia, Congo, Cyprus, Ecuador, Egypt, Ethiopia, Ghana, Guinea, India, Indonesia, Jamaica, Jordan, Madagascar, Malaysia, Mali, Niger, Nigeria, Peru, Qatar, Romania, Rwanda, Sri Lanka, Yemen and Yugoslavia.

The CHAIRMAN: We shall now take a vote on the draft resolution contained in document A/C.1/36/L.29. A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Bhutan, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Central African Republic, Chad, Chile, China, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Djibouti, Ecuador, Egypt, Ethiopia, Fiji, Gabon, German Democratic Republic, Ghana, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran, Iraq, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire and Zambia

Against: Australia, Belgium, Canada, Denmark, France, Germany, Federal Republic of, Iceland, Ireland, Italy, Japan, Netherlands, New Zealand, Norway, Portugal, Spain, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining: Austria, Finland, Greece, Israel, Sweden

Draft resolution A/C.1/36/L.29 was adopted by 99 votes to 18, with 5 abstentions.

The CHAIRMAN: I now call upon those representatives who wish to explain their vote after the vote.

Mr. KRUTZSCH (German Democratic Republic): My delegation supported draft resolution A/C.1/36/L.29, which was just adopted. We believe that in the face of the current acute dangers of a nuclear war this proposal is a very timely one. We regard it as especially important that at the second special session devoted to disarmament every effort be made to exclude the use of nuclear weapons. But we have seen that certain States have opposed this project. It is even more incredible that among those which have cast a negative vote are nuclear-weapon States and their closest allies whose co-operation is essential in the endeavour to exclude the danger of a nuclear war.

Mr. LIDGARD (Sweden): My Government attaches the greatest importance to measures aimed at preventing the use of nuclear weapons. In fact, it is vital for the very survival of mankind that such weapons are not used. There is also a logical link between non-use and non-proliferation of nuclear weapons that must be kept in mind.

I wish to recall what was said in paragraph 58 of the Final Document of the tenth special session of the General Assembly (A/S-10/2) on the question of the non-use of nuclear weapons. Deliberations on the matter during that session well illustrated the practical difficulties involved. It is all too evident that effective measures in this field must fully take into account the problems inherent in the existing military doctrines. It is, in fact, necessary to grapple with the concrete reality of nuclear forces and of the doctrines for their possible use, which go deeply into the general military preparations of the leading military Powers, and which concern their conventional forces as well.

It is my Government's firm belief that more resolute efforts to achieve nuclear disarmament are urgently needed. This should be achieved through a process of gradual and balanced reductions of nuclear weapons with the aim of their total elimination. Measures on non-use have their natural place in this context although, unfortunately, it does not seem realistic

(Mr. Lidgard, Sweden)

to expect that prohibition of the use of nuclear weapons can start such a process.

Sweden entirely shares the objectives of this draft resolution. It also shares the opinion that nuclear war most probably would have such effects as to constitute a crime against humanity. As operative paragraph 1 is worded it makes a precise interpretation of the Charter of the United Nations and thus does not seem to be entirely correct from a legal standpoint. In that light, much to our regret we have not found it possible to vote in favour of this draft resolution, since we do not think that a declaration of this kind will fulfil its purpose. Although the Swedish delegation is in strong sympathy with the general aims of this draft resolution, it has reservations of a legal nature against it and it also has some doubt as to whether a declaration of this kind will fulfil its purpose. Therefore, to its regret, my delegation has not been in a position to vote in favour of the draft resolution, but abstained in the voting.

Mr. O'CONNOR (Ireland): I do not think it is necessary for me to emphasize the opposition of my delegation to any use of nuclear weapons. Our record on the question is clear. We would consider that any use of such weapons would be disastrous for the world. It is, therefore, with deep regret that my delegation, in line with the position it has taken in the psst, felt obliged to vote against the present text. We have done so because of doubts regarding the approach adopted in the resolution, doubts which we have expressed in this forum at previous sessions going back as far as 1961.

DOCUMENT A/36/752

[*Original: English*]
[*7 December 1981*]

Report of the First Committee on agenda item 51

1. The item entitled:

"Review of the implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session:

"(*a*) Report of the Disarmament Commission;

"(*b*) Report of the Committee on Disarmament;

"(*c*) Programme of research and studies on disarmament: report of the Secretary-General;

"(*d*) Study on the relationship between disarmament and development: report of the Secretary-General;

"(*e*) United Nations programme of fellowships on disarmament: report of the Secretary-General;

"(*f*) Nuclear weapons in all aspects: report of the Committee on Disarmament;

"(*g*) Non-use of nuclear weapons and prevention of nuclear war;

"(*h*) Implementation of the recommendations and decisions of the tenth special session: report of the Committee on Disarmament;

"(*i*) World Disarmament Campaign: report of the Secretary-General;

"(*j*) Disarmament Week: report of the Secretary-General"

was included in the provisional agenda of the thirty-sixth session of the General Assembly in accordance with its resolutions 34/83 K of 11 December 1979 and 35/152 A, B, C, D, E, F, H, I and J of 12 December 1980.

2. At its 4th plenary meeting, on 18 September 1981, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the First Committee for consideration and report.

3. At its 2nd meeting, on 7 October, the First Committee decided to hold a combined general debate on the items allocated to it relating to disarmament, namely, items 39 to 56, 128 and 135. This general debate took place at the 3rd to 26th meetings, from 19 October to 4 November.

* * *

Consideration of draft resolutions

* * *

Draft resolution A/C.1/36/L.29

22. On 16 November, Algeria, Argentina, the Bahamas, Barbados, Bhutan, Colombia, Cyprus, Ecuador, Egypt, Ethiopia, India, Indonesia, Jamaica, Jordan, Madagascar, Malaysia, Nigeria, Peru, Romania, Yemen and Yugoslavia submitted a draft resolution (A/C.1/36/L.29) entitled "Non-use of nuclear weapons and prevention of nuclear war", which was subsequently also sponsored by Bangladesh, the Congo, Ghana, Guinea, Mali, the Niger, Qatar, Rwanda and Sri Lanka. The draft resolution was introduced by the representative of India at the 32nd meeting, on 17 November.

23. At its 40th meeting, on 23 November, the Committee adopted draft resolution A/C.1/36/L.29 by a recorded vote of 99 to 18, with 5 abstentions (for the text, see para. 32 below, draft resolution I). The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Bhutan, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Central African Republic, Chad, Chile, China, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Djibouti, Ecuador, Egypt, Ethiopia, Fiji, Gabon, German Democratic Republic, Ghana, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran, Iraq, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

Against: Australia, Belgium, Canada, Denmark, France, Germany, Federal Republic of, Iceland, Ireland, Italy, Japan, Netherlands, New Zealand, Norway, Portugal, Spain, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Austria, Finland, Greece, Israel, Sweden.

* * *

Recommendation of the First Committee

32. The First Committee recommends to the General Assembly the adoption of the following draft resolutions:

REVIEW OF THE IMPLEMENTATION OF THE RECOMMENDATIONS AND DECISIONS ADOPTED BY THE GENERAL ASSEMBLY AT ITS TENTH SPECIAL SESSION

* * *

I

Non-use of nuclear weapons and prevention of nuclear war

The General Assembly,

Alarmed by the threat to the survival of mankind and to the life-sustaining system posed by nuclear weapons and by their use, inherent in concepts of deterrence,

Convinced that nuclear disarmament is essential for the prevention of nuclear war and for the strengthening of international peace and security,

Recalling its declaration, contained in the Final Document of the Tenth Special Session of the General Assembly, that all States should actively participate in efforts to bring about conditions in international relations among States in which a code of peaceful conduct of nations in international affairs could be agreed upon and which would preclude the use or threat of use of nuclear weapons,[37]

Recalling its resolutions 1653 (XVI) of 24 November 1961, 33/71 B of 14 December 1978, 34/83 G of 11 December 1979 and 35/152 D of 12 December 1980,

Taking note of the *Comprehensive Study on Nuclear Weapons* prepared by the Secretary-General with the assistance of a group of experts,[38]

1. *Declares once again* that:

(*a*) The use of nuclear weapons would be a violation of the Charter of the United Nations and a crime against humanity;

(*b*) The use or threat of use of nuclear weapons should therefore be prohibited, pending nuclear disarmament;

2. *Urges* the consideration, at the second special session of the General Assembly devoted to disarmament, of the question of an international convention on the non-use of nuclear weapons and prevention of nuclear war or some other agreement on the subject, taking into account the proposals and views of States in this regard;

3. *Decides* to include in the provisional agenda of its thirty-seventh session the item entitled "Non-use of nuclear weapons and prevention of nuclear war".

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[37] Resolution S-10/2, para. 58.

[38] United Nations publication, Sales No. E.81.I.11.

United Nations
GENERAL ASSEMBLY
THIRTY-SIXTH SESSION
Official Records

91st PLENARY MEETING

Wednesday, 9 December 1981, at 3.30 p.m.

NEW YORK

Agenda item 51:
Review of the implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session:
(*a*) Report of the Disarmament Commission;
(*b*) Report of the Committee on Disarmament;
(*c*) Programme of research and studies on disarmament: report of the Secretary-General;
(*d*) Study on the relationship between disarmament and development: report of the Secretary-General;
(*e*) United Nations programme of fellowships on disarmament: report of the Secretary-General;
(*f*) Nuclear weapons in all aspects: report of the Committee on Disarmament;
(*g*) Non-use of nuclear weapons and prevention of nuclear war;
(*h*) Implementation of the recommendations and decisions of the tenth special session: report of the Committee on Disarmament;
(*i*) World Disarmament Campaign: report of the Secretary-General;
(*j*) Disarmament Week: report of the Secretary-General
Report of the First Committee .....

President: Mr. Ismat T. KITTANI (Iraq).

In the absence of the President, Mr. Naik (Pakistan), Vice-President, took the Chair.

• • •

1. Mr. MAKONNEN (Ethiopia), Rapporteur of the First Committee: I have the honour to present to the General Assembly the reports of the First Committee on its work. They contain its recommendations on the disarmament and security questions under agenda items 39 to 58, 128 and 135. Those recommendations are to be found in documents A/36/740 to 761. With the exception of items 128 and 135, which are new, all the disarmament items have been included in the agenda of the thirty-sixth session in accordance with previous General Assembly resolutions. Thus, this year, discussion on these items in the First Committee could be considered as a continued expression of concern over the complexities of disarmament problems and of determination to continue exerting efforts to make progress towards the ultimate objective of general and complete disarmament.

2. The First Committee, as in previous years, held at this session's combined general debate on all disarmament items, which took place at its 3rd to 26th meetings, between 19 October and 4 November. The discussion on items 57 and 58 took place at its 45th to 51st meetings, from 27 November to 3 December. The Committee had before it a total of 22 items and took action on 52 draft resolutions. There was wide participation in the general debate, which reflected the general feelings of support by the international community for disarmament, peace and security.

3. The fact that the discussion in the First Committee took place on the eve of the second special session of the General Assembly devoted to disarmament, scheduled to convene on 7 June 1982, gave an opportunity to a large number of participants to articulate their expectations and to express their hopes about future action in the field of disarmament.

• • •

6. Despite the complexities and difficulties of disarmament problems, the discussion in the First Committee has shown both that there continues to be a spirit of hope and optimism and the conviction that more efforts are needed and that there is no alternative but to press on with the hard work, whether in the deliberative or negotiating bodies, in order to make further progress. Perhaps a sign of this hope is to be seen in the continued adoption by consensus of a substantial number of draft resolutions. This year the Committee adopted 48 draft resolutions on disarmament items, of which 18 were adopted without a vote. This is an indication that the international community still entertains the hope of widening the understanding of the problems and enlarging the areas of agreement in the field of disarmament.

7. With these few remarks I have the honour to submit the draft resolutions of the First Committee to the General Assembly for adoption.

• • •

133. The PRESIDENT: The Assembly will now take a decision on draft resolution I, entitled "Non-use of nuclear weapons and prevention of nuclear war". A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran, Iraq, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saint Lucia, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

Against: Australia, Belgium, Canada, Denmark, France, Germany, Federal Republic of, Iceland, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Spain, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Austria, Comoros, Finland, Greece, Israel, Sweden.

Draft resolution I was adopted by 121 votes to 19, with 6 abstentions (resolution 36/92 I).

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138. The PRESIDENT: I shall now call upon those representatives who wish to explain their vote after the vote.

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144. Mr. MEGALOKONOMOS (Greece) (*interpretation from French*):

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146. I should now like to refer to two other resolutions which the Assembly has adopted and on which we abstained in the votes.

147. The first is resolution 36/92 I. Greece is and has always been in favour of nuclear and conventional disarmament. Thus we welcome any move to put an end to armament in general and the nuclear arms race in particular, any move aimed at the ultimate objective of complete disarmament.

148. Thus we agree with the general lines of the objectives of the resolution just adopted. Nevertheless, we were unfortunately unable to support it because of its proclamatory character, which is not in our view the best approach to attain our objectives.

149. We had one more hesitation regarding this resolution which concerns paragraph 1. In our view, this paragraph, declaring the use of nuclear weapons a violation of the Charter and thus prohibiting it alone, leaves a serious vacuum and a vagueness of interpretation. In fact, we all know that the Charter, in its preambular part, prohibits without any exception or qualification whatsoever any use of force save in the common interest. These are the reasons which obliged our delegation to abstain in the voting on that resolution.

B

CONVENTION ON THE PROHIBITION OF THE USE OF NUCLEAR WEAPONS

The General Assembly,

Convinced that the existence and use of nuclear weapons pose the greatest threat to the survival of mankind,

Conscious that the nuclear-arms race increases the danger of the use of nuclear weapons,

Convinced also that nuclear disarmament is the only ultimate guarantee against the use of nuclear weapons,

Convinced further that a multilateral agreement prohibiting the use or threat of use of nuclear weapons should strengthen international security and help to create the climate for negotiations leading to the complete elimination of nuclear weapons,

Conscious also that the recent steps taken bilaterally by the Union of Soviet Socialist Republics and the United States of America towards a reduction of their nuclear weapons and the improvement in East-West relations and the international climate can contribute towards this goal,

Recalling that, in paragraph 58 of the Final Document of the Tenth Special Session of the General Assembly,[15] it is stated that all States should actively participate in efforts to bring about conditions in international relations among States in which a code of peaceful conduct of nations in international affairs could be agreed upon and that would preclude the use or threat of use of nuclear weapons,

Reaffirming that the use of nuclear weapons would be a violation of the Charter of the United Nations and a crime against humanity, as declared in its resolutions 1653 (XVI) of 24 November 1961, 33/71 B of 14 December 1978, 34/83 G of 11 December 1979, 35/152 D of 12 December 1980 and 36/92 I of 9 December 1981,

Noting with regret that the Conference on Disarmament, during its 1990 session, was not able to undertake negotiations with a view to achieving agreement on an international convention prohibiting the use or threat of use of nuclear weapons under any circumstances, taking as a basis the text annexed to General Assembly resolution 44/117 C of 15 December 1989,

1. *Reiterates its request* to the Conference on Disarmament to commence negotiations, as a matter of priority, in order to reach agreement on an international convention prohibiting the use or threat of use of nuclear weapons under any circumstances, taking as a basis the draft Convention on the Prohibition of the Use of Nuclear Weapons annexed to the present resolution;

2. *Also requests* the Conference on Disarmament to report to the General Assembly at its forty-sixth session on the results of those negotiations.

54th plenary meeting
4 December 1990

ANNEX

Draft Convention on the Prohibition of the Use of Nuclear Weapons

The States Parties to this Convention,

Alarmed by the threat to the very survival of mankind posed by the existence of nuclear weapons,

Convinced that any use of nuclear weapons constitutes a violation of the Charter of the United Nations and a crime against humanity,

Convinced that this Convention would be a step towards the complete elimination of nuclear weapons leading to general and complete disarmament under strict and effective international control,

Determined to continue negotiations for the achievement of this goal,

Have agreed as follows:

Article 1

The States Parties to this Convention solemnly undertake not to use or threaten to use nuclear weapons under any circumstances.

Article 2

This Convention shall be of unlimited duration.

Article 3

1. This Convention shall be open to all States for signature. Any State that does not sign the Convention before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.

2. This Convention shall be subject to ratification by signatory States. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.

3. This Convention shall enter into force on the deposit of instruments of ratification by twenty-five Governments, including the Governments of the five nuclear-weapon States, in accordance with paragraph 2 of this article.

4. For States whose instruments of ratification or accession are deposited after the entry into force of the Convention, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The depository shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession and the date of the entry into force of this Convention, as well as of the receipt of other notices.

6. This Convention shall be registered by the depository in accordance with Article 102 of the Charter of the United Nations.

Article 4

This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send duly certified copies thereof to the Government of the signatory and acceding States.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Convention, opened for signature at _____ on the _____ day of _____ one thousand nine hundred and _____.

UNITED
NATIONS

General Assembly

Distr.
LIMITED

A/C.1/45/L.25
31 October 1990

ORIGINAL: ENGLISH

Forty-fifth session
FIRST COMMITTEE
Agenda item 57 (b)

REVIEW AND IMPLEMENTATION OF THE CONCLUDING DOCUMENT OF THE TWELFTH SPECIAL SESSION OF THE GENERAL ASSEMBLY: CONVENTION ON THE PROHIBITION OF THE USE OF NUCLEAR WEAPONS

Afghanistan, Algeria, Argentina, Bangladesh, Bhutan, Ecuador, Egypt, Ethiopia, India, Indonesia, Madagascar, Malaysia, Viet Nam and Yugoslavia: draft resolution

Convention on the Prohibition of the Use of Nuclear Weapons

The General Assembly,

Convinced that the existence and use of nuclear weapons pose the greatest threat to the survival of mankind,

Conscious that the nuclear-arms race increases the danger of the use of nuclear weapons,

Convinced that nuclear disarmament is the only ultimate guarantee against the use of nuclear weapons,

Convinced also that a multilateral agreement prohibiting the use or threat of use of nuclear weapons should strengthen international security and help to create the climate for negotiations leading to the complete elimination of nuclear weapons,

Conscious that the recent steps taken bilaterally by the United States of America and the Union of Soviet Socialist Republics towards a reduction of their nuclear weapons and the improvement in the East-West relations and international climate can contribute towards this goal,

/...

Recalling that, in paragraph 58 of the Final Document of the Tenth Special Session of the General Assembly, 1/ it is stated that all States should actively participate in efforts to bring about conditions in international relations among States in which a code of peaceful conduct of nations in international affairs could be agreed upon and that would preclude the use or threat of use of nuclear weapons,

Reaffirming that the use of nuclear weapons would be a violation of the Charter of the United Nations and a crime against humanity, as declared in its resolutions 1653 (XVI) of 24 November 1961, 33/71 B of 14 December 1978, 34/83 G of 11 December 1979, 35/152 D of 12 December 1980 and 36/92 I of 9 December 1981,

Noting with regret that the Conference on Disarmament, during its 1990 session was not able to undertake negotiations with a view to achieving agreement on an international convention prohibiting the use or threat of use of nuclear weapons under any circumstances, taking as a basis the text annexed to General Assembly resolution 44/177 C of 8 December 1989,

1. Reiterates its request to the Conference on Disarmament to commence negotiations, as a matter of priority, in order to reach agreement on an international convention prohibiting the use or threat of use of nuclear weapons under any circumstances, taking as a basis the draft Convention on the Prohibition of the Use of Nuclear Weapons annexed to the present resolution;

2. Also requests the Conference on Disarmament to report to the General Assembly at its forty-sixth session on the results of those negotiations.

ANNEX

Draft Convention on the Prohibition of the Use of Nuclear Weapons

The States Parties to this Convention,

Alarmed by the threat to the very survival of mankind posed by the existence of nuclear weapons,

Convinced that any use of nuclear weapons constitutes a violation of the Charter of the United Nations and a crime against humanity,

Convinced that this Convention would be a step towards the complete elimination of nuclear weapons leading to general and complete disarmament under strict and effective international control,

Determined to continue negotiations for the achievement of this goal,

Have agreed as follows:

1/ Resolution S-10/2.

/...

Article 1

The States Parties to this Convention solemnly undertake not to use or threaten to use nuclear weapons under any circumstances.

Article 2

This Convention shall be of unlimited duration.

Article 3

1. This Convention shall be open to all States for signature. Any State that does not sign the Convention before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.

2. This Convention shall be subject to ratification by signatory States. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.

3. This Convention shall enter into force on the deposit of instruments of ratification by twenty-five Governments, including the Governments of the five nuclear-weapon States, in accordance with paragraph 2 of this article.

4. For States whose instruments of ratification or accession are deposited after the entry into force of the Convention, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The depository shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession and the date of the entry into force of this Convention, as well as of the receipt of other notices.

6. This Convention shall be registered by the depository in accordance with Article 102 of the Charter of the United Nations.

Article 4

This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send duly certified copies thereof to the Government of the signatory and acceding States.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Convention, opened for signature at _____ on the _____ day of _____ one thousand nine hundred and _____.

UNITED NATIONS

General Assembly

FORTY-FIFTH SESSION

Official Records

FIRST COMMITTEE
29th meeting
held on
Wednesday, 7 November 1990
at 10 a.m.
New York

VERBATIM RECORD OF THE 29th MEETING

Chairman: Mr. RANA (Nepal)

CONTENTS

- Consideration of and action on all disarmament agenda items (continued)
- Statement by the Chairman

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Distr. GENERAL
A/C.1/45/PV.29
8 November 1990
ENGLISH

90-63178 2735V (E)

The CHAIRMAN: I now call on the representative of India to introduce draft resolutions A/C.1/45/L.25 and A/C.1/45/L.24.

Mr. CHADHA (India): I have asked to speak to introduce two draft resolutions. The first, entitled "Convention on the prohibition of the use of nuclear weapons", is contained in document A/C.1/45/L.25 and has been sponsored by Afghanistan, Algeria, Argentina, Bangladesh, Bhutan, Bolivia, Ecuador, Egypt, Ethiopia, Indonesia, Madagascar, Malaysia, Viet Nam, the Ukrainian Soviet Socialist Republic, Yugoslavia and India.

The rationale behind the draft resolution is simple and clearly stated in the preamble. It is accepted that the existence and use of nuclear weapons pose a threat to life on this planet. It is also accepted that the nuclear-arms race only serves to increase the risk of the use of nuclear weapons. The "nuclear winter" studies by R. Turco, O. Toon, T. Ackerman, J. Pollack and C. Sagan (the TTAPS group), by the Scientific Committee on Problems of the Environment of the International Council of Scientific Unions, and in 1988 by the Secretary-General's Group of Experts have all concluded that the use of nuclear weapons, even on a limited scale of 1 per cent of the existing megatonnage, would produce "irreversible consequences" for life on this planet. I quote further from the study by the Secretary-General's Group of Experts on the Climatic and Other Global Effects of Nuclear War:

> "Scientific evidence is now conclusive that a major nuclear war would entail the high risk of a global environmental disruption. ... Three-dimensional atmospheric circulation models with detailed representations of physical processes indicate regional episodes of sub-freezing temperatures, even in summer. ...

(Mr. Chadha, India)

"Beyond one month, agricultural production and the survival of natural ecosystems would be threatened by a considerable reduction in sunlight, temperature depressions of several degrees below normal and suppression of precipitation and summer monsoons. In addition, these effects would be aggravated by chemical pollutants, an increase in ultraviolet radiation associated with depletion of ozone and the likely persistence of radioactive 'hotspots'.

"... The widespread impact of nuclear exchange on climate would constitute a severe threat to world food production. The prospect of widespread starvation as a consequence of a nuclear war would confront both targeted and non-targeted nations. ... The direct effects of a major nuclear exchange could kill hundreds of millions: the indirect effect could kill billions.

"The socio-economic consequences in a world intimately interconnected economically, socially and environmentally would be grave. The functions of production, distribution and consumption in existing socio-economic systems would be completely disrupted." (A/43/351, annex, paras. 22-25)

Those are only some of the irreversible consequences of a nuclear war.

The Conference on Disarmament at Geneva, the single multilateral negotiating forum in which all nuclear-weapon States are represented, has been repeatedly requested by the General Assembly to undertake negotiations with the objective of concluding a convention that would prohibit the use of nuclear weapons. Accordingly, we have submitted our draft convention to the Conference on Disarmament for its consideration. It is therefore a matter of great regret that the Conference on Disarmament has not been able to register any progress on that priority item.

(Mr. Chadha, India)

At the same time, no logical reasons have been put forward as to why such a convention should not be negotiated. To relate the urgency of preventing nuclear war with preventing all wars is to deny the special menace that nuclear weapons pose to mankind. We must, of course, entirely rule out any kind of war as a possible option. I reiterate, however, that while conventional wars may escalate into nuclear war, and while that fateful transition can be prevented, a nuclear war cannot de-escalate into a conventional war. We are resubmitting our draft resolution to underline the importance of that issue and in the hope that the First Committee will be able to bring the might of its moral authority to bear on the Conference on Disarmament to commence negotiations on that item.

The draft convention is contained in the annex to the draft resolution. It is based on the recognition by this forum that the use or threat of use of nuclear weapons would be a violation of the Charter of the United Nations and contrary to the laws of humanity. That was accepted almost three decades ago in General Assembly resolution 1653 (XVI) in 1961.

The world community has since welcomed the statement by the United States and the Soviet Union that "a nuclear war cannot be won and must not be fought". Our draft resolution seeks to transform that understanding into a legally binding commitment. Such a prohibition in the form of a legal agreement would help bring about a qualitative change in security doctrines and policies and create the right climate for negotiations leading to the complete elimination of nuclear weapons.

On behalf of the delegations of Afghanistan, Bolivia, the Byelorussian Soviet Socialist Republic, Hungary, Indonesia, Peru, Sri Lanka, Venezuela and my own delegation, I should now like to introduce a draft resolution entitled "Scientific and technological developments and their impact on international security", contained in document A/C.1/45/L.24.

(Mr. Chadha, India)

At the first special session of the General Assembly devoted to disarmament, the threat posed to international peace and security by the growing arms race was acknowledged by the world community. It was agreed that, along with quantitative measures, qualitative measures in the field of disarmament also needed to be negotiated if the arms race was to be halted. More than a decade has passed since the adoption of the Final Document, a decade in which qualitative aspects of the arms race have not received the attention they deserved. That concern was reflected in our initiative at the third special session of the General Assembly devoted to disarmament and in the 1988 General Assembly resolution 43/77 A, in which the Secretary-General was requested:

> "to follow future scientific and technological developments, especially those which have potential military applications, and to evaluate their impact on international security".

(Mr. Chadha, India)

In the report of the Secretary-General on this subject, it is made clear that "in some respects modern technological advances may be hindering rather than helping the pursuit of international security." (A/45/568, p. 3)

The report identifies five broad fields in which scientific and technological developments should be followed: nuclear technology, space technology, materials technology, information technology and biotechnology. The cumulative impact of individual developments in these five fields could substantively transform the security environment. Taking into account the illustrative set of criteria elaborated in it, the report suggests that the international community needs to be better equipped to follow the nature and direction of technological change and that, in this regard, the United Nations can serve as a catalyst and a clearing-house of ideas.

The Conference on the peace and security implications of new trends in science and technology, which was held in April 1990 in Sendai, Japan, saw a convergence of views favouring the goal of more active and effective multilateral collaboration in the area of technology assessment - in which the United Nations should play a leading role - the purpose of which would be to improve predictability and foster greater public awareness. It was also recognized that it is necessary for the scientific and policy communities to work together in dealing from a truly global perspective with the complex implications of technological change. The Secretary-General has therefore been requested to continue to follow these developments and to suggest to the General Assembly at its forty-seventh session a framework for their assessment.

It is interesting to speculate whether the security environment would not be better and safer today if attempts by some scientists of the highest stature had resulted in the creation of a shared awareness against the development of many of the technologies, with their attendant military applications, with which we are

(Mr. Chadha, India)

burdened today. Tomorrow's weapons will be more subtle, more threatening and less verifiable, and will give us shorter response times. The impact of some of these can already be seen in the areas dealt with in the report, and many others can be perceived dimly at present. However, it is sobering to realize that all weapon technologies and systems begin with the postulating of an idea; unrestrained human ingenuity does the rest.

Only watchfulness and collective action can restrain trends that undermine global security. We have a common future and must demonstrate a common determination to give science and technology a human face. The challenges of eradicating hunger, poverty and disease and of solving the problems of global warming, ozone depletion and environment management - all of which have acquired a global dimension - require inventiveness on our part and international co-operation on an unprecendented scale. Scientific and technological development must continue, but should be oriented entirely in favour of peaceful uses, for the benefit of mankind.

My delegation and the others on whose behalf we are introducing this draft resolution hope that these proposals will receive the serious consideration and universal support of the Committee that they deserve.

UNITED NATIONS

General Assembly

FORTY-FIFTH SESSION

Official Records

FIRST COMMITTEE
34th meeting
held on
Monday, 12 November 1990
at 10.30 a.m.
New York

VERBATIM RECORD OF THE 34th MEETING

Chairman: Mr. RANA (Nepal)

CONTENTS

- Consideration of and action on draft resolutions (continued)

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Distr. GENERAL
A/C.1/45/PV.34
3 December 1990
ENGLISH

90-63208 2810V (E)

Mr. GAJDA (Hungary): At this juncture the Hungarian delegation wishes to explain its position on three draft resolutions in cluster 5.

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The Hungarian delegation has been carefully studying the draft resolution contained in document L.25, concerning a convention on the prohibition of the use of nuclear weapons.

It is common knowledge in this body, as it is beyond these walls, that Hungary is totally opposed to nuclear weapons and, consequently, is a willing partner to any effort that can lead to their complete and final elimination. We are not convinced, however, that the convention promoted by this draft resolution is realistic enough to be accorded priority by the Conference on Disarmament. As long as the parties involved continue the practice of engaging in monologues, time and energy will be taken away from other, more realistic subjects. For that reason the Hungarian delegation will, with some reluctance, abstain in the vote on this draft resolution.

The CHAIRMAN: The Committee will now take a decision on draft resolution A/C.1/45/L.25, entitled "Review and implementation of the Concluding Document of the Twelfth Special Session of the General Assembly: convention on the prohibition

(The Chairman)

of the use of nuclear weapons". The draft resolution was introduced by the representative of India at the 29th meeting of the Committee on 7 November 1990.

I call on the Secretary to read out the list of sponsors.

Mr. KHERADI (Secretary of the Committee): The sponsors of draft resolution A/C.1/45/L.25 are Afghanistan, Algeria, Argentina, Bangladesh, Bhutan, Ecuador, Egypt, Ethiopia, India, Indonesia, Madagascar, Malaysia, Viet Nam and Yugoslavia.

The CHAIRMAN: A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Djibouti, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Finland, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Peru, Philippines, Qatar, Rwanda, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe

Against: Australia, Belgium, Canada, Denmark, France, Germany, Iceland, Italy, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Spain, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining: Bulgaria, Czechoslovakia, Greece, Hungary, Ireland, Israel, Japan, Liechtenstein, Poland, Romania

Draft resolution A/C.1/45/L.25 was adopted by 106 votes to 17, with 10 abstentions.

Mr. PAWLAK (Poland): I should like to explain the vote of the Polish delegation on draft resolution A/C.1/45/L.25, "Convention on the prohibition of the use of nuclear weapons".

Poland is in general in favour of the objectives set forth in that draft resolution, namely, reduction of the threat of nuclear war and prohibition of the use of nuclear weapons. However, we have certain doubts as to whether the draft convention annexed to draft resolution L.25, in its present form, can realistically be acceptable to and considered by the Conference on Disarmament as a practical disarmament measure. For that reason, Poland reluctantly abstained in the voting on the draft resolution.

Mr. ELM (Sweden): The Swedish delegation would like to explain its vote on draft resolution A/C.1/45/L.25, "Convention on the prohibition of the use of nuclear weapons".

Sweden voted in favour of draft resolution L.25, which was introduced by the representative of India. We have done so, as with similar draft resolutions in

(Mr. Elm, Sweden)

previous years, because Sweden supports the concept of the prohibition in an international legal instrument of the use and threat of use of nuclear weapons. It seems that such a prohibition corresponds to an emerging international norm according to which the use of nuclear weapons contravenes the laws of humanity and the dictates of public conscience. Already many rules of international law limit or prohibit the use of nuclear weapons in certain circumstances. Sweden considers that the time is ripe for an investigation into the possibilities of comprehensively banning, in an appropriate, legally binding form, the use of nuclear weapons.

Since the prohibition of the use of nuclear weapons cannot be inferred from the Charter of the United Nations, Sweden has reservations concerning the seventh preambular paragraph of the draft resolution and its interpretation of the Charter.

Mr. HU Xiaodi (China) (interpretation from Chinese): The Chinese delegation voted in favour of draft resolution A/C.1/45/L.25, entitled "Convention on the prohibition of the use of nuclear weapons" because we are in favour of the main purpose of the draft resolution. This is known to all. Since the first day when nuclear weapons came into its possession, the Chinese Government has solemnly declared that China will at no time and in no circumstances be the first to use nuclear weapons. China has also undertaken to refrain from the use or threat of use of nuclear weapons against non-nuclear-weapon States or nuclear-weapon-free zones.

(Mr. Hu Xiaodi, China)

China has always maintained that, pending the achievement of the goal of a complete ban on and total destruction of nuclear weapons, all the nuclear States should undertake not to be the first to use nuclear weapons at any time and in any circumstances, and unconditionally promise to refrain from the use or threat of use of nuclear weapons against non-nuclear-weapon States or nuclear-weapon-free zones. On this basis, corresponding international agreements could be concluded. The Chinese delegation believes that some of the wording in draft resolution A/C.1/45/L.25 and the draft convention annexed thereto could be further discussed and improved.

Report of the First Committee on agenda item 57

[*Original: English*]
[*21 November 1990*]

1. The item entitled

"Review and implementation of the Concluding Document of the Twelfth Special Session of the General Assembly:

"(*a*) World Disarmament Campaign;

"(*b*) Convention on the Prohibition of the Use of Nuclear Weapons;

"(*c*) Nuclear-arms freeze;

"(*d*) United Nations disarmament fellowship, training and advisory services programme;

"(*e*) United Nations Regional Centre for Peace and Disarmament in Africa, United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific and United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean"

was included in the provisional agenda of the forty-fifth session of the General Assembly in accordance with its resolutions 44/117 A, C, D, E and F of 15 December 1989.

2. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the First Committee for consideration and report.

3. At its 2nd meeting, on 9 October, the First Committee decided to hold a combined general debate on the disarmament items allocated to it, namely, items 45 to 66. At its 4th meeting, on 16 October, the Committee decided to consider jointly with other disarmament items item 155, which was allocated to it upon a decision of the General Assembly at its 30th plenary meeting, on 15 October. The deliberations on those items took place from the 3rd through 23rd meetings, from 15 to 30 October. Consideration of and action on draft resolutions on those items took place from the 24th through 39th meetings, from 2 to 16 November.

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Consideration of proposals

• • •

Draft resolution A/C.1/45/L.25

7. On 31 October, Afghanistan, Algeria, Argentina, Bangladesh, Bhutan, Ecuador, Egypt, Ethiopia, India, Indonesia, Madagascar, Malaysia, Viet Nam and Yugoslavia submitted a draft resolution entitled "Convention on the Prohibition of the Use of Nuclear Weapons" (A/C.1/45/L.25). The draft resolution was introduced by the representative of India at the 29th meeting, on 7 November.

8. At its 34th meeting, on 12 November, the Committee adopted draft resolution A/C.1/45/L.25 by a recorded vote of 106 to 17, with 10 abstentions (see para. 15 below, draft resolution B). The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Djibouti, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Finland, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Peru, Philippines, Qatar, Rwanda, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Australia, Belgium, Canada, Denmark, France, Germany, Iceland, Italy, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Spain, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Bulgaria, Czechoslovakia, Greece, Hungary, Ireland, Israel, Japan, Liechtenstein, Poland, Romania.

• • •

Recommendation of the First Committee

15. The First Committee recommends to the General Assembly the adoption of draft resolutions A to E below:

REVIEW AND IMPLEMENTATION OF THE CONCLUDING DOCUMENT OF THE TWELFTH SPECIAL SESSION OF THE GENERAL ASSEMBLY

• • •

B

Convention on the Prohibition of the Use of Nuclear Weapons

The General Assembly,

Convinced that the existence and use of nuclear weapons pose the greatest threat to the survival of mankind,

Conscious that the nuclear-arms race increases the danger of the use of nuclear weapons,

Convinced also that nuclear disarmament is the only ultimate guarantee against the use of nuclear weapons,

Convinced further that a multilateral agreement prohibiting the use or threat of use of nuclear weapons should strengthen international security and help to create the climate for negotiations leading to the complete elimination of nuclear weapons,

Conscious also that the recent steps taken bilaterally by the Union of Soviet Socialist Republics and the United States of America towards a reduction of their nuclear weapons and the improvement in East-West relations and the international climate can contribute towards this goal,

Recalling that, in paragraph 58 of the Final Document of the Tenth Special Session of the General Assembly,[13] it is stated that all States should actively participate in efforts to bring about conditions in international relations among States in which a code of peaceful conduct of nations in international affairs could be agreed upon and that would preclude the use or threat of use of nuclear weapons,

Reaffirming that the use of nuclear weapons would be a violation of the Charter of the United Nations and a crime against humanity, as declared in its resolutions 1653 (XVI) of 24 November 1961, 33/71 B of 14 December 1978, 34/83 G of 11 December 1979, 35/152 D of 12 December 1980 and 36/92 I of 9 December 1981,

Noting with regret that the Conference on Disarmament, during its 1990 session, was not able to undertake negotiations with a view to achieving agreement on an international convention prohibiting the use or threat of use of nuclear weapons under any circumstances, taking as a basis the text annexed to General Assembly resolution 44/117 C of 15 December 1989,

1. *Reiterates its request* to the Conference on Disarmament to commence negotiations, as a matter of priority, in order to reach agreement on an international convention prohibiting the use or threat of use of nuclear weapons under any circumstances, taking as a basis the draft Convention on the Prohibition of the Use of Nuclear Weapons annexed to the present resolution;

2. *Also requests* the Conference on Disarmament to report to the General Assembly at its forty-sixth session on the results of those negotiations.

ANNEX

Draft Convention on the Prohibition of the Use of Nuclear Weapons

The States Parties to this Convention,

Alarmed by the threat to the very survival of mankind posed by the existence of nuclear weapons,

Convinced that any use of nuclear weapons constitutes a violation of the Charter of the United Nations and a crime against humanity,

Convinced that this Convention would be a step towards the complete elimination of nuclear weapons leading to general and complete disarmament under strict and effective international control,

Determined to continue negotiations for the achievement of this goal,

Have agreed as follows:

Article 1

The States Parties to this Convention solemnly undertake not to use or threaten to use nuclear weapons under any circumstances.

Article 2

This Convention shall be of unlimited duration.

Article 3

1. This Convention shall be open to all States for signature. Any State that does not sign the Convention before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.

2. This Convention shall be subject to ratification by signatory States. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.

3. This Convention shall enter into force on the deposit of instruments of ratification by twenty-five Governments, including the Governments of the five nuclear-weapon States, in accordance with paragraph 2 of this article.

4. For States whose instruments of ratification or accession are deposited after the entry into force of the Convention, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The depository shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession and the date of the entry into force of this Convention, as well as of the receipt of other notices.

6. This Convention shall be registered by the depository in accordance with Article 102 of the Charter of the United Nations.

Article 4

This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send duly certified copies thereof to the Government of the signatory and acceding States.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Convention, opened for signature at _____ on the _____ day of _____ one thousand nine hundred and _____ .

UNITED NATIONS

57 A

General Assembly

PROVISIONAL

A/45/PV.54
18 December 1990

ENGLISH

Forty-fifth session

GENERAL ASSEMBLY

PROVISIONAL VERBATIM RECORD OF THE FIFTY-FOURTH MEETING

Held at Headquarters, New York,
on Tuesday, 4 December 1990, at 10 a.m.

President: Mr. de MARCO (Malta)

/...

This record contains the original text of speeches delivered in English and interpretations of speeches in the other languages. The final text will be printed in the Official Records of the General Assembly.

Corrections should be submitted to original speeches only. They should be sent under the signature of a member of the delegation concerned, within one week, to the Chief, Official Records Editing Section, Department of Conference Services, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

90-64394/A 3647V (E)

The PRESIDENT: I request the Rapporteur of the First Committee, Mr. Latévi Modem Lawson-Betum of Togo, to introduce the reports of the First Committee in one intervention.

Mr. LAWSON-BETUM (Togo), Rapporteur of the First Committee (interpretation from French): Mr. President, since this is the first time I have spoken in the General Assembly in my capacity as Rapporteur of the First Committee, I am especially pleased to congratulate you on the competence, skill and selflessness with which you have been guiding the proceedings of the forty-fifth session. While these fine qualities confirm the wisdom of the choice made in entrusting you with the presidency of the General Assembly, coupled with your constant readiness to serve, they have ensured the full success of our session.

(Mr. Lawson-Betum, Rapporteur, First Committee)

Reflecting the increasing improvement in the international political climate, the First Committee's work was carried out in an atmosphere marked by serenity, constructive dialogue and co-operation. Even if deep differences of opinion still existed on some important issues, it must be acknowledged that considerable efforts were made to make the legitimate concerns of Member States or groups of States better known and to enlarge upon some points or areas of agreement.

In its consideration of the 27 agenda items, referred to it by the General Assembly, the First Committee followed its customary procedure, that is to say, to organize its work into three broad phases corresponding to the three groups of items - namely, questions relating to disarmament, items 45 to 66 and 155; the question of Antarctica, item 67; and questions relating to international security, items 68 to 70. The First Committee also had on its agenda the relevant part of agenda item 12, section D of chapter III of the report of the Economic and Social Council, entitled "International co-operation in eliminating the consequences of the accident at the Chernobyl nuclear-power plant".

...

(Mr. Lawson-Betum, Rapporteur, First Committee)

At this plenary meeting of the General Assembly, I have the honour to introduce the First Committee's reports on agenda items 45 to 60, 62 to 66, and 155 on disarmament. These reports are contained in documents A/45/767 to 782, A/45/784 to 788, and A/45/794.

The first phase of the First Committee's work - consideration of the 23 agenda items on disarmament - was carried out at 38 meetings, from 15 October to 16 November, and consisted in 106 statements and the adoption of 52 draft resolutions and decisions, 25 of which were adopted without a vote. In all, 22 meetings were devoted to the general debate and an exchange of views on all items relating to disarmament, from 15 to 30 October. Moreover, the Committee held 16 meetings, from 2 to 16 November, to consider draft resolutions and decisions on agenda items on disarmament, as well as to take decisions relating thereto.

At the same time, intensive informal consultations were held among delegations as part of efforts to deepen dialogue and narrow differing views and positions on various issues of common interest.

Both the positive assessment of the international political situation and the ongoing challenges, as well as new ones, served as backdrop to the statements made in the general debate and in the exchange of views on disarmament questions.

(Mr. Lawson-Betum, Rapporteur, First Committee)

The number of statements made was undoubtedly due to an increased interest in disarmament issues in the light of the opportunities offered by the improvement in the international political climate. In this connection particular emphasis was placed on the end of the cold war and the resulting movement from mistrust and confrontation to dialogue, partnership and co-operation as well as on American-Soviet efforts to limit arms and disarmament in the nuclear and chemical fields, the initiatives taken in various parts of the world, particularly Europe, to promote trust, security and co-operation, and the importance of the forthcoming international exchanges on the subject of disarmament.

Nevertheless, the Committee's attention was called to the fact that peace remains fragile in the light of the persistence of military threats, in particular the crisis in the Persian Gulf, and of non-military threats to international peace and security.

The feeling emerged from the various statements that the disarmament process should draw new encouragement from the improvement of the international political climate and should respond to the following requirements to ensure the reign of a new world order: reinforcement of the dynamic interaction of bilateral and multilateral negotiations; continuance and intensification of bilateral negotiations on nuclear disarmament and multilateral negotiations on chemical weapons; equitable distribution of the dividends of peace; rational use of the collective security machinery provided for in the Charter, particularly to ensure the rule of law and to promote the prevention and peaceful settlement of conflicts; strengthening of the role of the United Nations in disarmament matters; improvement of the verification machinery under disarmament agreements, transparency on military questions and prevention of the proliferation of weapons of mass destruction; and, finally, harmonization of regional disarmament efforts.

(Mr. Lawson-Betum, Rapporteur, First Committee)

As illustrated by the information received from the Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, increased interest in the question of nuclear testing in the Conference on Disarmament and prospects for the amendment Conference on the partial nuclear-test-ban Treaty, as well as the requirements of national, regional and international security, nuclear disarmament occupied a particularly important place again this year in the concerns expressed by delegations.

Thus, of the 48 draft resolutions adopted by the Committee, 19 deal with various aspects of nuclear disarmament.

...

(Mr. Lawson-Betum, Rapporteur, First Committee)

. . .

The positive changes in international political relations have been reflected in the consideration of disarmament questions. Also, within the framework of efforts to rationalize our work and to narrow the differences between views and positions it has been possible to reduce the number of draft resolutions and decisions submitted and adopted and to increase the number of draft resolutions and decisions adopted without a vote. Indeed, 54 draft resolutions and decisions were submitted during this session compared to 64 at the forty-fourth session, 74 at the

(Mr. Lawson-Betum, Rapporteur, First Committee)

forty-third session and 79 at the forty-second session. Furthermore, 52 draft resolutions and decisions were adopted in the course of this session, as compared to 59 at the forty-fourth session; while 26 draft resolutions and decisions, as compared to 22 last year and 23 at the forty-third session, were adopted without a vote. This constitutes considerable progress and it is an encouraging trend towards consensus.

The amalgamation of two draft resolutions on the conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons should also be mentioned, while a single draft resolution was submitted on the prevention of an arms race in outer space.

I must also report that the Chairman of the First Committee organized several informal meetings of the Friends of the Chairman, an open-ended group, to ascertain the views of delegations on ways and means of rationalizing both the substantive and the procedural aspects of the First Committee's work. As a result of those consultations the Chairman submitted a working paper containing proposals for rationalizing the procedural and substantive work of the First Committeee.

I cannot conclude my submission of the reports of the First Committee on disarmament agenda items 45 to 60, 62 to 66 and 155 without paying a well-deserved tribute to those who are responsible for the success of the work of our Committee. It is only right and proper for me to make special mention of the Chairman of the First Committee, Mr. Jai Pratap Rana. With his great intellectual and moral probity, keen political sense and profound knowledge of what is at stake in connection with questions of disarmament and international peace and security, he was able to give wise, responsible and effective leadership.

(Mr. Lawson-Betum, Rapporteur, First Committee)

It is a pleasure for me to pay a tribute also to the two Vice-Chairmen, Mr. Ronald Morris and Mr. Sergei Martynov who, with skill and perspicacity, confirmed the excellent reputations that preceded their election to their posts.

I wish also to express appreciation of the enlightening and valuable contribution of the Under-Secretary-General for Disarmament Affairs, Mr. Yasushi Akashi, and of the Under-Secretary-General for Political and Security Council Affairs, Mr. Vasiliy Safronchuk, to the smooth accomplishment of our work. It gives me great pleasure to thank most warmly the Secretary of the Committee, Mr. Sohrab Kheradi, who, as usual, put all his ability and long experience at the service of the Committee, with the wise and effective assistance of his colleagues, including Mr. Mohammad Sattar, Mr. Timur Alasaniya, Mr. Jack Gerardi-Siebert, Mr. Kuo-Chung Lin and Mrs. Agnes Marcaillou, and all the other members of the secretariat of the Committee.

The PRESIDENT: The Assembly has concluded its consideration of agenda item 56.

We turn next to the report of the First Committee (A/45/779) on agenda item 57, "Review and implementation of the Concluding Document of the Twelfth Special Session of the General Assembly".

The Assembly will now take decisions on the five draft resolutions, A to E, recommended by the First Committee in paragraph 15 of its report.

Draft resolution A is entitled "United Nations disarmament fellowship, training and advisory services programme". It was adopted without a vote in the First Committee. May I take it that the General Assembly adopts draft resolution A?

Draft resolution A was adopted (resolution 45/59 A).

The PRESIDENT: Draft resolution B is entitled "Convention on the Prohibition of the Use of Nuclear Weapons".

A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, Gabon, Gambia, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe

Against: Australia, Belgium, Canada, Denmark, France, Germany, Iceland, Italy, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Spain, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining: Bulgaria, Czechoslovakia, Greece, Hungary, Ireland, Israel, Japan, Liechtenstein, Poland, Romania

Draft resolution B was adopted by 125 votes to 17, with 10 abstentions (resolution 45/59 B).

D

CONVENTION ON THE PROHIBITION OF THE USE OF NUCLEAR WEAPONS

The General Assembly,

Convinced that the existence and use of nuclear weapons pose the greatest threat to the survival of mankind,

Convinced also that nuclear disarmament is the only ultimate guarantee against the use of nuclear weapons,

Convinced further that a multilateral agreement prohibiting the use or threat of use of nuclear weapons should strengthen international security and contribute to the climate for negotiations leading to the ultimate elimination of nuclear weapons,

Welcoming the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms, signed on 31 July 1991,

Welcoming also the announcements by the Government of the Union of Soviet Socialist Republics and the Government of the United States of America of significant measures, including unilateral steps, which could signal the reversal of the nuclear-arms race, and expressing the hope that these will be followed by agreements at an early date on further cuts in strategic nuclear arsenals,

Conscious that the recent steps taken by the Union of Soviet Socialist Republics and the United States of America towards a reduction of their nuclear weapons and the improvement in the international climate can contribute towards the goal of complete elimination of nuclear weapons,

Recalling that in paragraph 58 of the Final Document of the Tenth Special Session of the General Assembly,[2] it is stated that all States should actively participate in efforts to bring about conditions in international relations among States in which a code of peaceful conduct of nations in international affairs could be agreed upon and that would preclude the use or threat of use of nuclear weapons,

Reaffirming that the use of nuclear weapons would be a violation of the Charter of the United Nations and a crime against humanity, as declared in its resolutions 1653 (XVI) of 24 November 1961, 33/71 B of 14 December 1978, 34/83 G of 11 December 1979, 35/152 D of 12 December 1980 and 36/92 I of 9 December 1981,

Noting with regret that the Conference on Disarmament, during its 1991 session, was not able to undertake negotiations with a view to achieving agreement on an international convention prohibiting the use or threat of use of nuclear weapons under any circumstances, taking as a basis the text annexed to General Assembly resolution 45/59 B of 4 December 1990,

1. *Reiterates its request* to the Conference on Disarmament to commence negotiations, as a matter of priority, in order to reach agreement on an international convention prohibiting the use or threat of use of nuclear weapons under any circumstances, taking as a basis the draft Convention on the Prohibition of the Use of Nuclear Weapons annexed to the present resolution;

2. *Also requests* the Conference on Disarmament to report to the General Assembly on the results of these negotiations.

65th plenary meeting
6 December 1991

ANNEX

Draft Convention on the Prohibition of the Use of Nuclear Weapons

The States Parties to this Convention,

Alarmed by the threat to the very survival of mankind posed by the existence of nuclear weapons,

Convinced that any use of nuclear weapons constitutes a violation of the Charter of the United Nations and a crime against humanity,

Convinced that this Convention would be a step towards the complete elimination of nuclear weapons leading to general and complete disarmament under strict and effective international control,

Determined to continue negotiations for the achievement of this goal,

Have agreed as follows:

Article 1

The States Parties to this Convention solemnly undertake not to use or threaten to use nuclear weapons under any circumstances.

Article 2

This Convention shall be of unlimited duration.

Article 3

1. This Convention shall be open to all States for signature. Any State that does not sign the Convention before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.

2. This Convention shall be subject to ratification by signatory States. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.

3. This Convention shall enter into force on the deposit of instruments of ratification by twenty-five Governments, including the Governments of the five nuclear-weapon States, in accordance with paragraph 2 of this article.

4. For States whose instruments of ratification or accession are deposited after the entry into force of the Convention, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The depositary shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession and the date of the entry into force of this Convention, as well as of the receipt of other notices.

6. This Convention shall be registered by the depositary in accordance with Article 102 of the Charter of the United Nations.

Article 4

This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send duly certified copies thereof to the Government of the signatory and acceding States.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Convention, opened for signature at _____ on the _____ day of _____ one thousand nine hundred and _____.

UNITED NATIONS

59A

General Assembly

Distr.
LIMITED

A/C.1/46/L.20
31 October 1991

ORIGINAL: ENGLISH

Forty-sixth session
FIRST COMMITTEE
Agenda item 61 (c)

REVIEW AND IMPLEMENTATION OF THE CONCLUDING DOCUMENT OF THE TWELFTH SPECIAL SESSION OF THE GENERAL ASSEMBLY: CONVENTION ON THE PROHIBITION OF THE USE OF NUCLEAR WEAPONS

Afghanistan, Algeria, Bangladesh, Bhutan, Ecuador, Egypt, Ethiopia, India, Indonesia, Madagascar, Malaysia, Viet Nam and Yugoslavia: draft resolution

Convention on the Prohibition of the Use of Nuclear Weapons

The General Assembly,

Convinced that the existence and use of nuclear weapons pose the greatest threat to the survival of mankind,

Convinced also that nuclear disarmament is the only ultimate guarantee against the use of nuclear weapons,

Convinced further that a multilateral agreement prohibiting the use or threat of use of nuclear weapons should strengthen international security and contribute to the climate for negotiations leading to the ultimate elimination of nuclear weapons,

Welcoming the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms signed on 31 July 1991,

Welcoming also their announcements of significant measures including unilateral steps which could signal the reversal of the nuclear arms race, and expressing the hope that these will be followed by agreements at an early date on further cuts in strategic nuclear arsenals,

Conscious that the recent steps taken by the United States of America and the Union of Soviet Socialist Republics towards a reduction of their nuclear weapons and the improvement in the international climate can contribute towards the goal of complete elimination of nuclear weapons,

Recalling that, in paragraph 58 of the Final Document of the Tenth Special Session of the General Assembly, it is stated that all States should actively participate in efforts to bring about conditions in international relations among States in which a code of peaceful conduct of nations in international affairs could be agreed upon and that would preclude the use or threat of use of nuclear weapons,

Reaffirming that the use of nuclear weapons would be a violation of the Charter of the United Nations and a crime against humanity, as declared in its resolutions 1653 (XVI) of 24 November 1961, 33/71 B of 14 December 1978, 34/83 G of 11 December 1979, 35/152 D of 12 December 1980 and 36/92 I of 9 December 1981,

Noting with regret that the Conference on Disarmament, during its 1991 session, was not able to undertake negotiations with a view to achieving agreement on an international convention prohibiting the use or threat of use of nuclear weapons under any circumstances, taking as a basis the text annexed to General Assembly resolution 45/59 B of 4 December 1990,

1. Reiterates its request to the Conference on Disarmament to commence negotiations, as a matter of priority, in order to reach agreement on an international convention prohibiting the use or threat of use of nuclear weapons under any circumstances, taking as a basis the draft Convention on the Prohibition of the Use of Nuclear Weapons annexed to the present resolution;

2. Also requests the Conference on Disarmament to report to the General Assembly on the results of these negotiations.

Annex

Draft Convention on the Prohibition of the Use of Nuclear Weapons

The States Parties to this Convention,

Alarmed by the threat to the very survival of mankind posed by the existence of nuclear weapons,

Convinced that any use of nuclear weapons constitutes a violation of the Charter of the United Nations and a crime against humanity,

Convinced that this Convention would be a step towards the complete elimination of nuclear weapons leading to general and complete disarmament under strict and effective international control,

Determined to continue negotiations for the achievement of this goal,

Have agreed as follows:

Article 1

The States Parties to this Convention solemnly undertake not to use or threaten to use nuclear weapons under any circumstances.

Article 2

This Convention shall be of unlimited duration.

Article 3

1. This Convention shall be open to all States for signature. Any State that does not sign the Convention before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.

2. This Convention shall be subject to ratification by signatory States. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.

3. This Convention shall enter into force on the deposit of instruments of ratification by twenty-five Governments, including the Governments of the five nuclear-weapon States, in accordance with paragraph 2 of this article.

4. For States whose instruments of ratification or accession are deposited after the entry into force of the Convention, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The depository shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession and the date of the entry into force of this Convention, as well as of the receipt of other notices.

6. This Convention shall be registered by the depository in accordance with Article 102 of the Charter of the United Nations.

Article 4

This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send duly certified copies thereof to the Government of the signatory and acceding States.

/...

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Convention, opened for signature at _____ on the _____ day of _____ one thousand nine hundred and _____.

UNITED NATIONS

General Assembly

FORTY-SIXTH SESSION

Official Records

FIRST COMMITTEE
31th meeting
held on
Thursday, 7 November 1991
at 3 p.m.
New York

VERBATIM RECORD OF THE 31st MEETING

Chairman: Mr. MROZIEWICZ (Poland)

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- Consideration of and action on draft resolutions under all disarmament agenda items (continued)

- Organization of work

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91-61712 7258V (E)

Distr. GENERAL
A/C.1/46/PV.31
15 November 1991

ENGLISH

The CHAIRMAN: I now call upon the representative of India, who will introduce draft resolutions A/C.1/46/L.19 and A/C.1/46/L.20.

Mr. SHAH (India): Over the last couple of weeks we have heard many statements welcoming the many positive changes that have occurred in the politico-military and security situation in the world. The dramatically changed scenario in the Union of Soviet Socialist Republics and Eastern Europe, the end of cold war and East-West confrontation and its impact on prospects for peace and disarmament, the unilateral announcements of decisions to dismantle and destroy some portions of the awesome nuclear arsenals of some nuclear-weapon countries, and the improved political climate for further cuts, are all indeed very positive changes.

(Mr. Shah, India)

We believe it is a welcome, though belated, change in the approach to nuclear disarmament. We listen carefully when the non-nuclear weapon countries are asked to respond to these changes in their approach to disarmament, but we also believe that welcome as these changes are, they must not blind us to the other reality. And that relates to changes that have not taken place.

There is no change in the thinking that nuclear weapons are necessary for security. The existing nuclear arasenals can still destroy the world several times over. Despite the end of East-West confrontation, there is no change in approach as regards the doctrine of deterrence. There is no change in the policy of reserving the right to conduct nuclear explosions for armaments purposes. The production of nuclear weapons, the qualitative enhancement of nuclear weaponry through scientific and technological improvements, the production of fissionable materials, the manufacture of delivery systems for nuclear weapons, and nuclear weapon testing still continue. And there is no change in the policies that do no want to renounce the right to use nuclear weapons or to threaten to use them, despite the welcome assertion that a nuclear war must not be fought and cannot be won, and despite the innumerable expert opinions about the "nuclear winter" and end of all kinds of living organism if nuclear weapons are used either by design or by accident.

The overwhelming majority of humanity wants a nuclear-weapon-free world. They want complete nuclear disarmament. They want the elimination of all nuclear weapons from this Earth and from outer space. These are our goals and objectives. And they must remain humanity's immutable objectives, which should not be changed or diluted regardless of improvements in the international climate, which we welcome.

(Mr. Shah, India)

My delegation believes that these are achievable objectives despite the difference of perceptions on their realization. My delegation is optimistic that just as the international community is now negotiating a total ban on the use of chemical and toxic weapons in addition to a ban on their production and stockpiling, we will one day negotiate a convention on banning the use of nuclear weapons, on the cessation of all nuclear-weapons tests, on production of nuclear weapons and on their complete elimination. But we believe that it is necessary to reiterate these goals and to pursue proposals to achieve them. These proposals do not become irrelevant or unnecessary, as some might think, just because the political climate has changed. In fact, the changed political climate is conducive to implementation of the ideas contained in the draft resolutions we are presenting.

...

The second is draft resolution A/C.1/46/L.20, on a convention on the prohibition of the use of nuclear weapons. This draft resolution is

(Mr. Shah, India)

sponsored by Afghanistan, Algeria, Bangladesh, Bhutan, Ecuador, Egypt, Ethiopia, Indonesia, Madagascar, Malaysia, Viet Nam and Yugoslavia as well as by India. The draft resolution reiterates the conviction that the complete elimination of nuclear weapons remains the goal and it calls upon the Conference on Disarmament to commence negotiations in order to reach agreement on an international convention prohibiting the use or threat of use of nuclear weapons under any circumstances.

My delegation is privileged to introduce the two draft resolutions on behalf of all the sponsors, to whom we extend our thanks. We urge all Member States to contribute positively to the changed international climate by supporting these resolutions, and subsequently to take action to implement them.

UNITED NATIONS

General Assembly

FORTY-SIXTH SESSION

Official Records

FIRST COMMITTEE
33rd meeting
held on
Monday, 11 November 1991
at 10 a.m.
New York

61

VERBATIM RECORD OF THE 33rd MEETING

Chairman: Mr. MROZIEWICZ (Poland)

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- Consideration of and action on draft resolutions under all disarmament agenda items

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Distr. GENERAL
A/C.1/46/PV.33
19 November 1991

ENGLISH

91-61730 7295V (E)

The CHAIRMAN: The Committee will now proceed to take a decision on draft resolution A/C.1/46/L.20, entitled "Review and implementation of the concluding document of the twelfth sepcial session of the General Assembly: Convention on the Prohibition of the Use of Nuclear Weapons".

I call on the Secretary of the Committee.

Mr. KHERADI (Secretary of the Committee): Draft resolution A/C.1/46/L.20 has 15 sponsors and was introduced by the representative of India at the 31st meeting of the First Committee, on 7 November 1991. The list of sponsors reads as follows: Afghanistan, Algeria, Bangladesh, Bhutan, Bolivia, Ecuador, Egypt, Ethiopia, India, Indonesia, Lao People's Democratic Republic, Madagascar, Malaysia, Viet Nam and Yugoslavia.

The CHAIRMAN: A recorded vote has been requested.

A recorded vote was taken.

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* Subsequently, the delegations of Benin, Gabon, Rwanda and Uganda advised the Secretariat that they had intended to vote in favour.

In favour: Afghanistan, Algeria, Angola, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Ecuador, Egypt, Ethiopia, Ghana, Grenada, Guatemala, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Peru, Philippines, Qatar, Saudi Arabia, Senegal, Singapore, Solomon Islands, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Tunisia, Ukraine, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zimbabwe

Against: Australia, Belgium, Canada, Denmark, France, Iceland, Italy, Luxembourg, Marshall Islands, Netherlands, New Zealand, Norway, Portugal, Spain, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining: Albania, Argentina, Austria, Bulgaria, Czechoslovakia, Estonia, Finland, Germany, Greece, Hungary, Ireland, Israel, Japan, Latvia, Liechtenstein, Lithuania, Poland, Republic of Korea, Romania, Sweden

Draft resolution A/C.1/46/L.20 was adopted by 96 votes to 17, with 20 abstentions.*

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* Subsequently, the delegations of Benin, Gabon, Rwanda and Uganda advised the Secretariat that they had intended to vote in favour; the delegation of Germany advised that it had intended to vote against.

Mr. DEYANOV (Bulgaria): I wish to explain my delegation's vote on two draft resolutions just adopted by the First Committee: draft resolution A/C.1/46/L.19, on a nuclear-arms freeze, and draft resolution A/C.1/46/L.20, on the Convention on the Prohibition of the Use of Nuclear Weapons.

In principle Bulgaria takes a positive view of the basic objective behind the concept of a nuclear-arms freeze, intended to fix the existing situation with a view to providing time to negotiate appropriate reductions of nuclear arsenals in such a way that the negotiated agreements would not run too great

(Mr. Deyanov, Bulgaria)

a risk of being overtaken by the pace of the arms race. We believe that such a freeze could have been a viable and valuable option indeed in the past, when the nuclear-arms race was going on unabated.

At present, however, the situation seems to have changed completely. Nuclear disarmament has become part of our life. Significant progress in reducing the nuclear arsenals of the two leading nuclear Powers has been made during the past several years. It may suffice to mention only the Treaty on the Elimination of Intermediate- and Shorter-Range Missiles (INF Treaty), the Strategic Arms Reduction Treaty (START) and the most recent unilateral steps by the United States of America and the USSR to withdraw non-strategic nuclear weapons on a global scale. These are elements of a completely new situation in the nuclear field, when mankind has begun a long process aimed at the elimination of all nuclear weapons everywhere.

In such circumstances, calling for a nuclear-arms freeze might, in practice, be somewhat misleading or even imply a reversal of the existing momentum in nuclear disarmament, which would be highly undesirable. It is difficult for us to reconcile the conviction expressed in the draft resolution on a nuclear-arms freeze that the current international situation is most conducive to nuclear disarmament with a call to freeze the nuclear status quo.

For those reasons my delegation decided to change the vote it cast last year on a similar draft resolution. We are glad to observe that a number of other delegations acted in the same manner in the new situation.

On the draft resolution dealing with the Convention on the Prohibition of the Use of Nuclear Weapons, the delegation of Bulgaria again abstained, as it did on a similar draft resolution at last year's session. We believe that the new situation offers new opportunites for change in long-held perceptions on

(Mr. Deyanov, Bulgaria)

the use of nuclear weapons, but we are not quite sure that the draft resolution in document A/C.1/46/L.20 adequately reflects the most promising avenues for progress in this area. That is why my delegation abstained on that draft resolution.

Mr. LIU Jieyi (China) (interpretation from Chinese): The Chinese delegation wishes to make a few remarks concerning its position of principle on the issue of a nuclear-test ban.

China understands the urgent desire of a vast number of non-nuclear-weapon States for the early attainment of a comprehensive nuclear-test ban. Adopting a restrained and prudent attitude towards nuclear testing, China has conducted a very limited number of nuclear tests, and stopped nuclear testing in the atmosphere in 1981. China has also constructively participated in the work of the Ad Hoc Committee on a Nuclear Test Ban of the Conference on Disarmament in Geneva. From May to June this year China participated in part of the second technical test relating to the global exchange and analysis of seismic data organized by the Ad Hoc Group of Scientific Experts of the Conference on Disarmament.

We believe that the cessation of nuclear testing by all States should be effected in the framework of an effective nuclear-disarmament process. On such issues as the cessation of nuclear testing and nuclear disarmament, countries with the largest nuclear arsenals have special responsibilities and should take the lead in halting the testing, production and deployment of nuclear weapons and drastically reduce their nuclear arsenals so as to create conditions for the realization of a comprehensive nuclear-test ban. We have taken note of the actions they have taken in the field of nuclear disarmament. However, they still have a long way to go in discharging their special responsibilities and obligations. China is prepared to work with other countries in exploring the ways to promote complete nuclear disarmament, including a comprehensive nuclear-test ban.

I shall now make a few comments on draft resolution A/C.1/46/L.20.

(Mr. Liu Jieyi, China)

The Chinese delegation has just voted in favour of draft resolution A/C.1/46/L.20, entitled "Convention on the Prohibition of the Use of Nuclear Weapons". I am speaking now in order to reiterate the position of principle of the Chinese Government on the prohibition of the use of nuclear weapons. The Chinese Government has all along stood for the complete prohibition and thorough destruction of nuclear weapons and has, since the first day of its possession of nuclear weapons, undertaken not to be the first to use nuclear weapons at any time or under any circumstances.

(Mr. Liu Jieyi, China)

China has also undertaken not to use or threaten to use nuclear weapons against non-nuclear-weapon States and nuclear-weapon-free zones at any time or under any circumstances. We hope that all the other nuclear-weapon States can make the same commitment unconditionally.

China has also called for the signing of a corresponding international agreement on this basis which will provide a forceful impetus to the process of nuclear disarmament. We hope that China's constructive initiative will receive a positive response.

Based on the above-mentioned position of principle, the Chinese delegation is in favour of the main thrust of draft resolution A/C.1/46/L.20 on the prohibition of the use of nuclear weapons and at the same time wishes to point out that certain elements of the draft resolution and the annexed text of the draft convention need to be improved.

Mr. FULE (Czechoslovakia): On behalf of Hungary, Poland and Czechoslovakia, let me explain our voting on two draft resolutions which were adopted just a moment ago: A/C.1/46/L.19, "Nuclear-arms freeze", and A/C.1/46/L.20, "Convention on the prohibition of the use of nuclear weapons".

The three countries - Hungary, Poland and Czechoslovakia - strongly support a realistic and most effective approach in various fields of disarmament. During recent months, they have witnessed an impressive breakthrough in nuclear disarmament as a result of the outstanding initiatives taken by President Bush and President Gorbachev. Consequently, it is time for real and verified nuclear disarmament. Taking into account the fact that the United States and the USSR are considerably reducing their nuclear arsenals, the idea of a nuclear-arms freeze is simply outdated. That is why Hungary, Poland and Czechoslovakia decided to vote against draft resolution A/C.1/46/L.19, entitled "Nuclear-arms freeze".

(Mr. Fule, Czechoslovakia)

As for draft resolution A/C.1/46/L.20, "Convention on the prohibition of the use of nuclear weapons", the three would like to reiterate their consistent support for and commitment to the principle of the non-use of nuclear weapons. They consider it an essential, important element, together with a strong non-proliferation regime, for global and regional security. At the same time, they advocate pragmatic and realistic approaches and measures in this field.

At this juncture, the necessary political and legal requirements are not present for a possible codification of the principle of the non-use of nuclear weapons. For this reason the delegations of Hungary, Poland and Czechoslovakia abstained in the vote on draft resolution A/C.1/46/L.20.

Mr. PATOKALLIO (Finland): I wish to explain Finland's abstention in the vote on draft resolution A/C.1/46/L.20, entitled "Convention on the Prohibition of the Use of Nuclear Weapons". Finland continues to believe that the use of nuclear weapons would pose a grave threat to international peace and security, and that nuclear weapons therefore should not be used. At the same time we realize that the dramatic changes in international relations over the past few years have created new opportunities to ensure that they will indeed not be used.

(Mr. Patokallio, Finland)

The disappearance of East-West confrontation has for all practical purposes removed the one scenario that in a crisis could have involved the use of nuclear weapons on a global scale. Intensified efforts to strengthen international non-proliferation arrangements will also help create conditions in which the emergence, and therefore the potential use, of nuclear weapons is precluded. We also realize that the repeated calls in draft resolution A/C.1/46/L.20 and its predecessors for the commencement of negotiations on a legally binding instrument to prohibit the use of nuclear weapons have not been answered, and there seems to be little prospect that they will be answered in the future.

It is for all those reasons that Finland decided it could no longer support this draft resolution.

DOCUMENT A/46/674

Report of the First Committee on agenda item 61

[*Original: Spanish*]
[*26 November 1991*]

1. The item entitled:

"Review and implementation of the Concluding Document of the Twelfth Special Session of the General Assembly:

"(*a*) Regional disarmament: report of the Secretary-General;

"(*b*) United Nations disarmament fellowship, training and advisory services programme;

"(*c*) Convention on the Prohibition of the Use of Nuclear Weapons;

"(*d*) World Disarmament Campaign;

"(*e*) Nuclear-arms freeze;

"(*f*) United Nations Regional Centre for Peace and Disarmament in Africa, United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific and United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean"

was included in the provisional agenda of the forty-sixth session of the General Assembly in accordance with its resolutions 44/117 B of 15 December 1989 and 45/59 A, B, C, D and E of 4 December 1990.

2. At its 3rd plenary meeting, on 20 September 1991, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the First Committee for consideration and report.

3. At its 2nd meeting, on 10 October, the First Committee decided to hold a combined general debate on the disarmament items allocated to it, namely, items 47 to 65. The deliberations on those items took place from the 3rd through 24th meetings, from 14 to 30 October. Consideration of and action on draft resolutions on those items took place from the 25th through 37th meetings, from 4 to 15 November.

. . .

Consideration of proposals

. . .

Draft resolution A/C.1/46/L.20

16. On 31 October, Afghanistan, Algeria, Bangladesh, Bhutan, Ecuador, Egypt, Ethiopia, India, Indonesia, Madagascar, Malaysia, Viet Nam and Yugoslavia submitted a draft resolution entitled "Convention on the Prohibition of the Use of Nuclear Weapons" (A/C.1/46/L.20), which was later also sponsored by Bolivia and the Lao People's Democratic Republic. The draft resolution was introduced by the representative of India at the 31st meeting, on 7 November.

17. At its 33rd meeting, on 11 November, the Committee adopted draft resolution A/C.1/46/L.20 by a recorded vote of 96 to 17, with 20 abstentions [40] (see para. 20 below, draft resolution E). The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Ecuador, Egypt, Ethiopia, Ghana, Grenada, Guatemala, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Peru, Philippines, Qatar, Saudi Arabia, Senegal, Singapore, Solomon Islands, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Tunisia, Ukraine, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zimbabwe.

Against: Australia, Belgium, Canada, Denmark, France, Iceland, Italy, Luxembourg, Marshall Islands, Netherlands, New Zealand, Norway, Portugal, Spain, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Albania, Argentina, Austria, Bulgaria, Czechoslovakia, Estonia, Finland, Germany,[40] Greece, Hungary, Ireland, Israel, Japan, Latvia, Liechtenstein, Lithuania, Poland, Republic of Korea, Romania, Sweden.

[40] The delegations of Benin, Gabon, Rwanda and Uganda subsequently informed the Secretariat that they had intended to vote in favour of the draft resolution, and the delegation of Germany, that it had intended to vote against it.

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Recommendation of the First Committee

20. The First Committee recommends to the General Assembly the adoption of draft resolutions A to F below:

REVIEW AND IMPLEMENTATION OF THE CONCLUDING DOCUMENT OF THE TWELFTH SPECIAL SESSION OF THE GENERAL ASSEMBLY

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E

Convention on the Prohibition of the Use of Nuclear Weapons

The General Assembly,

Convinced that the existence and use of nuclear weapons pose the greatest threat to the survival of mankind,

Convinced also that nuclear disarmament is the only ultimate guarantee against the use of nuclear weapons,

Convinced further that a multilateral agreement prohibiting the use or threat of use of nuclear weapons should strengthen international security and contribute to the climate for negotiations leading to the ultimate elimination of nuclear weapons,

Welcoming the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms, signed on 31 July 1991,

Welcoming also the announcements by the Government of the Union of Soviet Socialist Republics and the Government of the United States of America of significant measures, including unilateral steps, which could signal the reversal of the nuclear arms race, and expressing the hope that these will be followed by agreements at an early date on further cuts in strategic nuclear arsenals,

Conscious that the recent steps taken by the Union of Soviet Socialist Republics and the United States of America towards a reduction of their nuclear weapons and the improvement in the international climate can contribute towards the goal of complete elimination of nuclear weapons,

Recalling that in paragraph 58 of the Final Document of the Tenth Special Session of the General Assembly,[1] it is stated that all States should actively participate in efforts to bring about conditions in international relations among States in which a code of peaceful conduct of nations in international affairs could be agreed upon and that would preclude the use or threat of use of nuclear weapons,

Reaffirming that the use of nuclear weapons would be a violation of the Charter of the United Nations and a crime against humanity, as declared in its resolutions 1653 (XVI) of 24 November 1961, 33/71 B of 14 December 1978, 34/83 G of 11 December 1979, 35/152 D of 12 December 1980 and 36/92 I of 9 December 1981,

Noting with regret that the Conference on Disarmament, during its 1991 session, was not able to undertake negotiations with a view to achieving agreement on an international convention prohibiting the use or threat of use of nuclear weapons under any circumstances, taking as a basis the text annexed to General Assembly resolution 45/59 B of 4 December 1990,

1. *Reiterates its request* to the Conference on Disarmament to commence negotiations, as a matter of priority, in order to reach agreement on an international convention prohibiting the use or threat of use of nuclear weapons under any circumstances, taking as a basis the draft Convention on the Prohibition of the Use of Nuclear Weapons annexed to the present resolution;

2. *Also requests* the Conference on Disarmament to report to the General Assembly on the results of these negotiations.

ANNEX

Draft Convention on the Prohibition of the Use of Nuclear Weapons

The States Parties to this Convention,

Alarmed by the threat to the very survival of mankind posed by the existence of nuclear weapons,

Convinced that any use of nuclear weapons constitutes a violation of the Charter of the United Nations and a crime against humanity,

Convinced that this Convention would be a step towards the complete elimination of nuclear weapons leading to general and complete disarmament under strict and effective international control,

Determined to continue negotiations for the achievement of this goal,

Have agreed as follows:

Article 1

The States Parties to this Convention solemnly undertake not to use or threaten to use nuclear weapons under any circumstances.

Article 2

This Convention shall be of unlimited duration.

Article 3

1. This Convention shall be open to all States for signature. Any State that does not sign the Convention before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.

2. This Convention shall be subject to ratification by signatory States. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.

3. This Convention shall enter into force on the deposit of instruments of ratification by twenty-five Governments, including the Governments of the five nuclear-weapon States, in accordance with paragraph 2 of this article.

4. For States whose instruments of ratification or accession are deposited after the entry into force of the Convention, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The depositary shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession and the date of the entry into force of this Convention, as well as of the receipt of other notices.

6. This Convention shall be registered by the depositary in accordance with Article 102 of the Charter of the United Nations.

Article 4

This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send duly certified copies thereof to the Government of the signatory and acceding States.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Convention, opened for signature at on the day of one thousand nine hundred and

UNITED NATIONS

A

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General Assembly

PROVISIONAL

A/46/PV.65
20 December 1991

ENGLISH

Forty-sixth session

GENERAL ASSEMBLY

PROVISIONAL VERBATIM RECORD OF THE 65th MEETING

Held at Headquarters, New York,
on Friday, 6 December 1991, at 10 a.m.

President:	Mr. SHIHABI	(Saudi Arabia)
later:	Mr. EL-KHUSSAIBY (Vice-President)	(Oman)

/...

This record contains the original text of speeches delivered in English and interpretations of speeches in the other languages. The final text will be printed in the Official Records of the General Assembly.

Corrections should be submitted to original speeches only. They should be sent under the signature of a member of the delegation concerned, within one week, to the Chief, Official Records Editing Section, Department of Conference Services, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

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The PRESIDENT (interpretation from Arabic): I call on the Rapporteur of the First Committee, Mr. Pablo Emilio Sader of Uruguay to introduce the reports of the First Committee in one intervention.

Mr. SADER (Uruguay), Rapporteur of the First Committee (interpretation from Spanish): It is a particular pleasure and honour for me to address the plenary meeting of the General Assembly and to inform the Assembly that the First Committee successfully concluded its work in an atmosphere free of confrontation, reflecting the changes that have taken place on the international scene since the end of the cold war. The approach taken by delegations was constructive and cooperative, making it possible for a spirit of compromise to prevail throughout the meetings of the First Committee at the forty-sixth session. The members of the Committee focused mainly on issues which were ripe for consideration at the multilateral level and which yielded fruitful results.

(Mr. Sader, Rapporteur, First Committee)

A few statistics may illustrate the spirit of cooperation and concession. This year, 48 draft resolutions and decisions were submitted, 3 of which were later withdrawn, in comparison with the 54 that were submitted during the forty-fifth session. This constitutes a notable decrease from the forty-second session, when 79 drafts were submitted.

There was also a major change in the voting patterns the voting patterns and a growing willingness to accept differing positions, not pressing certain issues to a vote, and making every effort to achieve a consensus.

Thus the 22 drafts adopted without a vote represent a percentage increase, from 50 per cent last year to 60 per cent at this session.

In connection with disarmament-related issues, this was a year in which new and important issues were considered that seem to be destined for future development. This and other elements contributed to making this session qualitatively different from past sessions.

The first fact we can note in the general debate of the First Committee is that a spirit of widespread satisfaction was observed at the unprecedented progress achieved by the two major nuclear Powers in reducing their nuclear arsenals.

. . .

(Mr. Sader, Rapporteur, First Committee)

As in previous years, nuclear disarmament issues had a prominent place on the First Committee's agenda. One third of all the resolutions on disarmament deal with such nuclear-related issues as non-proliferation, a nuclear-test ban, nuclear-weapon-free zones, security assurances for non-nuclear-weapon States, on nuclear-arms freeze and a ban on the production of fissionable material for nuclear weapons.

Taking into account the circumstances surrounding the Gulf War and its aftermath, many delegations expressed concern about nuclear proliferation and emphasized the need for universal accession to the Treaty on the Non-Proliferation of Nuclear Weapons, an instrument that has become even more relevant since the accession to the Treaty, or the declaration of intent to accede to it, by China, France, South Africa, Lithuania, the United Republic of Tanzania, Zambia and Zimbabwe. Many delegations also called for strengthening the safeguards system of the International Atomic Energy Agency.

It is appropriate to mention that this year, for the first time, the draft resolution on implementation of the Declaration on the Denuclearization of Africa was adopted without a vote. Another agenda item that was the focus of special attention dealt with nuclear tests. After 20 years of submitting two separate draft resolutions on this item, this year, for the first time, it was possible to achieve a single text on the cessation of all nuclear tests. Likewise, particularly noticeable this year was the increased emphasis on conventional and regional disarmament, which was reflected in the adoption of a number of draft resolutions on these items. The favourable political atmosphere for the speedy conclusion of a convention on the complete prohibition of chemical weapons was reflected in a draft resolution adopted

(Mr. Sader, Rapporteur, First Committee)

without a vote, in which the Conference on Disarmament is urged to resolve outstanding issues so as to achieve a final agreement at its 1992 session.

Judging from a process begun a few years ago, it can be said that the First Committee made even further progress towards a more practical decision-making procedure, geared towards achieving practical results in specific matters. With the progressive consolidation of the new international situation and the prevailing atmosphere of cooperation, it may be said that there has been an automatic rationalization of the Committee's work. As was pointed out by the Chairman of the Committee in his concluding statement, pertinent suggestions have been submitted as to the procedure to be followed for the consideration of disarmament and international security issues in order to rationalize the Committee's work even further (A/C.1/46/PV.45, p. 16). In this regard, the Chairman announced that consultations would be held in New York and in Geneva with a view to making progress in this area at the forty-seventh session of the General Assembly.

The last - and certainly not the least important - item that I should like to highlight with regard to the disarmament agenda is the widespread recognition of the broadened concept of security, which emerged during the general debate and in the treatment of the item on the relationship between disarmament and development. This concept is reflected in the words of the Under-Secretary-General for Disarmament Affairs, Mr. Yasushi Akashi, in the statement he made before the First Committee:

"Arms control and disarmament now constitute essential parts of the complex process of consolidating peace, together with peace-keeping, diplomatic mediation, judicial settlements and other efforts for

(Mr. Sader, Rapporteur, First Committee)

enhancing international cooperation. What is needed is a sustained well-coordinated and non-compartmentalized approach to new global issues.

"The international community has to espouse a multidimensional approach to peace and security in which the military aspect will not dominate but will be considered in relation to other priorities such as development, welfare, environment and the protection of human rights." (A/C.1/46/PV.4, pp. 3 and 4)

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The PRESIDENT: The Assembly has thus concluded this stage of its consideration of agenda item 60.

We turn next to the report (A/46/674) of the First Committee on agenda item 61, entitled "Review and implementation of the Concluding Document of the Twelfth Special Session of the General Assembly".

The Assembly has before it six draft resolutions, A to F, recommended by the First Committee in paragraph 20 of its report. As I informed the Assembly earlier, action on draft resolution C is postponed until Monday morning. The Assembly, therefore, will take action on the five draft resolutions A and B and D to F. After all the votes have been taken, representatives will again be given an opportunity to explain their vote.

...

The PRESIDENT: Draft resolution E is entitled "Convention on the Prohibition of the Use of Nuclear Weapons".

A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Federated States of Micronesia, Fiji, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukraine, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe

Against: Australia, Belgium, Canada, Denmark, France, Germany, Italy, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Spain, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining: Albania, Argentina, Austria, Bulgaria, Czechoslovakia, Estonia, Finland, Greece, Hungary, Iceland, Ireland, Israel, Japan, Latvia, Liechtenstein, Lithuania, Marshall Islands, Poland, Republic of Korea, Romania, Samoa, Sweden

Draft resolution E was adopted by 122 to 16, with 22 abstentions (resolution 46/37 D).

Part III

PART III

		Document No.
A.	Convention on the prohibition of the development, production and stockpiling of bacteriological (biological) and toxin weapons and on their destruction	64
B.	Convention on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction	65

No. 14860

MULTILATERAL

Convention on the prohibition of the development, production and stockpiling of bacteriological (biological) and toxin weapons and on their destruction. Opened for signature at London, Moscow and Washington on 10 April 1972

Authentic texts: English, Russian, French, Spanish and Chinese.

Registered by the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America on 15 July 1976.

MULTILATÉRAL

Convention sur l'interdiction de la mise au point, de la fabrication et du stockage des armes bactériologiques (biologiques) ou à toxines et sur leur destruction. Ouverte à la signature à Londres, Moscou et Washington le 10 avril 1972

Textes authentiques : anglais, russe, français, espagnol et chinois.

Enregistrée par les États-Unis d'Amérique, le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord et l'Union des Républiques socialistes soviétiques le 15 juillet 1976.

CONVENTION ON THE PROHIBITION OF THE DEVELOPMENT, PRODUCTION AND STOCKPILING OF BACTERIOLOGICAL (BIOLOGICAL) AND TOXIN WEAPONS AND ON THEIR DESTRUCTION

The States Parties to this Convention,

Determined to act with a view to achieving effective progress towards general and complete disarmament, including the prohibition and elimination of all types of weapons of mass destruction, and convinced that the prohibition of the development, production and stockpiling of chemical and bacteriological (biological) weapons and their elimination, through effective measures, will facilitate the achievement of general and complete disarmament under strict and effective international control,

Recognising the important significance of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925,[1] and conscious also of the contribution which the said Protocol has already made, and continues to make, to mitigating the horrors of war,

Reaffirming their adherence to the principles and objectives of that Protocol and calling upon all States to comply strictly with them,

Recalling that the General Assembly of the United Nations has repeatedly condemned all actions contrary to the principles and objectives of the Geneva Protocol of 17 June 1925,

Desiring to contribute to the strengthening of confidence between peoples and the general improvement of the international atmosphere,

Desiring also to contribute to the realisation of the purposes and principles of the Charter of the United Nations,

Convinced of the importance and urgency of eliminating from the arsenals of States, through effective measures, such dangerous weapons of mass destruction as those using chemical or bacteriological (biological) agents,

Recognising that an agreement on the prohibition of bacteriological (biological) and toxin weapons represents a first possible step towards the achievement of agreement on effective measures also for the prohibition of the development, production and stockpiling of chemical weapons, and determined to continue negotiations to that end,

Determined, for the sake of all mankind, to exclude completely the possibility of bacteriological (biological) agents and toxins being used as weapons,

Convinced that such use would be repugnant to the conscience of mankind and that no effort should be spared to minimise this risk,

Have agreed as follows:

Article I. Each State Party to this Convention undertakes never in any circumstances to develop, produce, stockpile or otherwise acquire or retain:

(1) microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes;

(2) weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.

Article II. Each State Party to this Convention undertakes to destroy, or to divert to peaceful purposes, as soon as possible but not later than nine months after the entry into force of the Convention, all agents, toxins, weapons, equipment and means of delivery

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1/ Came into force on 26 March 1975. Text of the Convention is reproduced from 1015 UNTS 164.

specified in Article I of the Convention, which are in its possession or under its jurisdiction or control. In implementing the provisions of this Article all necessary safety precautions shall be observed to protect populations and the environment.

Article III. Each State Party to this Convention undertakes not to transfer to any recipient whatsover, directly or indirectly, and not in any way to assist, encourage, or induce any State, group of States or international organisations to manufacture or otherwise acquire any of the agents, toxins, weapons, equipment or means of delivery specified in Article I of the Convention.

Article IV. Each State Party to this Convention shall, in accordance with its constitutional processes, take any necessary measures to prohibit and prevent the development, production, stockpiling, acquisition or retention of the agents, toxins, weapons, equipment and means of delivery specified in Article I of the Convention, within the territory of such State, under its jurisdiction or under its control anywhere.

Article V. The States Parties to this Convention undertake to consult one another and to co-operate in solving any problems which may arise in relation to the objective of, or in the application of the provisions of, the Convention. Consultation and co-operation pursuant to this Article may also be undertaken through appropriate international procedures within the framework of the United Nations and in accordance with its Charter.

Article VI. (1) Any State Party to this Convention which finds that any other State Party is acting in breach of obligations deriving from the provisions of the Convention may lodge a complaint with the Security Council of the United Nations. Such a complaint should include all possible evidence confirming its validity, as well as a request for its consideration by the Security Council.

(2) Each State Party to this Convention undertakes to co-operate in carrying out any investigation which the Security Council may initiate, in accordance with the provisions of the Charter of the United Nations, on the basis of the complaint received by the Council. The Security Council shall inform the States Parties to the Convention of the results of the investigation.

Article VII. Each State Party to this Convention undertakes to provide or support assistance, in accordance with the United Nations Charter, to any Party to the Convention which so requests, if the Security Council decides that such Party has been exposed to danger as a result of violation of the Convention.

Article VIII. Nothing in this Convention shall be interpreted as in any way limiting or detracting from the obligations assumed by any State under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925.

Article IX. Each State Party to this Convention affirms the recognised objective of effective prohibition of chemical weapons and, to this end, undertakes to continue negotiations in good faith with a view to reaching early agreement on effective measures for the prohibition of their development, production and stockpiling and for their destruction, and on appropriate measures concerning equipment and means of delivery specifically designed for the production or use of chemical agents for weapons purposes.

Article X. (1) The States Parties to this Convention undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes. Parties to the Convention in a position to do so shall also co-operate in contributing individually or together with other States or international organisations to the further development and application of scientific discoveries in the

field of bacteriology (biology) for the prevention of disease, or for other peaceful purposes.

(2) This Convention shall be implemented in a manner designed to avoid hampering the economic or technological development of States Parties to the Convention or international co-operation in the field of peaceful bacteriological (biological) activities, including the international exchange of bacteriological (biological) agents and toxins and equipment for the processing, use or production of bacteriological (biological) agents and toxins for peaceful purposes in accordance with the provisions of the Convention.

Article XI. Any State Party may propose amendments to this Convention. Amendments shall enter into force for each State Party accepting the amendments upon their acceptance by a majority of the States Parties to the Convention and thereafter for each remaining State Party on the date of acceptance by it.

Article XII. Five years after the entry into force of this Convention, or earlier if it is requested by a majority of Parties to the Convention by submitting a proposal to this effect to the Depositary Governments, a conference of States Parties to the Convention shall be held at Geneva, Switzerland, to review the operation of the Convention, with a view to assuring that the purposes of the preamble and the provisions of the Convention, including the provisions concerning negotiations on chemical weapons, are being realised. Such review shall take into account any new scientific and technological developments relevant to the Convention.

Article XIII. (1) This Convention shall be of unlimited duration.

(2) Each State Party to this Convention shall in exercising its national sovereignty have the right to withdraw from the Convention if it decides that extraordinary events, related to the subject matter of the Convention, have jeopardised the supreme interests of its country. It shall give notice of such withdrawal to all other States Parties to the Convention and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardised its supreme interests.

Article XIV. (1) This Convention shall be open to all States for signature. Any State which does not sign the Convention before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

(2) This Convention shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics and the United States of America, which are hereby designated the Depositary Governments.

(3) This Convention shall enter into force after the deposit of instruments of ratification by twenty-two Governments, including the Governments designated as Depositaries of the Convention.

(4) For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Convention, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

(5) The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession and the date of the entry into force of this Convention, and of the receipt of other notices.

(6) This Convention shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

Article XV. This Convention, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of the Convention shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

United Nations
Centre for Disarmament Affairs

DISARMAMENT

The Chemical Weapons Convention with Selective Index

United Nations, New York 1994

Editorial Note

The present publication comprises the text of the chemical weapons Convention and a selective index. The latter is intended to provide the reader with the main elements and key words and phrases of the Convention; it is based on a fuller index prepared by A. Walter Dorn and published by the United Nations Institute for Disarmament Affairs (UNIDIR) as *Index to the Chemical Weapons Convention* (Sales No. GV.E.93.0.13), Research Paper No. 18. The text of the Convention in the present volume can also be used in conjunction with the UNIDIR *Index*, as both publications utilize the pagination of the certified true copy of the Convention.

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Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction

PREAMBLE

The States Parties to this Convention,

Determined to act with a view to achieving effective progress towards general and complete disarmament under strict and effective international control, including the prohibition and elimination of all types of weapons of mass destruction,

Desiring to contribute to the realization of the purposes and principles of the Charter of the United Nations,

Recalling that the General Assembly of the United Nations has repeatedly condemned all actions contrary to the principles and objectives of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925 (the Geneva Protocol of 1925),

Recognizing that this Convention reaffirms principles and objectives of and obligations assumed under the Geneva Protocol of 1925, and the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction signed at London, Moscow and Washington on 10 April 1972,

Bearing in mind the objective contained in Article IX of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction,

Determined for the sake of all mankind, to exclude completely the possibility of the use of chemical weapons, through the implementation of the provisions of this Convention, thereby complementing the obligations assumed under the Geneva Protocol of 1925,

Recognizing the prohibition, embodied in the pertinent agreements and relevant principles of international law, of the use of herbicides as a method of warfare,

Considering that achievements in the field of chemistry should be used exclusively for the benefit of mankind,

Desiring to promote free trade in chemicals as well as international cooperation and exchange of scientific and technical information in the field of chemical activities for purposes not prohibited under this Convention in order to enhance the economic and technological development of all States Parties,

Convinced that the complete and effective prohibition of the development, production, acquisition, stockpiling, retention, transfer and use of chemical weapons, and their destruction, represent a necessary step towards the achievement of these common objectives,

Have agreed as follows:

Article I

GENERAL OBLIGATIONS

1. Each State Party to this Convention undertakes never under any circumstances:

(a) To develop, produce, otherwise acquire, stockpile or retain chemical weapons, or transfer, directly or indirectly, chemical weapons to anyone;

(b) To use chemical weapons;

(c) To engage in any military preparations to use chemical weapons;

(d) To assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention.

2. Each State Party undertakes to destroy chemical weapons it owns or possesses, or that are located in any place under its jurisdiction or control, in accordance with the provisions of this Convention.

3. Each State Party undertakes to destroy all chemical weapons it abandoned on the territory of another State Party, in accordance with the provisions of this Convention.

4. Each State Party undertakes to destroy any chemical weapons production facilities it owns or possesses, or that are located in any place under its jurisdiction or control, in accordance with the provisions of this Convention.

5. Each State Party undertakes not to use riot control agents as a method of warfare.

Article II

DEFINITIONS AND CRITERIA

For the purposes of this Convention:

1. "Chemical Weapons" means the following, together or separately:

(*a*) Toxic chemicals and their precursors, except where intended for purposes not prohibited under this Convention, as long as the types and quantities are consistent with such purposes;

(*b*) Munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in subparagraph (*a*), which would be released as a result of the employment of such munitions and devices;

(*c*) Any equipment specifically designed for use directly in connection with the employment of munitions and devices specified in subparagraph (*b*).

2. "Toxic Chemical" means:

Any chemical which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals. This includes all such chemicals, regardless of their origin or of their method of production, and regardless of whether they are produced in facilities, in munitions or elsewhere.

(For the purpose of implementing this Convention, toxic chemicals which have been identified for the application of verification measures are listed in Schedules contained in the Annex on Chemicals.)

3. "Precursor" means:

Any chemical reactant which takes part at any stage in the production by whatever method of a toxic chemical. This includes any key component of a binary or multicomponent chemical system.

(For the purpose of implementing this Convention, precursors which have been identified for the application of verification measures are listed in Schedules contained in the Annex on Chemicals.)

4. "Key Component of Binary or Multicomponent Chemical Systems" (hereinafter referred to as "key component") means:

The precursor which plays the most important role in determining the toxic properties of the final product and reacts rapidly with other chemicals in the binary or multicomponent system.

5. "Old Chemical Weapons" means:

(*a*) Chemical weapons which were produced before 1925; or

(*b*) Chemical weapons produced in the period between 1925 and 1946 that have deteriorated to such extent that they can no longer be used as chemical weapons.

6. "Abandoned Chemical Weapons" means:

Chemical weapons, including old chemical weapons, abandoned by a State after 1 January 1925 on the territory of another State without the consent of the latter.

7. "Riot Control Agent" means:

Any chemical not listed in a Schedule, which can produce rapidly in humans sensory irritation or disabling physical effects which disappear within a short time following termination of exposure.

8. "Chemical Weapons Production Facility":

(*a*) Means any equipment, as well as any building housing such equipment, that was designed, constructed or used at any time since 1 January 1946:

(i) As part of the stage in the production of chemicals ("final technological stage") where the material flows would contain, when the equipment is in operation:

(1) Any chemical listed in Schedule 1 in the Annex on Chemicals; or

(2) Any other chemical that has no use, above 1 tonne per year on the territory of a State Party or in any other place under the jurisdiction or control of a State Party, for purposes not prohibited under this Convention, but can be used for chemical weapons purposes;

or

(ii) For filling chemical weapons, including, *inter alia,* the filling of chemicals listed in Schedule 1 into munitions, devices or bulk storage containers; the filling of chemicals into containers that form part of assembled binary munitions and devices or into chemical submunitions that form part of assembled unitary munitions and devices, and the loading of the containers and chemical submunitions into the respective munitions and devices;

(*b*) Does not mean:

(i) Any facility having a production capacity for synthesis of chemicals specified in subparagraph (*a*) (i) that is less than 1 tonne;

(ii) Any facility in which a chemical specified in subparagraph (*a*) (i) is or was produced as an unavoidable by-product of activities for purposes not prohibited under this Convention, provided that the chemical does not exceed 3 per cent of the total product and that the facility is subject to declaration and inspection under the Annex on Implementation and Verification (hereinafter referred to as "Verification Annex"); or

(iii) The single small-scale facility for production of chemicals listed in Schedule 1 for purposes not prohibited under this Convention as referred to in Part VI of the Verification Annex.

9. "Purposes Not Prohibited Under this Convention" means:

(*a*) Industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes;

(*b*) Protective purposes, namely those purposes directly related to protection against toxic chemicals and to protection against chemical weapons;

(*c*) Military purposes not connected with the use of chemical weapons and not dependent on the use of the toxic properties of chemicals as a method of warfare;

(*d*) Law enforcement including domestic riot control purposes.

10. "Production Capacity" means:

The annual quantitative potential for manufacturing a specific chemical based on the technological process actually used or, if the process is not yet operational, planned to be used at the relevant facility. It shall be deemed to be equal to the nameplate capacity or, if the nameplate capacity is not available, to the design capacity. The nameplate capacity is the product output under conditions optimized for maximum quantity for the production facility, as demonstrated by one or more test-runs. The design capacity is the corresponding theoretically calculated product output.

11. "Organization" means the Organization for the Prohibition of Chemical Weapons established pursuant to Article VIII of this Convention.

12. For the purposes of Article VI:

(*a*) "Production" of a chemical means its formation through chemical reaction;

(*b*) "Processing" of a chemical means a physical process, such as formulation, extraction and purification, in which a chemical is not converted into another chemical;

(*c*) "Consumption" of a chemical means its conversion into another chemical via a chemical reaction.

Article III

DECLARATIONS

1. Each State Party shall submit to the Organization, not later than 30 days after this Convention enters into force for it, the following declarations, in which it shall:

(*a*) With respect to chemical weapons:

(i) Declare whether it owns or possesses any chemical weapons, or whether there are any chemical weapons located in any place under its jurisdiction or control;

(ii) Specify the precise location, aggregate quantity and detailed inventory of chemical weapons it owns or possesses, or that are located in any place under its jurisdiction or control, in accordance with Part IV (A), paragraphs 1 to 3, of the Verification Annex, except for those chemical weapons referred to in sub-subparagraph (iii);

(iii) Report any chemical weapons on its territory that are owned and possessed by another State and located in any place under the jurisdiction or control of another State, in accordance with Part IV (A), paragraph 4, of the Verification Annex;

(iv) Declare whether it has transferred or received, directly or indirectly, any chemical weapons since 1 January 1946 and specify the transfer or receipt of such weapons, in accordance with Part IV (A), paragraph 5, of the Verification Annex;

(v) Provide its general plan for destruction of chemical weapons that it owns or possesses, or that are located in any place under its jurisdiction or control, in accordance with Part IV (A), paragraph 6, of the Verification Annex;

(*b*) With respect to old chemical weapons and abandoned chemical weapons:

(i) Declare whether it has on its territory old chemical weapons and provide all available information in accordance with Part IV (B), paragraph 3, of the Verification Annex;

(ii) Declare whether there are abandoned chemical weapons on its territory and provide all available information in accordance with Part IV (B), paragraph 8, of the Verification Annex;

(iii) Declare whether it has abandoned chemical weapons on the territory of other States and provide all available information in accordance with Part IV (B), paragraph 10, of the Verification Annex;

(*c*) With respect to chemical weapons production facilities:

(i) Declare whether it has or has had any chemical weapons production facility under its ownership or possession, or that is or has been located in any place under its jurisdiction or control at any time since 1 January 1946;

(ii) Specify any chemical weapons production facility it has or has had under its ownership or possession or that is or has been located in any place under its jurisdiction or control at any time since 1 January 1946, in accordance with Part V, paragraph 1, of the Verification Annex, except for those facilities referred to in sub-subparagraph (iii);

(iii) Report any chemical weapons production facility on its territory that another State has or has had under its ownership and possession and that is or has been located in any place under the jurisdiction or control of another State at any time since 1 January 1946, in accordance with Part V, paragraph 2, of the Verification Annex;

(iv) Declare whether it has transferred or received, directly or indirectly, any equipment for the production of chemical weapons since 1 January 1946 and specify the transfer or receipt of such equipment, in accordance with Part V, paragraphs 3 to 5, of the Verification Annex;

(v) Provide its general plan for destruction of any chemical weapons production facility it owns or possesses, or that is located in any place under its jurisdiction or control, in accordance with Part V, paragraph 6, of the Verification Annex;

(vi) Specify actions to be taken for closure of any chemical weapons production facility it owns or possesses, or that is located in any place under its jurisdiction or control, in accordance with Part V, paragraph 1 (*i*), of the Verification Annex;

(vii) Provide its general plan for any temporary conversion of any chemical weapons production facility it owns or possesses, or that is located in any place under its jurisdiction or control, into a chemical weapons destruction facility, in accordance with Part V, paragraph 7, of the Verification Annex;

(d) With respect to other facilities:

Specify the precise location, nature and general scope of activities of any facility or establishment under its ownership or possession, or located in any place under its jurisdiction or control, and that has been designed, constructed or used since 1 January 1946 primarily for development of chemical weapons. Such declaration shall include, *inter alia,* laboratories and test and evaluation sites;

(e) With respect to riot control agents: Specify the chemical name, structural formula and Chemical Abstracts Service (CAS) registry number, if assigned, of each chemical it holds for riot control purposes. This declaration shall be updated not later than 30 days after any change becomes effective.

2. The provisions of this Article and the relevant provisions of Part IV of the Verification Annex shall not, at the discretion of a State Party, apply to chemical weapons buried on its territory before 1 January 1977 and which remain buried, or which had been dumped at sea before 1 January 1985.

Article IV

CHEMICAL WEAPONS

1. The provisions of this Article and the detailed procedures for its implementation shall apply to all chemical weapons owned or possessed by a State Party, or that are located in any place under its jurisdiction or control, except old chemical weapons and abandoned chemical weapons to which Part IV (B) of the Verification Annex applies.

2. Detailed procedures for the implementation of this Article are set forth in the Verification Annex.

3. All locations at which chemical weapons specified in paragraph 1 are stored or destroyed shall be subject to systematic verification through on-site inspection and monitoring with on-site instruments, in accordance with Part IV (A) of the Verification Annex.

4. Each State Party shall, immediately after the declaration under Article III, paragraph 1 (*a*), has been submitted, provide access to chemical weapons specified in paragraph 1 for the purpose of systematic verification of the declaration through on-site inspection. Thereafter, each State Party shall not remove any of these chemical weapons, except to a chemical weapons destruction facility. It shall provide access to such chemical weapons, for the purpose of systematic on-site verification.

5. Each State Party shall provide access to any chemical weapons destruction facilities and their storage areas, that it owns or possesses, or that are located in any place under its jurisdiction or control, for the purpose of systematic verification through on-site inspection and monitoring with on-site instruments.

6. Each State Party shall destroy all chemical weapons specified in paragraph 1 pursuant to the Verification Annex and in accordance with the agreed rate and sequence of destruction (hereinafter referred to as "order of destruction"). Such destruction shall begin not later than two years after this Convention enters into force for it and shall finish not later than 10 years after entry into force of this Convention. A State Party is not precluded from destroying such chemical weapons at a faster rate.

7. Each State Party shall:

(*a*) Submit detailed plans for the destruction of chemical weapons specified in paragraph 1 not later than 60 days before each annual destruction period begins, in accordance with Part IV (A), paragraph 29, of the Verification Annex; the detailed plans shall encompass all stocks to be destroyed during the next annual destruction period;

(*b*) Submit declarations annually regarding the implementation of its plans for destruction of chemical weapons specified in paragraph 1, not later than 60 days after the end of each annual destruction period; and

(*c*) Certify, not later than 30 days after the destruction process has been completed, that all chemical weapons specified in paragraph 1 have been destroyed.

8. If a State ratifies or accedes to this Convention after the 10-year period for destruction set forth in paragraph 6, it shall destroy chemical weapons specified in paragraph 1 as soon as possible. The order of destruction and procedures for stringent verification for such a State Party shall be determined by the Executive Council.

9. Any chemical weapons discovered by a State Party after the initial declaration of chemical weapons shall be reported, secured and destroyed in accordance with Part IV (A) of the Verification Annex.

10. Each State Party, during transportation, sampling, storage and destruction of chemical weapons, shall assign the highest priority to ensuring the safety of people and to protecting the environment. Each State Party shall transport, sample, store and destroy chemical weapons in accordance with its national standards for safety and emissions.

11. Any State Party which has on its territory chemical weapons that are owned or possessed by another State, or that are located in any place under the jurisdiction or control of another State, shall make the fullest efforts to ensure that these chemical weapons are removed from its territory not later than one year after this Convention enters into force for it. If they are not removed within one year, the State Party may request the Organization and other States Parties to provide assistance in the destruction of these chemical weapons.

12. Each State Party undertakes to cooperate with other States Parties that request information or assistance on a bilateral basis or through the Technical Secretariat regarding methods and technologies for the safe and efficient destruction of chemical weapons.

13. In carrying out verification activities pursuant to this Article and Part IV (A) of the Verification Annex, the Organization shall consider measures to avoid unnecessary duplication of bilateral or multilateral agreements on verification of chemical weapons storage and their destruction among States Parties.

To this end, the Executive Council shall decide to limit verification to measures complementary to those undertaken pursuant to such a bilateral or multilateral agreement, if it considers that:

(*a*) Verification provisions of such an agreement are consistent with the verification provisions of this Article and Part IV (A) of the Verification Annex;

(*b*) Implementation of such an agreement provides for sufficient assurance of compliance with the relevant provisions of this Convention; and

(*c*) Parties to the bilateral or multilateral agreement keep the Organization fully informed about their verification activities.

14. If the Executive Council takes a decision pursuant to paragraph 13, the Organization shall have the right to monitor the implementation of the bilateral or multilateral agreement.

15. Nothing in paragraphs 13 and 14 shall affect the obligation of a State Party to provide declarations pursuant to Article III, this Article and Part IV (A) of the Verification Annex.

16. Each State Party shall meet the costs of destruction of chemical weapons it is obliged to destroy. It shall also meet the costs of verification of storage and destruction of these chemical weapons unless the Executive Council decides otherwise. If the Executive Council decides to limit verification measures of the Organization pursuant to paragraph 13, the costs of complementary verification and monitoring by the Organization shall be paid in accordance with the United Nations scale of assessment, as specified in Article VIII, paragraph 7.

17. The provisions of this Article and the relevant provisions of Part IV of the Verification Annex shall not, at the discretion of a State Party, apply to chemical weapons buried on its territory before 1 January 1977 and which remain buried, or which had been dumped at sea before 1 January 1985.

Article V

CHEMICAL WEAPONS PRODUCTION FACILITIES

1. The provisions of this Article and the detailed procedures for its implementation shall apply to any and all chemical weapons production facilities owned or possessed by a State Party, or that are located in any place under its jurisdiction or control.

2. Detailed procedures for the implementation of this Article are set forth in the Verification Annex.

3. All chemical weapons production facilities specified in paragraph 1 shall be subject to systematic verification through on-site inspection and monitoring with on-site instruments in accordance with Part V of the Verification Annex.

4. Each State Party shall cease immediately all activity at chemical weapons production facilities specified in paragraph 1, except activity required for closure.

5. No State Party shall construct any new chemical weapons production facilities or modify any existing facilities for the purpose of chemical weapons production or for any other activity prohibited under this Convention.

6. Each State Party shall, immediately after the declaration under Article III, paragraph 1 (*c*), has been submitted, provide access to chemical weapons production facilities specified in paragraph 1, for the purpose of systematic verification of the declaration through on-site inspection.

7. Each State Party shall:

(*a*) Close, not later than 90 days after this Convention enters into force for it, all chemical weapons production facilities specified in paragraph 1, in accordance with Part V of the Verification Annex, and give notice thereof; and

(*b*) Provide access to chemical weapons production facilities specified in paragraph 1, subsequent to closure, for the purpose of systematic verification through on-site inspection and monitoring with on-site instruments in order to ensure that the facility remains closed and is subsequently destroyed.

8. Each State Party shall destroy all chemical weapons production facilities specified in paragraph 1 and related facilities and equipment, pursuant to the Verification Annex and in accordance with an agreed rate and sequence of destruction (hereinafter referred to as "order of destruction"). Such destruction shall begin not later than one year after this Convention enters into force for it, and shall finish not later than 10 years after entry into force of this Convention. A State Party is not precluded from destroying such facilities at a faster rate.

9. Each State Party shall:

(*a*) Submit detailed plans for destruction of chemical weapons production facilities specified in paragraph 1, not later than 180 days before the destruction of each facility begins;

(*b*) Submit declarations annually regarding the implementation of its plans for the destruction of all chemical weapons production facilities specified in paragraph 1, not later than 90 days after the end of each annual destruction period; and

(*c*) Certify, not later than 30 days after the destruction process has been completed, that all chemical weapons production facilities specified in paragraph 1 have been destroyed.

10. If a State ratifies or accedes to this Convention after the 10-year period for destruction set forth in paragraph 8, it shall destroy chemical weapons production facilities specified in paragraph 1 as soon as possible. The order of destruction and procedures for stringent verification for such a State Party shall be determined by the Executive Council.

11. Each State Party, during the destruction of chemical weapons production facilities, shall assign the highest priority to ensuring the safety of people and to protecting the environment. Each State Party shall destroy chemical weapons production facilities in accordance with its national standards for safety and emissions.

12. Chemical weapons production facilities specified in paragraph 1 may be temporarily converted for destruction of chemical weapons in accordance with Part V, paragraphs 18 to 25, of the Verification Annex. Such a converted facility must be destroyed as soon as it is no longer in use for destruction of chemical weapons but, in any case, not later than 10 years after entry into force of this Convention.

13. A State Party may request, in exceptional cases of compelling need, permission to use a chemical weapons production facility specified in paragraph 1 for purposes not prohibited under this Convention. Upon the recommendation of the Executive Council, the Conference of the States Parties shall decide whether or not to approve the request and shall establish the conditions upon which approval is contingent in accordance with Part V, Section D, of the Verification Annex.

14. The chemical weapons production facility shall be converted in such a manner that the converted facility is not more capable of being reconverted into a chemical weapons production facility than any other facility used for industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes not involving chemicals listed in Schedule 1.

15. All converted facilities shall be subject to systematic verification through on-site inspection and monitoring with on-site instruments in accordance with Part V, Section D, of the Verification Annex.

16. In carrying out verification activities pursuant to this Article and Part V of the Verification Annex, the Organization shall consider measures to avoid unnecessary duplication of bilateral or multilateral agreements on verification of chemical weapons production facilities and their destruction among States Parties.

To this end, the Executive Council shall decide to limit the verification to measures complementary to those undertaken pursuant to such a bilateral or multilateral agreement, if it considers that:

(*a*) Verification provisions of such an agreement are consistent with the verification provisions of this Article and Part V of the Verification Annex;

(*b*) Implementation of the agreement provides for sufficient assurance of compliance with the relevant provisions of this Convention; and

(*c*) Parties to the bilateral or multilateral agreement keep the Organization fully informed about their verification activities.

17. If the Executive Council takes a decision pursuant to paragraph 16, the Organization shall have the right to monitor the implementation of the bilateral or multilateral agreement.

18. Nothing in paragraphs 16 and 17 shall affect the obligation of a State Party to make declarations pursuant to Article III, this Article and Part V of the Verification Annex.

19. Each State Party shall meet the costs of destruction of chemical weapons production facilities it is obliged to destroy. It shall also meet the costs of verification under this Article unless the Executive Council decides otherwise. If the Executive Council decides to limit verification measures of the Organization pursuant to paragraph 16, the costs of complementary verification and monitoring by the Organization shall be paid in accordance with the United Nations scale of assessment, as specified in Article VIII, paragraph 7.

Article VI

ACTIVITIES NOT PROHIBITED UNDER THIS CONVENTION

1. Each State Party has the right, subject to the provisions of this Convention, to develop, produce, otherwise acquire, retain, transfer and use toxic chemicals and their precursors for purposes not prohibited under this Convention.

2. Each State Party shall adopt the necessary measures to ensure that toxic chemicals and their precursors are only developed, produced, otherwise acquired, retained, transferred, or used within its territory or in any other place under its jurisdiction or control for purposes not prohibited under this Convention. To this end, and in order to verify that activities are in accordance with obligations under this Convention, each State Party shall subject toxic chemicals and their precursors listed in Schedules 1, 2 and 3 of the Annex on Chemicals, facilities related to such chemicals, and other facilities as specified in the Verification Annex, that are located on its territory or in any other place under its jurisdiction or control, to verification measures as provided in the Verification Annex.

3. Each State Party shall subject chemicals listed in Schedule 1 (hereinafter referred to as "Schedule 1 chemicals") to the prohibitions on production, acquisition, retention, transfer and use as specified in Part VI of the Verification Annex. It shall subject Schedule 1 chemicals and facilities specified in Part VI of the Verification Annex to systematic verification through on-site inspection and monitoring with on-site instruments in accordance with that Part of the Verification Annex.

4. Each State Party shall subject chemicals listed in Schedule 2 (hereinafter referred to as "Schedule 2 chemicals") and facilities specified in Part VII of the Verification Annex to data monitoring and on-site verification in accordance with that Part of the Verification Annex.

5. Each State Party shall subject chemicals listed in Schedule 3 (hereinafter referred to as "Schedule 3 chemicals") and facilities specified in Part VIII of the Verification Annex to data monitoring and on-site verification in accordance with that Part of the Verification Annex.

6. Each State Party shall subject facilities specified in Part IX of the Verification Annex to data monitoring and eventual on-site verification in accordance with that Part of the Verification Annex unless decided otherwise by the Conference of the States Parties pursuant to Part IX, paragraph 22, of the Verification Annex.

7. Not later than 30 days after this Convention enters into force for it, each State Party shall make an initial declaration on relevant chemicals and facilities in accordance with the Verification Annex.

8. Each State Party shall make annual declarations regarding the relevant chemicals and facilities in accordance with the Verification Annex.

9. For the purpose of on-site verification, each State Party shall grant to the inspectors access to facilities as required in the Verification Annex.

10. In conducting verification activities, the Technical Secretariat shall avoid undue intrusion into the State Party's chemical activities for purposes not prohibited under this Convention and, in particular, abide by the provisions set forth in the Annex on the Protection of Confidential Information (hereinafter referred to as "Confidentiality Annex").

11. The provisions of this Article shall be implemented in a manner which avoids hampering the economic or technological development of States Parties, and international cooperation in the field of chemical activities for purposes not prohibited under this Convention including the international exchange of scientific and technical information and chemicals and equipment for the production, processing or use of chemicals for purposes not prohibited under this Convention.

Article VII

NATIONAL IMPLEMENTATION MEASURES

General undertakings

1. Each State Party shall, in accordance with its constitutional processes, adopt the necessary measures to implement its obligations under this Convention. In particular, it shall:

(*a*) Prohibit natural and legal persons anywhere on its territory or in any other place under its jurisdiction as recognized by international law from undertaking any activity prohibited to a State Party under this Convention, including enacting penal legislation with respect to such activity;

(*b*) Not permit in any place under its control any activity prohibited to a State Party under this Convention; and

(*c*) Extend its penal legislation enacted under subparagraph (*a*) to any activity prohibited to a State Party under this Convention undertaken anywhere by natural persons, possessing its nationality, in conformity with international law.

2. Each State Party shall cooperate with other States Parties and afford the appropriate form of legal assistance to facilitate the implementation of the obligations under paragraph 1.

3. Each State Party, during the implementation of its obligations under this Convention, shall assign the highest priority to ensuring the safety of people and to protecting the environment, and shall cooperate as appropriate with other States Parties in this regard.

Relations between the State Party and the Organization

4. In order to fulfil its obligations under this Convention, each State Party shall designate or establish a National Authority to serve as the national focal point for effective liaison with the Organization and other States Parties. Each State Party shall notify the Organization of its National Authority at the time that this Convention enters into force for it.

5. Each State Party shall inform the Organization of the legislative and administrative measures taken to implement this Convention.

6. Each State Party shall treat as confidential and afford special handling to information and data that it receives in confidence from the Organization in connection with the implementation of this Convention. It shall treat such

information and data exclusively in connection with its rights and obligations under this Convention and in accordance with the provisions set forth in the Confidentiality Annex.

7. Each State Party undertakes to cooperate with the Organization in the exercise of all its functions and in particular to provide assistance to the Technical Secretariat.

Article VIII

THE ORGANIZATION

A. GENERAL PROVISIONS

1. The States Parties to this Convention hereby establish the Organization for the Prohibition of Chemical Weapons to achieve the object and purpose of this Convention, to ensure the implementation of its provisions, including those for international verification of compliance with it, and to provide a forum for consultation and cooperation among States Parties.

2. All States Parties to this Convention shall be members of the Organization. A State Party shall not be deprived of its membership in the Organization.

3. The seat of the Headquarters of the Organization shall be The Hague, Kingdom of the Netherlands.

4. There are hereby established as the organs of the Organization: the Conference of the States Parties, the Executive Council, and the Technical Secretariat.

5. The Organization shall conduct its verification activities provided for under this Convention in the least intrusive manner possible consistent with the timely and efficient accomplishment of their objectives. It shall request only the information and data necessary to fulfil its responsibilities under this Convention. It shall take every precaution to protect the confidentiality of information on civil and military activities and facilities coming to its knowledge in the implementation of this Convention and, in particular, shall abide by the provisions set forth in the Confidentiality Annex.

6. In undertaking its verification activities the Organization shall consider measures to make use of advances in science and technology.

7. The costs of the Organization's activities shall be paid by States Parties in accordance with the United Nations scale of assessment adjusted to take into account differences in membership between the United Nations and this Organization, and subject to the provisions of Articles IV and V. Financial contributions of States Parties to the Preparatory Commission shall be deducted in an appropriate way from their contributions to the regular budget. The budget of the Organization shall comprise two separate chapters, one relating to administrative and other costs, and one relating to verification costs.

8. A member of the Organization which is in arrears in the payment of its financial contribution to the Organization shall have no vote in the Organization if the amount of its arrears equals or exceeds the amount of the contribution due

from it for the preceding two full years. The Conference of the States Parties may, nevertheless, permit such a member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the member.

B. The Conference of the States Parties

Composition, procedures and decision-making

9. The Conference of the States Parties (hereinafter referred to as "the Conference") shall be composed of all members of this Organization. Each member shall have one representative in the Conference, who may be accompanied by alternates and advisers.

10. The first session of the Conference shall be convened by the depositary not later than 30 days after the entry into force of this Convention.

11. The Conference shall meet in regular sessions which shall be held annually unless it decides otherwise.

12. Special sessions of the Conference shall be convened:

(*a*) When decided by the Conference;

(*b*) When requested by the Executive Council;

(*c*) When requested by any member and supported by one third of the members; or

(*d*) In accordance with paragraph 22 to undertake reviews of the operation of this Convention.

Except in the case of subparagraph (*d*), the special session shall be convened not later than 30 days after receipt of the request by the Director-General of the Technical Secretariat, unless specified otherwise in the request.

13. The Conference shall also be convened in the form of an Amendment Conference in accordance with Article XV, paragraph 2.

14. Sessions of the Conference shall take place at the seat of the Organization unless the Conference decides otherwise.

15. The Conference shall adopt its rules of procedure. At the beginning of each regular session, it shall elect its Chairman and such other officers as may be required. They shall hold office until a new Chairman and other officers are elected at the next regular session.

16. A majority of the members of the Organization shall constitute a quorum for the Conference.

17. Each member of the Organization shall have one vote in the Conference.

18. The Conference shall take decisions on questions of procedure by a simple majority of the members present and voting. Decisions on matters of substance should be taken as far as possible by consensus. If consensus is not attainable when an issue comes up for decision, the Chairman shall defer any vote for 24 hours and during this period of deferment shall make every effort to facilitate achievement of consensus, and shall report to the Conference before the end of this period. If consensus is not possible at the end of 24 hours, the Conference shall take the decision by a two-thirds majority of members present and voting unless specified otherwise in this Convention. When the issue arises as to whether the question is one of substance or not, that question shall be treated as a matter of substance unless otherwise decided by the Conference by the majority required for decisions on matters of substance.

Powers and functions

19. The Conference shall be the principal organ of the Organization. It shall consider any questions, matters or issues within the scope of this Convention, including those relating to the powers and functions of the Executive Council and the Technical Secretariat. It may make recommendations and take decisions on any questions, matters or issues related to this Convention raised by a State Party or brought to its attention by the Executive Council.

20. The Conference shall oversee the implementation of this Convention, and act in order to promote its object and purpose. The Conference shall review compliance with this Convention. It shall also oversee the activities of the Executive Council and the Technical Secretariat and may issue guidelines in accordance with this Convention to either of them in the exercise of their functions.

21. The Conference shall:

(*a*) Consider and adopt at its regular sessions the report, programme and budget of the Organization, submitted by the Executive Council, as well as consider other reports;

(*b*) Decide on the scale of financial contributions to be paid by States Parties in accordance with paragraph 7;

(*c*) Elect the members of the Executive Council;

(*d*) Appoint the Director-General of the Technical Secretariat (hereinafter referred to as "the Director-General");

(*e*) Approve the rules of procedure of the Executive Council submitted by the latter;

(*f*) Establish such subsidiary organs as it finds necessary for the exercise of its functions in accordance with this Convention;

(*g*) Foster international cooperation for peaceful purposes in the field of chemical activities;

(*h*) Review scientific and technological developments that could affect the operation of this Convention and, in this context, direct the Director-General to establish a Scientific Advisory Board to enable him, in the performance of his functions, to render specialized advice in areas of science and technology relevant to this Convention, to the Conference, the Executive Council or States Parties. The Scientific Advisory Board shall be composed of independent experts appointed in accordance with terms of reference adopted by the Conference;

(*i*) Consider and approve at its first session any draft agreements, provisions and guidelines developed by the Preparatory Commission;

(*j*) Establish at its first session the voluntary fund for assistance in accordance with Article X;

(*k*) Take the necessary measures to ensure compliance with this Convention and to redress and remedy any situation which contravenes the provisions of this Convention, in accordance with Article XII.

22. The Conference shall not later than one year after the expiry of the fifth and the tenth year after the entry into force of this Convention, and at such other times within that time period as may be decided upon, convene in special sessions to undertake reviews of the operation of this Convention. Such reviews shall take into account any relevant scientific and technological developments. At intervals of five years thereafter, unless otherwise decided upon, further sessions of the Conference shall be convened with the same objective.

C. The Executive Council

Composition, procedure and decision-making

23. The Executive Council shall consist of 41 members. Each State Party shall have the right, in accordance with the principle of rotation, to serve on the Executive Council. The members of the Executive Council shall be elected

by the Conference for a term of two years. In order to ensure the effective functioning of this Convention, due regard being specially paid to equitable geographical distribution, to the importance of chemical industry, as well as to political and security interests, the Executive Council shall be composed as follows:

(*a*) Nine States Parties from Africa to be designated by States Parties located in this region. As a basis for this designation it is understood that, out of these nine States Parties, three members shall, as a rule, be the States Parties with the most significant national chemical industry in the region as determined by internationally reported and published data; in addition, the regional group shall agree also to take into account other regional factors in designating these three members;

(*b*) Nine States Parties from Asia to be designated by States Parties located in this region. As a basis for this designation it is understood that, out of these nine States Parties, four members shall, as a rule, be the States Parties with the most significant national chemical industry in the region as determined by internationally reported and published data; in addition, the regional group shall agree also to take into account other regional factors in designating these four members;

(*c*) Five States Parties from Eastern Europe to be designated by States Parties located in this region. As a basis for this designation it is understood that, out of these five States Parties, one member shall, as a rule, be the State Party with the most significant national chemical industry in the region as determined by internationally reported and published data; in addition, the regional group shall agree also to take into account other regional factors in designating this one member;

(*d*) Seven States Parties from Latin America and the Caribbean to be designated by States Parties located in this region. As a basis for this designation it is understood that, out of these seven States Parties, three members shall, as a rule, be the States Parties with the most significant national chemical industry in the region as determined by internationally reported and published data; in addition, the regional group shall agree also to take into account other regional factors in designating these three members;

(*e*) Ten States Parties from among Western European and other States to be designated by States Parties located in this region. As a basis for this designation it is understood that, out of these 10 States Parties, 5 members shall, as a rule, be the States Parties with the most significant national chemical industry in the region as determined by internationally reported and published data; in addition, the regional group shall agree also to take into account other regional factors in designating these five members;

(*f*) One further State Party to be designated consecutively by States Parties located in the regions of Asia and Latin America and the Caribbean. As a basis for this designation it is understood that this State Party shall be a rotating member from these regions.

24. For the first election of the Executive Council 20 members shall be elected for a term of one year, due regard being paid to the established numerical proportions as described in paragraph 23.

25. After the full implementation of Articles IV and V the Conference may, upon the request of a majority of the members of the Executive Council, review the composition of the Executive Council taking into account developments related to the principles specified in paragraph 23 that are governing its composition.

26. The Executive Council shall elaborate its rules of procedure and submit them to the Conference for approval.

27. The Executive Council shall elect its Chairman from among its members.

28. The Executive Council shall meet for regular sessions. Between regular sessions it shall meet as often as may be required for the fulfilment of its powers and functions.

29. Each member of the Executive Council shall have one vote. Unless otherwise specified in this Convention, the Executive Council shall take decisions on matters of substance by a two-thirds majority of all its members. The Executive Council shall take decisions on questions of procedure by a simple majority of all its members. When the issue arises as to whether the question is one of substance or not, that question shall be treated as a matter of substance unless otherwise decided by the Executive Council by the majority required for decisions on matters of substance.

Powers and functions

30. The Executive Council shall be the executive organ of the Organization. It shall be responsible to the Conference. The Executive Council shall carry out the powers and functions entrusted to it under this Convention, as well as those functions delegated to it by the Conference. In so doing, it shall act in conformity with the recommendations, decisions and guidelines of the Conference and assure their proper and continuous implementation.

31. The Executive Council shall promote the effective implementation of, and compliance with, this Convention. It shall supervise the activities of the Technical Secretariat, cooperate with the National Authority of each State Party and facilitate consultations and cooperation among States Parties at their request.

32. The Executive Council shall:

(*a*) Consider and submit to the Conference the draft programme and budget of the Organization;

(*b*) Consider and submit to the Conference the draft report of the Organization on the implementation of this Convention, the report on the performance of its own activities and such special reports as it deems necessary or which the Conference may request;

(*c*) Make arrangements for the sessions of the Conference including the preparation of the draft agenda.

33. The Executive Council may request the convening of a special session of the Conference.

34. The Executive Council shall:

(*a*) Conclude agreements or arrangements with States and international organizations on behalf of the Organization, subject to prior approval by the Conference;

(*b*) Conclude agreements with States Parties on behalf of the Organization in connection with Article X and supervise the voluntary fund referred to in Article X;

(*c*) Approve agreements or arrangements relating to the implementation of verification activities, negotiated by the Technical Secretariat with States Parties.

35. The Executive Council shall consider any issue or matter within its competence affecting this Convention and its implementation, including concerns regarding compliance, and cases of non-compliance, and, as appropriate, inform States Parties and bring the issue or matter to the attention of the Conference.

36. In its consideration of doubts or concerns regarding compliance and cases of non-compliance, including, *inter alia,* abuse of the rights provided for under this Convention, the Executive Council shall consult with the States Parties involved and, as appropriate, request the State Party to take measures to redress the situation within a specified time. To the extent that the Executive Council considers further action to be necessary, it shall take, *inter alia*, one or more of the following measures:

(*a*) Inform all States Parties of the issue or matter;

(*b*) Bring the issue or matter to the attention of the Conference;

(*c*) Make recommendations to the Conference regarding measures to redress the situation and to ensure compliance.

The Executive Council shall, in cases of particular gravity and urgency, bring the issue or matter, including relevant information and conclusions, directly to the attention of the United Nations General Assembly and the United Nations Security Council. It shall at the same time inform all States Parties of this step.

D. The Technical Secretariat

37. The Technical Secretariat shall assist the Conference and the Executive Council in the performance of their functions. The Technical Secretariat shall carry out the verification measures provided for in this Convention. It shall carry out the other functions entrusted to it under this Convention as well as those functions delegated to it by the Conference and the Executive Council.

38. The Technical Secretariat shall:

(*a*) Prepare and submit to the Executive Council the draft programme and budget of the Organization;

(*b*) Prepare and submit to the Executive Council the draft report of the Organization on the implementation of this Convention and such other reports as the Conference or the Executive Council may request;

(*c*) Provide administrative and technical support to the Conference, the Executive Council and subsidiary organs;

(*d*) Address and receive communications on behalf of the Organization to and from States Parties on matters pertaining to the implementation of this Convention;

(*e*) Provide technical assistance and technical evaluation to States Parties in the implementation of the provisions of this Convention, including evaluation of scheduled and unscheduled chemicals.

39. The Technical Secretariat shall:

(*a*) Negotiate agreements or arrangements relating to the implementation of verification activities with States Parties, subject to approval by the Executive Council;

(*b*) Not later than 180 days after entry into force of this Convention, coordinate the establishment and maintenance of permanent stockpiles of emergency and humanitarian assistance by States Parties in accordance with

Article X, paragraphs 7 (*b*) and (*c*). The Technical Secretariat may inspect the items maintained for serviceability. Lists of items to be stockpiled shall be considered and approved by the Conference pursuant to paragraph 21 (*i*) above;

(*c*) Administer the voluntary fund referred to in Article X, compile declarations made by the States Parties and register, when requested, bilateral agreements concluded between States Parties or between a State Party and the Organization for the purposes of Article X.

40. The Technical Secretariat shall inform the Executive Council of any problem that has arisen with regard to the discharge of its functions, including doubts, ambiguities or uncertainties about compliance with this Convention that have come to its notice in the performance of its verification activities and that it has been unable to resolve or clarify through its consultations with the State Party concerned.

41. The Technical Secretariat shall comprise a Director-General, who shall be its head and chief administrative officer, inspectors and such scientific, technical and other personnel as may be required.

42. The Inspectorate shall be a unit of the Technical Secretariat and shall act under the supervision of the Director-General.

43. The Director-General shall be appointed by the Conference upon the recommendation of the Executive Council for a term of four years, renewable for one further term, but not thereafter.

44. The Director-General shall be responsible to the Conference and the Executive Council for the appointment of the staff and the organization and functioning of the Technical Secretariat. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity. Only citizens of States Parties shall serve as the Director-General, as inspectors or as other members of the professional and clerical staff. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible. Recruitment shall be guided by the principle that the staff shall be kept to a minimum necessary for the proper discharge of the responsibilities of the Technical Secretariat.

45. The Director-General shall be responsible for the organization and functioning of the Scientific Advisory Board referred to in paragraph 21 (*h*). The Director-General shall, in consultation with States Parties, appoint members of the Scientific Advisory Board, who shall serve in their individual capacity. The members of the Board shall be appointed on the basis of their expertise in the particular

scientific fields relevant to the implementation of this Convention. The Director-General may also, as appropriate, in consultation with members of the Board, establish temporary working groups of scientific experts to provide recommendations on specific issues. In regard to the above, States Parties may submit lists of experts to the Director-General.

46. In the performance of their duties, the Director-General, the inspectors and the other members of the staff shall not seek or receive instructions from any Government or from any other source external to the Organization. They shall refrain from any action that might reflect on their positions as international officers responsible only to the Conference and the Executive Council.

47. Each State Party shall respect the exclusively international character of the responsibilities of the Director-General, the inspectors and the other members of the staff and not seek to influence them in the discharge of their responsibilities.

E. Privileges and immunities

48. The Organization shall enjoy on the territory and in any other place under the jurisdiction or control of a State Party such legal capacity and such privileges and immunities as are necessary for the exercise of its functions.

49. Delegates of States Parties, together with their alternates and advisers, representatives appointed to the Executive Council together with their alternates and advisers, the Director-General and the staff of the Organization shall enjoy such privileges and immunities as are necessary in the independent exercise of their functions in connection with the Organization.

50. The legal capacity, privileges, and immunities referred to in this Article shall be defined in agreements between the Organization and the States Parties as well as in an agreement between the Organization and the State in which the headquarters of the Organization is seated. These agreements shall be considered and approved by the Conference pursuant to paragraph 21 (*i*).

51. Notwithstanding paragraphs 48 and 49, the privileges and immunities enjoyed by the Director-General and the staff of the Technical Secretariat during the conduct of verification activities shall be those set forth in Part II, Section B, of the Verification Annex.

Article IX

CONSULTATIONS, COOPERATION AND FACT-FINDING

1. States Parties shall consult and cooperate, directly among themselves, or through the Organization or other appropriate international procedures, including procedures within the framework of the United Nations and in accordance with its Charter, on any matter which may be raised relating to the object and purpose, or the implementation of the provisions, of this Convention.

2. Without prejudice to the right of any State Party to request a challenge inspection, States Parties should, whenever possible, first make every effort to clarify and resolve, through exchange of information and consultations among themselves, any matter which may cause doubt about compliance with this Convention, or which gives rise to concerns about a related matter which may be considered ambiguous. A State Party which receives a request from another State Party for clarification of any matter which the requesting State Party believes causes such a doubt or concern shall provide the requesting State Party as soon as possible, but in any case not later than 10 days after the request, with information sufficient to answer the doubt or concern raised along with an explanation of how the information provided resolves the matter. Nothing in this Convention shall affect the right of any two or more States Parties to arrange by mutual consent for inspections or any other procedures among themselves to clarify and resolve any matter which may cause doubt about compliance or gives rise to a concern about a related matter which may be considered ambiguous. Such arrangements shall not affect the rights and obligations of any State Party under other provisions of this Convention.

Procedure for requesting clarification

3. A State Party shall have the right to request the Executive Council to assist in clarifying any situation which may be considered ambiguous or which gives rise to a concern about the possible non-compliance of another State Party with this Convention. The Executive Council shall provide appropriate information in its possession relevant to such a concern.

4. A State Party shall have the right to request the Executive Council to obtain clarification from another State Party on any situation which may be considered ambiguous or which gives rise to a concern about its possible non-compliance with this Convention. In such a case, the following shall apply:

(*a*) The Executive Council shall forward the request for clarification to the State Party concerned through the Director-General not later than 24 hours after its receipt;

(*b*) The requested State Party shall provide the clarification to the Executive Council as soon as possible, but in any case not later than 10 days after the receipt of the request;

(*c*) The Executive Council shall take note of the clarification and forward it to the requesting State Party not later than 24 hours after its receipt;

(*d*) If the requesting State Party deems the clarification to be inadequate, it shall have the right to request the Executive Council to obtain from the requested State Party further clarification;

(*e*) For the purpose of obtaining further clarification requested under subparagraph (*d*), the Executive Council may call on the Director-General to establish a group of experts from the Technical Secretariat, or if appropriate staff are not available in the Technical Secretariat, from elsewhere, to examine all available information and data relevant to the situation causing the concern. The group of experts shall submit a factual report to the Executive Council on its findings;

(*f*) If the requesting State Party considers the clarification obtained under subparagraphs (*d*) and (*e*) to be unsatisfactory, it shall have the right to request a special session of the Executive Council in which States Parties involved that are not members of the Executive Council shall be entitled to take part. In such a special session, the Executive Council shall consider the matter and may recommend any measure it deems appropriate to resolve the situation.

5. A State Party shall also have the right to request the Executive Council to clarify any situation which has been considered ambiguous or has given rise to a concern about its possible non-compliance with this Convention. The Executive Council shall respond by providing such assistance as appropriate.

6. The Executive Council shall inform the States Parties about any request for clarification provided in this Article.

7. If the doubt or concern of a State Party about a possible non-compliance has not been resolved within 60 days after the submission of the request for clarification to the Executive Council, or it believes its doubts warrant urgent consideration, notwithstanding its right to request a challenge inspection, it may request a special session of the Conference in accordance with Article VIII, paragraph 12 (*c*). At such a special session, the Conference shall consider the matter and may recommend any measure it deems appropriate to resolve the situation.

Procedures for challenge inspections

8. Each State Party has the right to request an on-site challenge inspection of any facility or location in the territory or in any other place under the jurisdiction or control of any other State Party for the sole purpose of clarifying and resolving any questions concerning possible non-compliance with the provisions of this Convention, and to have this inspection conducted anywhere without delay by an inspection team designated by the Director-General and in accordance with the Verification Annex.

9. Each State Party is under the obligation to keep the inspection request within the scope of this Convention and to provide in the inspection request all appropriate information on the basis of which a concern has arisen regarding possible non-compliance with this Convention as specified in the Verification Annex. Each State Party shall refrain from unfounded inspection requests, care being taken to avoid abuse. The challenge inspection shall be carried out for the sole purpose of determining facts relating to the possible non-compliance.

10. For the purpose of verifying compliance with the provisions of this Convention, each State Party shall permit the Technical Secretariat to conduct the on-site challenge inspection pursuant to paragraph 8.

11. Pursuant to a request for a challenge inspection of a facility or location, and in accordance with the procedures provided for in the Verification Annex, the inspected State Party shall have:

(*a*) The right and the obligation to make every reasonable effort to demonstrate its compliance with this Convention and, to this end, to enable the inspection team to fulfil its mandate;

(*b*) The obligation to provide access within the requested site for the sole purpose of establishing facts relevant to the concern regarding possible non-compliance; and

(*c*) The right to take measures to protect sensitive installations, and to prevent disclosure of confidential information and data, not related to this Convention.

12. With regard to an observer, the following shall apply:

(*a*) The requesting State Party may, subject to the agreement of the inspected State Party, send a representative who may be a national either of the requesting State Party or of a third State Party, to observe the conduct of the challenge inspection.

(*b*) The inspected State Party shall then grant access to the observer in accordance with the Verification Annex.

(*c*) The inspected State Party shall, as a rule, accept the proposed observer, but if the inspected State Party exercises a refusal, that fact shall be recorded in the final report.

13. The requesting State Party shall present an inspection request for an on-site challenge inspection to the Executive Council and at the same time to the Director-General for immediate processing.

14. The Director-General shall immediately ascertain that the inspection request meets the requirements specified in Part X, paragraph 4, of the Verification Annex, and, if necessary, assist the requesting State Party in filing the inspection request accordingly. When the inspection request fulfils the requirements, preparations for the challenge inspection shall begin.

15. The Director-General shall transmit the inspection request to the inspected State Party not less than 12 hours before the planned arrival of the inspection team at the point of entry.

16. After having received the inspection request, the Executive Council shall take cognizance of the Director-General's actions on the request and shall keep the case under its consideration throughout the inspection procedure. However, its deliberations shall not delay the inspection process.

17. The Executive Council may, not later than 12 hours after having received the inspection request, decide by a three-quarter majority of all its members against carrying out the challenge inspection, if it considers the inspection request to be frivolous, abusive or clearly beyond the scope of this Convention as described in paragraph 8. Neither the requesting nor the inspected State Party shall participate in such a decision. If the Executive Council decides against the challenge inspection, preparations shall be stopped, no further action on the inspection request shall be taken, and the States Parties concerned shall be informed accordingly.

18. The Director-General shall issue an inspection mandate for the conduct of the challenge inspection. The inspection mandate shall be the inspection request referred to in paragraphs 8 and 9 put into operational terms, and shall conform with the inspection request.

19. The challenge inspection shall be conducted in accordance with Part X or, in the case of alleged use, in accordance with Part XI of the Verification Annex. The inspection team shall be guided by the principle of conducting the challenge inspection in the least intrusive manner possible, consistent with the effective and timely accomplishment of its mission.

20. The inspected State Party shall assist the inspection team throughout the challenge inspection and facilitate its task. If the inspected State Party proposes,

pursuant to Part X, Section C, of the Verification Annex, arrangements to demonstrate compliance with this Convention, alternative to full and comprehensive access, it shall make every reasonable effort, through consultations with the inspection team, to reach agreement on the modalities for establishing the facts with the aim of demonstrating its compliance.

21. The final report shall contain the factual findings as well as an assessment by the inspection team of the degree and nature of access and cooperation granted for the satisfactory implementation of the challenge inspection. The Director-General shall promptly transmit the final report of the inspection team to the requesting State Party, to the inspected State Party, to the Executive Council and to all other States Parties. The Director-General shall further transmit promptly to the Executive Council the assessments of the requesting and of the inspected States Parties, as well as the views of other States Parties which may be conveyed to the Director-General for that purpose, and then provide them to all States Parties.

22. The Executive Council shall, in accordance with its powers and functions, review the final report of the inspection team as soon as it is presented, and address any concerns as to:

(*a*) Whether any non-compliance has occurred;

(*b*) Whether the request had been within the scope of this Convention; and

(*c*) Whether the right to request a challenge inspection had been abused.

23. If the Executive Council reaches the conclusion, in keeping with its powers and functions, that further action may be necessary with regard to paragraph 22, it shall take the appropriate measures to redress the situation and to ensure compliance with this Convention, including specific recommendations to the Conference. In the case of abuse, the Executive Council shall examine whether the requesting State Party should bear any of the financial implications of the challenge inspection.

24. The requesting State Party and the inspected State Party shall have the right to participate in the review process. The Executive Council shall inform the States Parties and the next session of the Conference of the outcome of the process.

25. If the Executive Council has made specific recommendations to the Conference, the Conference shall consider action in accordance with Article XII.

Article X

ASSISTANCE AND PROTECTION AGAINST CHEMICAL WEAPONS

1. For the purposes of this Article, "Assistance" means the coordination and delivery to States Parties of protection against chemical weapons, including, *inter alia,* the following: detection equipment and alarm systems; protective equipment; decontamination equipment and decontaminants; medical antidotes and treatments; and advice on any of these protective measures.

2. Nothing in this Convention shall be interpreted as impeding the right of any State Party to conduct research into, develop, produce, acquire, transfer or use means of protection against chemical weapons, for purposes not prohibited under this Convention.

3. Each State Party undertakes to facilitate, and shall have the right to participate in, the fullest possible exchange of equipment, material and scientific and technological information concerning means of protection against chemical weapons.

4. For the purposes of increasing the transparency of national programmes related to protective purposes, each State Party shall provide annually to the Technical Secretariat information on its programme, in accordance with procedures to be considered and approved by the Conference pursuant to Article VIII, paragraph 21 (*i*).

5. The Technical Secretariat shall establish, not later than 180 days after entry into force of this Convention and maintain, for the use of any requesting State Party, a data bank containing freely available information concerning various means of protection against chemical weapons as well as such information as may be provided by States Parties.

The Technical Secretariat shall also, within the resources available to it, and at the request of a State Party, provide expert advice and assist the State Party in identifying how its programmes for the development and improvement of a protective capacity against chemical weapons could be implemented.

6. Nothing in this Convention shall be interpreted as impeding the right of States Parties to request and provide assistance bilaterally and to conclude individual agreements with other States Parties concerning the emergency procurement of assistance.

7. Each State Party undertakes to provide assistance through the Organization and to this end to elect to take one or more of the following measures:

(*a*) To contribute to the voluntary fund for assistance to be established by the Conference at its first session;

(*b*) To conclude, if possible not later than 180 days after this Convention enters into force for it, agreements with the Organization concerning the procurement, upon demand, of assistance;

(*c*) To declare, not later than 180 days after this Convention enters into force for it, the kind of assistance it might provide in response to an appeal by the Organization. If, however, a State Party subsequently is unable to provide the assistance envisaged in its declaration, it is still under the obligation to provide assistance in accordance with this paragraph.

8. Each State Party has the right to request and, subject to the procedures set forth in paragraphs 9, 10 and 11, to receive assistance and protection against the use or threat of use of chemical weapons if it considers that:

(*a*) Chemical weapons have been used against it;

(*b*) Riot control agents have been used against it as a method of warfare; or

(*c*) It is threatened by actions or activities of any State that are prohibited for States Parties by Article I.

9. The request, substantiated by relevant information, shall be submitted to the Director-General, who shall transmit it immediately to the Executive Council and to all States Parties. The Director-General shall immediately forward the request to States Parties which have volunteered, in accordance with paragraphs 7 (*b*) and (*c*), to dispatch emergency assistance in case of use of chemical weapons or use of riot control agents as a method of warfare, or humanitarian assistance in case of serious threat of use of chemical weapons or serious threat of use of riot control agents as a method of warfare to the State Party concerned not later than 12 hours after receipt of the request. The Director-General shall initiate, not later than 24 hours after receipt of the request, an investigation in order to provide foundation for further action. He shall complete the investigation within 72 hours and forward a report to the Executive Council. If additional time is required for completion of the investigation, an interim report shall be submitted within the same time-frame. The additional time required for investigation shall not exceed 72 hours. It may, however, be further extended by similar periods. Reports at the end of each additional period shall be submitted to the Executive Council. The investigation shall, as appropriate and in conformity with the request and the information accompanying the request, establish relevant facts related to the request as well as the type and scope of supplementary assistance and protection needed.

10. The Executive Council shall meet not later than 24 hours after receiving an investigation report to consider the situation and shall take a decision by simple

majority within the following 24 hours on whether to instruct the Technical Secretariat to provide supplementary assistance. The Technical Secretariat shall immediately transmit to all States Parties and relevant international organizations the investigation report and the decision taken by the Executive Council. When so decided by the Executive Council, the Director-General shall provide assistance immediately. For this purpose, the Director-General may cooperate with the requesting State Party, other States Parties and relevant international organizations. The States Parties shall make the fullest possible efforts to provide assistance.

11. If the information available from the ongoing investigation or other reliable sources would give sufficient proof that there are victims of use of chemical weapons and immediate action is indispensable, the Director-General shall notify all States Parties and shall take emergency measures of assistance, using the resources the Conference has placed at his disposal for such contingencies. The Director-General shall keep the Executive Council informed of actions undertaken pursuant to this paragraph.

Article XI

ECONOMIC AND TECHNOLOGICAL DEVELOPMENT

1. The provisions of this Convention shall be implemented in a manner which avoids hampering the economic or technological development of States Parties, and international cooperation in the field of chemical activities for purposes not prohibited under this Convention including the international exchange of scientific and technical information and chemicals and equipment for the production, processing or use of chemicals for purposes not prohibited under this Convention.

2. Subject to the provisions of this Convention and without prejudice to the principles and applicable rules of international law, the States Parties shall:

(*a*) Have the right, individually or collectively, to conduct research with, to develop, produce, acquire, retain, transfer, and use chemicals;

(*b*) Undertake to facilitate, and have the right to participate in, the fullest possible exchange of chemicals, equipment and scientific and technical information relating to the development and application of chemistry for purposes not prohibited under this Convention;

(*c*) Not maintain among themselves any restrictions, including those in any international agreements, incompatible with the obligations undertaken under this Convention, which would restrict or impede trade and the development and promotion of scientific and technological knowledge in the field of chemistry for industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes;

(*d*) Not use this Convention as grounds for applying any measures other than those provided for, or permitted, under this Convention nor use any other international agreement for pursuing an objective inconsistent with this Convention;

(*e*) Undertake to review their existing national regulations in the field of trade in chemicals in order to render them consistent with the object and purpose of this Convention.

Article XII

MEASURES TO REDRESS A SITUATION AND TO ENSURE COMPLIANCE, INCLUDING SANCTIONS

1. The Conference shall take the necessary measures, as set forth in paragraphs 2, 3 and 4, to ensure compliance with this Convention and to redress and remedy any situation which contravenes the provisions of this Convention. In considering action pursuant to this paragraph, the Conference shall take into account all information and recommendations on the issues submitted by the Executive Council.

2. In cases where a State Party has been requested by the Executive Council to take measures to redress a situation raising problems with regard to its compliance, and where the State Party fails to fulfil the request within the specified time, the Conference may, *inter alia,* upon the recommendation of the Executive Council, restrict or suspend the State Party's rights and privileges under this Convention until it undertakes the necessary action to conform with its obligations under this Convention.

3. In cases where serious damage to the object and purpose of this Convention may result from activities prohibited under this Convention, in particular by Article I, the Conference may recommend collective measures to States Parties in conformity with international law.

4. The Conference shall, in cases of particular gravity, bring the issue, including relevant information and conclusions, to the attention of the United Nations General Assembly and the United Nations Security Council.

Article XIII

RELATION TO OTHER INTERNATIONAL AGREEMENTS

Nothing in this Convention shall be interpreted as in any way limiting or detracting from the obligations assumed by any State under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, and under the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, signed at London, Moscow and Washington on 10 April 1972.

Article XIV

SETTLEMENT OF DISPUTES

1. Disputes that may arise concerning the application or the interpretation of this Convention shall be settled in accordance with the relevant provisions of this Convention and in conformity with the provisions of the Charter of the United Nations.

2. When a dispute arises between two or more States Parties, or between one or more States Parties and the Organization, relating to the interpretation or application of this Convention, the parties concerned shall consult together with a view to the expeditious settlement of the dispute by negotiation or by other peaceful means of the parties' choice, including recourse to appropriate organs of this Convention and, by mutual consent, referral to the International Court of Justice in conformity with the Statute of the Court. The States Parties involved shall keep the Executive Council informed of actions being taken.

3. The Executive Council may contribute to the settlement of a dispute by whatever means it deems appropriate, including offering its good offices, calling upon the States Parties to a dispute to start the settlement process of their choice and recommending a time-limit for any agreed procedure.

4. The Conference shall consider questions related to disputes raised by States Parties or brought to its attention by the Executive Council. The Conference shall, as it finds necessary, establish or entrust organs with tasks related to the settlement of these disputes in conformity with Article VIII, paragraph 21 (*f*).

5. The Conference and the Executive Council are separately empowered, subject to authorization from the General Assembly of the United Nations, to request the International Court of Justice to give an advisory opinion on any legal question arising within the scope of the activities of the Organization. An agreement between the Organization and the United Nations shall be concluded for this purpose in accordance with Article VIII, paragraph 34 (*a*).

6. This Article is without prejudice to Article IX or to the provisions on measures to redress a situation and to ensure compliance, including sanctions.

Article XV

AMENDMENTS

1. Any State Party may propose amendments to this Convention. Any State Party may also propose changes, as specified in paragraph 4, to the Annexes of this Convention. Proposals for amendments shall be subject to the procedures in paragraphs 2 and 3. Proposals for changes, as specified in paragraph 4, shall be subject to the procedures in paragraph 5.

2. The text of a proposed amendment shall be submitted to the Director-General for circulation to all States Parties and to the Depositary. The proposed amendment shall be considered only by an Amendment Conference. Such an Amendment Conference shall be convened if one third or more of the States Parties notify the Director-General not later than 30 days after its circulation that they support further consideration of the proposal. The Amendment Conference shall be held immediately following a regular session of the Conference unless the requesting States Parties ask for an earlier meeting. In no case shall an Amendment Conference be held less than 60 days after the circulation of the proposed amendment.

3. Amendments shall enter into force for all States Parties 30 days after deposit of the instruments of ratification or acceptance by all the States Parties referred to under subparagraph (*b*) below:

(*a*) When adopted by the Amendment Conference by a positive vote of a majority of all States Parties with no State Party casting a negative vote; and

(*b*) Ratified or accepted by all those States Parties casting a positive vote at the Amendment Conference.

4. In order to ensure the viability and the effectiveness of this Convention, provisions in the Annexes shall be subject to changes in accordance with paragraph 5, if proposed changes are related only to matters of an administrative or technical nature. All changes to the Annex on Chemicals shall be made in accordance with paragraph 5. Sections A and C of the Confidentiality Annex, Part X of the Verification Annex, and those definitions in Part I of the Verification Annex which relate exclusively to challenge inspections, shall not be subject to changes in accordance with paragraph 5.

5. Proposed changes referred to in paragraph 4 shall be made in accordance with the following procedures:

(*a*) The text of the proposed changes shall be transmitted together with the necessary information to the Director-General. Additional information for the

evaluation of the proposal may be provided by any State Party and the Director-General. The Director-General shall promptly communicate any such proposals and information to all States Parties, the Executive Council and the Depositary;

(b) Not later than 60 days after its receipt, the Director-General shall evaluate the proposal to determine all its possible consequences for the provisions of this Convention and its implementation and shall communicate any such information to all States Parties and the Executive Council;

(c) The Executive Council shall examine the proposal in the light of all information available to it, including whether the proposal fulfils the requirements of paragraph 4. Not later than 90 days after its receipt, the Executive Council shall notify its recommendation, with appropriate explanations, to all States Parties for consideration. States Parties shall acknowledge receipt within 10 days;

(d) If the Executive Council recommends to all States Parties that the proposal be adopted, it shall be considered approved if no State Party objects to it within 90 days after receipt of the recommendation. If the Executive Council recommends that the proposal be rejected, it shall be considered rejected if no State Party objects to the rejection within 90 days after receipt of the recommendation;

(e) If a recommendation of the Executive Council does not meet with the acceptance required under subparagraph *(d)*, a decision on the proposal, including whether it fulfils the requirements of paragraph 4, shall be taken as a matter of substance by the Conference at its next session;

(f) The Director-General shall notify all States Parties and the Depositary of any decision under this paragraph;

(g) Changes approved under this procedure shall enter into force for all States Parties 180 days after the date of notification by the Director-General of their approval unless another time period is recommended by the Executive Council or decided by the Conference.

Article XVI

Duration and withdrawal

1. This Convention shall be of unlimited duration.

2. Each State Party shall, in exercising its national sovereignty, have the right to withdraw from this Convention if it decides that extraordinary events, related to the subject-matter of this Convention, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal 90 days in advance to all other States Parties, the Executive Council, the Depositary and the United Nations Security Council. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

3. The withdrawal of a State Party from this Convention shall not in any way affect the duty of States to continue fulfilling the obligations assumed under any relevant rules of international law, particularly the Geneva Protocol of 1925.

Article XVII

Status of the annexes

The Annexes form an integral part of this Convention. Any reference to this Convention includes the Annexes.

Article XVIII

Signature

This Convention shall be open for signature for all States before its entry into force.

Article XIX

Ratification

This Convention shall be subject to ratification by States Signatories according to their respective constitutional processes.

Article XX

ACCESSION

Any State which does not sign this Convention before its entry into force may accede to it at any time thereafter.

Article XXI

ENTRY INTO FORCE

1. This Convention shall enter into force 180 days after the date of the deposit of the 65th instrument of ratification, but in no case earlier than two years after its opening for signature.

2. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Convention, it shall enter into force on the 30th day following the date of deposit of their instrument of ratification or accession.

Article XXII

RESERVATIONS

The Articles of this Convention shall not be subject to reservations. The Annexes of this Convention shall not be subject to reservations incompatible with its object and purpose.

Article XXIII

DEPOSITARY

The Secretary-General of the United Nations is hereby designated as the Depositary of this Convention and shall, *inter alia:*

(*a*) Promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession and the date of the entry into force of this Convention, and of the receipt of other notices;

(*b*) Transmit duly certified copies of this Convention to the Governments of all signatory and acceding States; and

(*c*) Register this Convention pursuant to Article 102 of the Charter of the United Nations.

Article XXIV

AUTHENTIC TEXTS

This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Convention.

DONE at Paris on the thirteenth day of January, one thousand nine hundred and ninety-three.

ANNEX ON CHEMICALS

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A. GUIDELINES FOR SCHEDULES OF CHEMICALS 48

B. SCHEDULES OF CHEMICALS 50

A. Guidelines for schedules of chemicals

Guidelines for Schedule 1

1. The following criteria shall be taken into account in considering whether a toxic chemical or precursor should be included in Schedule 1:

(*a*) It has been developed, produced, stockpiled or used as a chemical weapon as defined in Article II;

(*b*) It poses otherwise a high risk to the object and purpose of this Convention by virtue of its high potential for use in activities prohibited under this Convention because one or more of the following conditions are met:

(i) It possesses a chemical structure closely related to that of other toxic chemicals listed in Schedule 1, and has, or can be expected to have, comparable properties;

(ii) It possesses such lethal or incapacitating toxicity as well as other properties that would enable it to be used as a chemical weapon;

(iii) It may be used as a precursor in the final single technological stage of production of a toxic chemical listed in Schedule 1, regardless of whether this stage takes place in facilities, in munitions or elsewhere;

(*c*) It has little or no use for purposes not prohibited under this Convention.

Guidelines for Schedule 2

2. The following criteria shall be taken into account in considering whether a toxic chemical not listed in Schedule 1 or a precursor to a Schedule 1 chemical or to a chemical listed in Schedule 2, part A, should be included in Schedule 2:

(*a*) It poses a significant risk to the object and purpose of this Convention because it possesses such lethal or incapacitating toxicity as well as other properties that could enable it to be used as a chemical weapon;

(*b*) It may be used as a precursor in one of the chemical reactions at the final stage of formation of a chemical listed in Schedule 1 or Schedule 2, part A;

(*c*) It poses a significant risk to the object and purpose of this Convention by virtue of its importance in the production of a chemical listed in Schedule 1 or Schedule 2, part A;

(*d*) It is not produced in large commercial quantities for purposes not prohibited under this Convention.

Guidelines for Schedule 3

3. The following criteria shall be taken into account in considering whether a toxic chemical or precursor, not listed in other Schedules, should be included in Schedule 3:

(*a*) It has been produced, stockpiled or used as a chemical weapon;

(*b*) It poses otherwise a risk to the object and purpose of this Convention because it possesses such lethal or incapacitating toxicity as well as other properties that might enable it to be used as a chemical weapon;

(*c*) It poses a risk to the object and purpose of this Convention by virtue of its importance in the production of one or more chemicals listed in Schedule 1 or Schedule 2, part B;

(*d*) It may be produced in large commercial quantities for purposes not prohibited under this Convention.

B. Schedules of chemicals

The following Schedules list toxic chemicals and their precursors. For the purpose of implementing this Convention, these Schedules identify chemicals for the application of verification measures according to the provisions of the Verification Annex. Pursuant to Article II, subparagraph 1 (*a*), these Schedules do not constitute a definition of chemical weapons.

(Whenever reference is made to groups of dialkylated chemicals, followed by a list of alkyl groups in parentheses, all chemicals possible by all possible combinations of alkyl groups listed in the parentheses are considered as listed in the respective Schedule as long as they are not explicitly exempted. A chemical marked "*" on Schedule 2, part A, is subject to special thresholds for declaration and verification, as specified in Part VII of the Verification Annex.)

Schedule 1

(*CAS registry number*)

A. Toxic chemicals:

(1) O-Alkyl ($\leq C_{10}$, incl. cycloalkyl) alkyl (Me, Et, n-Pr or i-Pr)-phosphonofluoridates

e.g. Sarin:	O-Isopropyl methylphosphonofluoridate	(107-44-8)
Soman:	O-Pinacolyl methylphosphonofluoridate	(96-64-0)

(2) O-Alkyl ($\leq C_{10}$, incl. cycloalkyl) N,N-dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidocyanidates

e.g. Tabun:	O-Ethyl N,N-dimethyl phosphoramidocyanidate	(77-81-6)

(3) O-Alkyl (H or $\leq C_{10}$, incl. cycloalkyl) S-2-dialkyl (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonothiolates and corresponding alkylated or protonated salts

e.g. VX:	O-Ethyl S-2-diisopropylaminoethyl methyl phosphonothiolate	(50782-69-9)

(4)	Sulfur mustards:	
	2-Chloroethylchloromethylsulfide	(2625-76-5)
	Mustard gas: Bis(2-chloroethyl)sulfide	(505-60-2)
	Bis(2-chloroethylthio)methane	(63869-13-6)
	Sesquimustard: 1,2-Bis(2-chloroethylthio)ethane	(3563-36-8)
	1,3-Bis(2-chloroethylthio)-n-propane	(63905-10-2)
	1,4-Bis(2-chloroethylthio)-n-butane	(142868-93-7)
	1,5-Bis(2-chloroethylthio)-n-pentane	(142868-94-8)
	Bis(2-chloroethylthiomethyl)ether	(63918-90-1)
	O-Mustard: Bis(2-chloroethylthioethyl)ether	(63918-89-8)
(5)	Lewisites:	
	Lewisite 1: 2-Chlorovinyldichloroarsine	(541-25-3)
	Lewisite 2: Bis(2-chlorovinyl)chloroarsine	(40334-69-8)
	Lewisite 3: Tris(2-chlorovinyl)arsine	(40334-70-1)
(6)	Nitrogen mustards:	
	HN1: Bis(2-chloroethyl)ethylamine	(538-07-8)
	HN2: Bis(2-chloroethyl)methylamine	(51-75-2)
	HN3: Tris(2-chloroethyl)amine	(555-77-1)
(7)	Saxitoxin	(35523-89-8)
(8)	Ricin	(9009-86-3)

B. Precursors:

(9)	Alkyl (Me, Et, n-Pr or i-Pr) phosphonyldifluorides	
	e.g. DF: Methylphosphonyldifluoride	(676-99-3)
(10)	O-Alkyl (H or $\leq C_{10}$, incl. cycloalkyl) O-2-dialkyl (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonites and corresponding alkylated or protonated salts	
	e.g. QL: O-Ethyl O-2-diisopropylaminoethyl methylphosphonite	(57856-11-8)
(11)	Chlorosarin: O-Isopropyl methylphosphonochloridate	(1445-76-7)
(12)	Chlorosoman: O-Pinacolyl methylphosphonochloridate	(7040-57-5)

Schedule 2

A. Toxic chemicals:

(1)	Amiton: O,O-Diethyl S-[2-(diethylamino)ethyl] phosphorothiolate and corresponding alkylated or protonated salts	(78-53-5)
(2)	PFIB: 1,1,3,3,3-Pentafluoro-2-(trifluoromethyl)-1-propene	(382-21-8)
(3)	BZ: 3-Quinuclidinyl benzilate (*)	(6581-06-2)

B. Precursors:

(4)	Chemicals, except for those listed in Schedule 1, containing a phosphorus atom to which is bonded one methyl, ethyl or propyl (normal or iso) group but not further carbon atoms,	
	e.g. Methylphosphonyl dichloride	(676-97-1)
	Dimethyl methylphosphonate	(756-79-6)
	Exemption: Fonofos: O-Ethyl S-phenyl ethylphosphonothiolothionate	(944-22-9)
(5)	N,N-Dialkyl (Me, Et, n-Pr or *i*-Pr) phosphoramidic dihalides	
(6)	Dialkyl (Me, Et, n-Pr or i-Pr) N,N-dialkyl (Me, Et, n-Pr or i-Pr)-phosphoramidates	
(7)	Arsenic trichloride	(7784-34-1)
(8)	2,2-Diphenyl-2-hydroxyacetic acid	(76-93-7)
(9)	Quinuclidin-3-ol	(1619-34-7)
(10)	N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethyl-2-chlorides and corresponding protonated salts	
(11)	N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-ols and corresponding protonated salts	
	Exemptions: N,N-Dimethylaminoethanol and corresponding protonated salts	(108-01-0)
	N,N-Diethylaminoethanol and corresponding protonated salts	(100-37-8)

(12)	N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-thiols and corresponding protonated salts	
(13)	Thiodiglycol: Bis(2-hydroxyethyl)sulfide	(111-48-8)
(14)	Pinacolyl alcohol: 3,3-Dimethylbutan-2-ol	(464-07-3)

Schedule 3

A. Toxic chemicals:

(1)	Phosgene: Carbonyl dichloride	(75-44-5)
(2)	Cyanogen chloride	(506-77-4)
(3)	Hydrogen cyanide	(74-90-8)
(4)	Chloropicrin: Trichloronitromethane	(76-06-2)

B. Precursors:

(5)	Phosphorus oxychloride	(10025-87-3)
(6)	Phosphorus trichloride	(7719-12-2)
(7)	Phosphorus pentachloride	(10026-13-8)
(8)	Trimethyl phosphite	(121-45-9)
(9)	Triethyl phosphite	(122-52-1)
(10)	Dimethyl phosphite	(868-85-9)
(11)	Diethyl phosphite	(762-04-9)
(12)	Sulfur monochloride	(10025-67-9)
(13)	Sulfur dichloride	(10545-99-0)
(14)	Thionyl chloride	(7719-09-7)
(15)	Ethyldiethanolamine	(139-87-7)
(16)	Methyldiethanolamine	(105-59-9)
(17)	Triethanolamine	(102-71-6)

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PART I

DEFINITIONS

1. "Approved Equipment" means the devices and instruments necessary for the performance of the inspection team's duties that have been certified by the Technical Secretariat in accordance with regulations prepared by the Technical Secretariat pursuant to Part II, paragraph 27 of this Annex. Such equipment may also refer to the administrative supplies or recording materials that would be used by the inspection team.

2. "Building" as referred to in the definition of chemical weapons production facility in Article II comprises specialized buildings and standard buildings.

(*a*) "Specialized Building" means:

(i) Any building, including underground structures, containing specialized equipment in a production or filling configuration;

(ii) Any building, including underground structures, which has distinctive features which distinguish it from buildings normally used for chemical production or filling activities not prohibited under this Convention.

(*b*) "Standard Building" means any building, including underground structures, constructed to prevailing industry standards for facilities not producing any chemical specified in Article II, paragraph 8 (*a*) (i), or corrosive chemicals.

3. "Challenge Inspection" means the inspection of any facility or location in the territory or in any other place under the jurisdiction or control of a State Party requested by another State Party pursuant to Article IX, paragraphs 8 to 25.

4. "Discrete Organic Chemical" means any chemical belonging to the class of chemical compounds consisting of all compounds of carbon except for its oxides, sulfides and metal carbonates, identifiable by chemical name, by structural formula, if known, and by Chemical Abstracts Service registry number, if assigned.

5. "Equipment" as referred to in the definition of chemical weapons production facility in Article II comprises specialized equipment and standard equipment.

(*a*) "Specialized Equipment" means:

(i) The main production train, including any reactor or equipment for product synthesis, separation or purification, any equipment used directly for heat transfer in the final technological stage, such as in reactors or in product separation, as well as any other equipment which has been in contact with any chemical specified in Article II, paragraph 8 (*a*) (i), or would be in contact with such a chemical if the facility were operated;

(ii) Any chemical weapon filling machines;

(iii) Any other equipment specially designed, built or installed for the operation of the facility as a chemical weapons production facility, as distinct from a facility constructed according to prevailing commercial industry standards for facilities not producing any chemical specified in Article II, paragraph 8 (*a*) (i), or corrosive chemicals, such as: equipment made of high-nickel alloys or other special corrosion-resistant material; special equipment for waste control, waste treatment, air filtering, or solvent recovery; special containment enclosures and safety shields; non-standard laboratory equipment used to analyse toxic chemicals for chemical weapons purposes; custom-designed process control panels; or dedicated spares for specialized equipment.

(*b*) "Standard Equipment" means:

(i) Production equipment which is generally used in the chemical industry and is not included in the types of specialized equipment;

(ii) Other equipment commonly used in the chemical industry, such as: fire-fighting equipment; guard and security/safety surveillance equipment; medical facilities, laboratory facilities; or communications equipment.

6. "Facility" in the context of Article VI means any of the industrial sites as defined below ("plant site","plant" and "unit").

(*a*) "Plant Site" (Works, Factory) means the local integration of one or more plants, with any intermediate administrative levels, which are under one operational control, and includes common infrastructure, such as:

(i) Administration and other offices;

(ii) Repair and maintenance shops;

(iii) Medical centre;

(iv) Utilities;

(v) Central analytical laboratory;

(vi) Research and development laboratories;

(vii) Central effluent and waste treatment area; and

(viii) Warehouse storage.

(*b*) "Plant" (Production facility, Workshop) means a relatively self-contained area, structure or building containing one or more units with auxiliary and associated infrastructure, such as:

(i) Small administrative section;

(ii) Storage/handling areas for feedstock and products;

(iii) Effluent/waste handling/treatment area;

(iv) Control/analytical laboratory;

(v) First aid service/related medical section; and

(vi) Records associated with the movement into, around and from the site, of declared chemicals and their feedstock or product chemicals formed from them, as appropriate.

(*c*) "Unit" (Production unit, Process unit) means the combination of those items of equipment, including vessels and vessel set up, necessary for the production, processing or consumption of a chemical.

7. "Facility Agreement" means an agreement or arrangement between a State Party and the Organization relating to a specific facility subject to on-site verification pursuant to Articles IV, V and VI.

8. "Host State" means the State on whose territory lie facilities or areas of another State, Party to this Convention, which are subject to inspection under this Convention.

9. "In-Country Escort" means individuals specified by the inspected State Party and, if appropriate, by the Host State, if they so wish, to accompany and assist the inspection team during the in-country period.

10. "In-Country Period" means the period from the arrival of the inspection team at a point of entry until its departure from the State at a point of entry.

11. "Initial Inspection" means the first on-site inspection of facilities to verify declarations submitted pursuant to Articles III, IV, V and VI and this Annex.

12. "Inspected State Party" means the State Party on whose territory or in any other place under its jurisdiction or control an inspection pursuant to this Convention takes place, or the State Party whose facility or area on the territory of a Host State is subject to such an inspection; it does not, however, include the State Party specified in Part II, paragraph 21 of this Annex.

13. "Inspection Assistant" means an individual designated by the Technical Secretariat as set forth in Part II, Section A, of this Annex to assist inspectors in an inspection or visit, such as medical, security and administrative personnel and interpreters.

14. "Inspection Mandate" means the instructions issued by the Director-General to the inspection team for the conduct of a particular inspection.

15. "Inspection Manual" means the compilation of additional procedures for the conduct of inspections developed by the Technical Secretariat.

16. "Inspection Site" means any facility or area at which an inspection is carried out and which is specifically defined in the respective facility agreement or inspection request or mandate or inspection request as expanded by the alternative or final perimeter.

17. "Inspection Team" means the group of inspectors and inspection assistants assigned by the Director-General to conduct a particular inspection.

18. "Inspector" means an individual designated by the Technical Secretariat according to the procedures as set forth in Part II, Section A, of this Annex, to carry out an inspection or visit in accordance with this Convention.

19. "Model Agreement" means a document specifying the general form and content for an agreement concluded between a State Party and the Organization for fulfilling the verification provisions specified in this Annex.

20. "Observer" means a representative of a requesting State Party or a third State Party to observe a challenge inspection.

21. "Perimeter" in case of challenge inspection means the external boundary of the inspection site, defined by either geographic coordinates or description on a map.

(*a*) "Requested Perimeter" means the inspection site perimeter as specified in conformity with Part X, paragraph 8, of this Annex;

(*b*) "Alternative Perimeter" means the inspection site perimeter as specified, alternatively to the requested perimeter, by the inspected State Party; it shall conform to the requirements specified in Part X, paragraph 17, of this Annex;

(*c*) "Final Perimeter" means the final inspection site perimeter as agreed in negotiations between the inspection team and the inspected State Party, in accordance with Part X, paragraphs 16 to 21, of this Annex;

(*d*) "Declared Perimeter" means the external boundary of the facility declared pursuant to Articles III, IV, V and VI.

22. "Period of Inspection", for the purposes of Article IX, means the period of time from provision of access to the inspection team to the inspection site until its departure from the inspection site, exclusive of time spent on briefings before and after the verification activities.

23. "Period of Inspection", for the purposes of Articles IV, V and VI, means the period of time from arrival of the inspection team at the inspection site until its departure from the inspection site, exclusive of time spent on briefings before and after the verification activities.

24. "Point of Entry"/"Point of Exit" means a location designated for the in-country arrival of inspection teams for inspections pursuant to this Convention or for their departure after completion of their mission.

25. "Requesting State Party" means a State Party which has requested a challenge inspection pursuant to Article IX.

26. "Tonne" means metric ton, i.e. 1,000 kg.

PART II

GENERAL RULES OF VERIFICATION

A. DESIGNATION OF INSPECTORS AND INSPECTION ASSISTANTS

1. Not later than 30 days after entry into force of this Convention the Technical Secretariat shall communicate, in writing, to all States Parties the names, nationalities and ranks of the inspectors and inspection assistants proposed for designation, as well as a description of their qualifications and professional experiences.

2. Each State Party shall immediately acknowledge receipt of the list of inspectors and inspection assistants, proposed for designation communicated to it. The State Party shall inform the Technical Secretariat in writing of its acceptance of each inspector and inspection assistant, not later than 30 days after acknowledgement of receipt of the list. Any inspector and inspection assistant included in this list shall be regarded as designated unless a State Party, not later than 30 days after acknowledgement of receipt of the list, declares its non-acceptance in writing. The State Party may include the reason for the objection.

In the case of non-acceptance, the proposed inspector or inspection assistant shall not undertake or participate in verification activities on the territory or in any other place under the jurisdiction or control of the State Party which has declared its non-acceptance. The Technical Secretariat shall, as necessary, submit further proposals in addition to the original list.

3. Verification activities under this Convention shall only be performed by designated inspectors and inspection assistants.

4. Subject to the provisions of paragraph 5, a State Party has the right at any time to object to an inspector or inspection assistant who has already been designated. It shall notify the Technical Secretariat of its objection in writing and may include the reason for the objection. Such objection shall come into effect 30 days after receipt by the Technical Secretariat. The Technical Secretariat shall immediately inform the State Party concerned of the withdrawal of the designation of the inspector or inspection assistant.

5. A State Party that has been notified of an inspection shall not seek to have removed from the inspection team for that inspection any of the designated inspectors or inspection assistants named in the inspection team list.

6. The number of inspectors or inspection assistants accepted by and designated to a State Party must be sufficient to allow for availability and rotation of appropriate numbers of inspectors and inspection assistants.

7. If, in the opinion of the Director-General, the non-acceptance of proposed inspectors or inspection assistants impedes the designation of a sufficient number of inspectors or inspection assistants or otherwise hampers the effective fulfilment of the tasks of the Technical Secretariat, the Director-General shall refer the issue to the Executive Council.

8. Whenever amendments to the above-mentioned lists of inspectors and inspection assistants are necessary or requested, replacement inspectors and inspection assistants shall be designated in the same manner as set forth with respect to the initial list.

9. The members of the inspection team carrying out an inspection of a facility of a State Party located on the territory of another State Party shall be designated in accordance with the procedures set forth in this Annex as applied both to the inspected State Party and the Host State Party.

B. Privileges and immunities

10. Each State Party shall, not later than 30 days after acknowledgement of receipt of the list of inspectors and inspection assistants or of changes thereto, provide multiple entry/exit and/or transit visas and other such documents to enable each inspector or inspection assistant to enter and to remain on the territory of that State Party for the purpose of carrying out inspection activities. These documents shall be valid for at least two years after their provision to the Technical Secretariat.

11. To exercise their functions effectively, inspectors and inspection assistants shall be accorded privileges and immunities as set forth in subparagraphs (*a*) to (*i*). Privileges and immunities shall be granted to members of the inspection team for the sake of this Convention and not for the personal benefit of the individuals themselves. Such privileges and immunities shall be accorded to them for the entire period between arrival on and departure from the territory of the inspected State Party or Host State, and thereafter with respect to acts previously performed in the exercise of their official functions.

(*a*) The members of the inspection team shall be accorded the inviolability enjoyed by diplomatic agents pursuant to Article 29 of the Vienna Convention on Diplomatic Relations of 18 April 1961.

(*b*) The living quarters and office premises occupied by the inspection team carrying out inspection activities pursuant to this Convention shall be accorded the inviolability and protection accorded to the premises of diplomatic agents pursuant to Article 30, paragraph 1, of the Vienna Convention on Diplomatic Relations.

(*c*) The papers and correspondence, including records, of the inspection team shall enjoy the inviolability accorded to all papers and correspondence of diplomatic agents pursuant to Article 30, paragraph 2, of the Vienna Convention on Diplomatic Relations. The inspection team shall have the right to use codes for their communications with the Technical Secretariat.

(*d*) Samples and approved equipment carried by members of the inspection team shall be inviolable subject to provisions contained in this Convention and exempt from all customs duties. Hazardous samples shall be transported in accordance with relevant regulations.

(*e*) The members of the inspection team shall be accorded the immunities accorded to diplomatic agents pursuant to Article 31, paragraphs 1, 2 and 3, of the Vienna Convention on Diplomatic Relations.

(*f*) The members of the inspection team carrying out prescribed activities pursuant to this Convention shall be accorded the exemption from dues and taxes accorded to diplomatic agents pursuant to Article 34 of the Vienna Convention on Diplomatic Relations.

(*g*) The members of the inspection team shall be permitted to bring into the territory of the inspected State Party or Host State Party, without payment of any customs duties or related charges, articles for personal use, with the exception of articles the import or export of which is prohibited by law or controlled by quarantine regulations.

(*h*) The members of the inspection team shall be accorded the same currency and exchange facilities as are accorded to representatives of foreign Governments on temporary official missions.

(*i*) The members of the inspection team shall not engage in any professional or commercial activity for personal profit on the territory of the inspected State Party or the Host State.

12. When transiting the territory of non-inspected States Parties, the members of the inspection team shall be accorded the privileges and immunities enjoyed by diplomatic agents pursuant to Article 40, paragraph 1, of the Vienna Convention on Diplomatic Relations. Papers and correspondence, including records, and samples and approved equipment, carried by them, shall be accorded the privileges and immunities set forth in paragraph 11 (*c*) and (*d*).

13. Without prejudice to their privileges and immunities the members of the inspection team shall be obliged to respect the laws and regulations of the inspected State Party or Host State and, to the extent that is consistent with the inspection mandate, shall be obliged not to interfere in the internal affairs of that State. If the inspected State Party or Host State Party considers that there has been an abuse of privileges and immunities specified in this Annex, consultations shall

be held between the State Party and the Director-General to determine whether such an abuse has occurred and, if so determined, to prevent a repetition of such an abuse.

14. The immunity from jurisdiction of members of the inspection team may be waived by the Director-General in those cases when the Director-General is of the opinion that immunity would impede the course of justice and that it can be waived without prejudice to the implementation of the provisions of this Convention. Waiver must always be express.

15. Observers shall be accorded the same privileges and immunities accorded to inspectors pursuant to this section, except for those accorded pursuant to paragraph 11 (*d*).

C. Standing arrangements

Points of entry

16. Each State Party shall designate the points of entry and shall supply the required information to the Technical Secretariat not later than 30 days after this Convention enters into force for it. These points of entry shall be such that the inspection team can reach any inspection site from at least one point of entry within 12 hours. Locations of points of entry shall be provided to all States Parties by the Technical Secretariat.

17. Each State Party may change the points of entry by giving notice of such change to the Technical Secretariat. Changes shall become effective 30 days after the Technical Secretariat receives such notification to allow appropriate notification to all States Parties.

18. If the Technical Secretariat considers that there are insufficient points of entry for the timely conduct of inspections or that changes to the points of entry proposed by a State Party would hamper such timely conduct of inspections, it shall enter into consultations with the State Party concerned to resolve the problem.

19. In cases where facilities or areas of an inspected State Party are located on the territory of a Host State Party or where the access from the point of entry to the facilities or areas subject to inspection requires transit through the territory of another State Party, the inspected State Party shall exercise the rights and fulfil the obligations concerning such inspections in accordance with this Annex. The Host State Party shall facilitate the inspection of those facilities or areas and shall provide for the necessary support to enable the inspection team to carry out its tasks in a timely and effective manner. States Parties through whose territory transit is required to inspect facilities or areas of an inspected State Party shall facilitate such transit.

20. In cases where facilities or areas of an inspected State Party are located on the territory of a State not Party to this Convention, the inspected State Party shall take all necessary measures to ensure that inspections of those facilities or areas can be carried out in accordance with the provisions of this Annex. A State Party that has one or more facilities or areas on the territory of a State not Party to this Convention shall take all necessary measures to ensure acceptance by the Host State of inspectors and inspection assistants designated to that State Party. If an inspected State Party is unable to ensure access, it shall demonstrate that it took all necessary measures to ensure access.

21. In cases where the facilities or areas sought to be inspected are located on the territory of a State Party, but in a place under the jurisdiction or control of a State not Party to this Convention, the State Party shall take all necessary measures as would be required of an inspected State Party and a Host State Party to ensure that inspections of such facilities or areas can be carried out in accordance with the provisions of this Annex. If the State Party is unable to ensure access to those facilities or areas, it shall demonstrate that it took all necessary measures to ensure access. This paragraph shall not apply where the facilities or areas sought to be inspected are those of the State Party.

Arrangements for use of non-scheduled aircraft

22. For inspections pursuant to Article IX and for other inspections where timely travel is not feasible using scheduled commercial transport, an inspection team may need to utilize aircraft owned or chartered by the Technical Secretariat. Not later than 30 days after this Convention enters into force for it, each State Party shall inform the Technical Secretariat of the standing diplomatic clearance number for non-scheduled aircraft transporting inspection teams and equipment necessary for inspection into and out of the territory in which an inspection site is located. Aircraft routings to and from the designated point of entry shall be along established international airways that are agreed upon between the States Parties and the Technical Secretariat as the basis for such diplomatic clearance.

23. When a non-scheduled aircraft is used, the Technical Secretariat shall provide the inspected State Party with a flight plan, through the National Authority, for the aircraft's flight from the last airfield prior to entering the airspace of the State in which the inspection site is located to the point of entry, not less than six hours before the scheduled departure time from that airfield. Such a plan shall be filed in accordance with the procedures of the International Civil Aviation Organization applicable to civil aircraft. For its owned or chartered flights, the Technical Secretariat shall include in the remarks section of each flight plan the standing diplomatic clearance number and the appropriate notation identifying the aircraft as an inspection aircraft.

24. Not less than three hours before the scheduled departure of the inspection team from the last airfield prior to entering the airspace of the State in which the inspection is to take place, the inspected State Party or Host State Party shall ensure that the flight plan filed in accordance with paragraph 23 is approved so that the inspection team may arrive at the point of entry by the estimated arrival time.

25. The inspected State Party shall provide parking, security protection, servicing and fuel as required by the Technical Secretariat for the aircraft of the inspection team at the point of entry when such aircraft is owned or chartered by the Technical Secretariat. Such aircraft shall not be liable for landing fees, departure tax, and similar charges. The Technical Secretariat shall bear the cost of such fuel, security protection and servicing.

Administrative arrangements

26. The inspected State Party shall provide or arrange for the amenities necessary for the inspection team such as communication means, interpretation services to the extent necessary for the performance of interviewing and other tasks, transportation, working space, lodging, meals and medical care. In this regard, the inspected State Party shall be reimbursed by the Organization for such costs incurred by the inspection team.

Approved equipment

27. Subject to paragraph 29, there shall be no restriction by the inspected State Party on the inspection team bringing onto the inspection site such equipment, approved in accordance with paragraph 28, which the Technical Secretariat has determined to be necessary to fulfil the inspection requirements. The Technical Secretariat shall prepare and, as appropriate, update a list of approved equipment, which may be needed for the purposes described above, and regulations governing such equipment which shall be in accordance with this Annex. In establishing the list of approved equipment and these regulations, the Technical Secretariat shall ensure that safety considerations for all the types of facilities at which such equipment is likely to be used, are taken fully into account. A list of approved equipment shall be considered and approved by the Conference pursuant to Article VIII, paragraph 21 (*i*).

28. The equipment shall be in the custody of the Technical Secretariat and be designated, calibrated and approved by the Technical Secretariat. The Technical Secretariat shall, to the extent possible, select that equipment which is specifically designed for the specific kind of inspection required. Designated and approved equipment shall be specifically protected against unauthorized alteration.

29. The inspected State Party shall have the right, without prejudice to the prescribed time-frames, to inspect the equipment in the presence of inspection team members at the point of entry, i.e., to check the identity of the equipment brought in or removed from the territory of the inspected State Party or the Host State. To facilitate such identification, the Technical Secretariat shall attach documents and devices to authenticate its designation and approval of the equipment. The inspection of the equipment shall also ascertain to the satisfaction of the inspected State Party that the equipment meets the description of the approved equipment for the particular type of inspection. The inspected State Party may exclude equipment not meeting that description or equipment without the above-mentioned authentication documents and devices. Procedures for the inspection of equipment shall be considered and approved by the Conference pursuant to Article VIII, paragraph 21 (*i*).

30. In cases where the inspection team finds it necessary to use equipment available on site not belonging to the Technical Secretariat and requests the inspected State Party to enable the team to use such equipment, the inspected State Party shall comply with the request to the extent it can.

D. Pre-inspection activities

Notification

31. The Director-General shall notify the State Party before the planned arrival of the inspection team at the point of entry and within the prescribed time-frames, where specified, of its intention to carry out an inspection.

32. Notifications made by the Director-General shall include the following information:

(*a*) The type of inspection;

(*b*) The point of entry;

(*c*) The date and estimated time of arrival at the point of entry;

(*d*) The means of arrival at the point of entry;

(*e*) The site to be inspected;

(*f*) The names of inspectors and inspection assistants;

(*g*) If appropriate, aircraft clearance for special flights.

33. The inspected State Party shall acknowledge the receipt of a notification by the Technical Secretariat of an intention to conduct an inspection, not later than one hour after receipt of such notification.

34. In the case of an inspection of a facility of a State Party located on the territory of another State Party, both States Parties shall be simultaneously notified in accordance with paragraphs 31 and 32.

Entry into the territory of the inspected State Party or Host State and transfer to the inspection site

35. The inspected State Party or Host State Party which has been notified of the arrival of an inspection team, shall ensure its immediate entry into the territory and shall through an in-country escort or by other means do everything in its power to ensure the safe conduct of the inspection team and its equipment and supplies, from its point of entry to the inspection site(s) and to a point of exit.

36. The inspected State Party or Host State Party shall, as necessary, assist the inspection team in reaching the inspection site not later than 12 hours after the arrival at the point of entry.

Pre-inspection briefing

37. Upon arrival at the inspection site and before the commencement of the inspection, the inspection team shall be briefed by facility representatives, with the aid of maps and other documentation as appropriate, on the facility, the activities carried out there, safety measures and administrative and logistic arrangements necessary for the inspection. The time spent for the briefing shall be limited to the minimum necessary and in any event not exceed three hours.

E. Conduct of inspections

General rules

38. The members of the inspection team shall discharge their functions in accordance with the provisions of this Convention, as well as rules established by the Director-General and facility agreements concluded between States Parties and the Organization.

39. The inspection team shall strictly observe the inspection mandate issued by the Director-General. It shall refrain from activities going beyond this mandate.

40. The activities of the inspection team shall be so arranged as to ensure the timely and effective discharge of its functions and the least possible inconvenience to the inspected State Party or Host State and disturbance to the facility or area inspected. The inspection team shall avoid unnecessarily hampering or delaying the operation of a facility and avoid affecting its safety.

In particular, the inspection team shall not operate any facility. If inspectors consider that, to fulfil their mandate, particular operations should be carried out in a facility, they shall request the designated representative of the inspected facility to have them performed. The representative shall carry out the request to the extent possible.

41. In the performance of their duties on the territory of an inspected State Party or Host State, the members of the inspection team shall, if the inspected State Party so requests, be accompanied by representatives of the inspected State Party, but the inspection team must not thereby be delayed or otherwise hindered in the exercise of its functions.

42. Detailed procedures for the conduct of inspections shall be developed for inclusion in the inspection manual by the Technical Secretariat, taking into account guidelines to be considered and approved by the Conference pursuant to Article VIII, paragraph 21 (*i*).

Safety

43. In carrying out their activities, inspectors and inspection assistants shall observe safety regulations established at the inspection site, including those for the protection of controlled environments within a facility and for personal safety. In order to implement these requirements, appropriate detailed procedures shall be considered and approved by the Conference pursuant to Article VIII, paragraph 21 (*i*).

Communications

44. Inspectors shall have the right throughout the in-country period to communicate with the Headquarters of the Technical Secretariat. For this purpose they may use their own, duly certified, approved equipment and may request that the inspected State Party or Host State Party provide them with access to other telecommunications. The inspection team shall have the right to use its own two-way system of radio communications between personnel patrolling the perimeter and other members of the inspection team.

Inspection team and inspected State Party rights

45. The inspection team shall, in accordance with the relevant Articles and Annexes of this Convention as well as with facility agreements and procedures set forth in the inspection manual, have the right to unimpeded access to the inspection site. The items to be inspected will be chosen by the inspectors.

46. Inspectors shall have the right to interview any facility personnel in the presence of representatives of the inspected State Party with the

purpose of establishing relevant facts. Inspectors shall only request information and data which are necessary for the conduct of the inspection, and the inspected State Party shall furnish such information upon request. The inspected State Party shall have the right to object to questions posed to the facility personnel if those questions are deemed not relevant to the inspection. If the head of the inspection team objects and states their relevance, the questions shall be provided in writing to the inspected State Party for reply. The inspection team may note any refusal to permit interviews or to allow questions to be answered and any explanations given, in that part of the inspection report that deals with the cooperation of the inspected State Party.

47. Inspectors shall have the right to inspect documentation and records they deem relevant to the conduct of their mission.

48. Inspectors shall have the right to have photographs taken at their request by representatives of the inspected State Party or of the inspected facility. The capability to take instant development photographic prints shall be available. The inspection team shall determine whether photographs conform to those requested and, if not, repeat photographs shall be taken. The inspection team and the inspected State Party shall each retain one copy of every photograph.

49. The representatives of the inspected State Party shall have the right to observe all verification activities carried out by the inspection team.

50. The inspected State Party shall receive copies, at its request, of the information and data gathered about its facility(ies) by the Technical Secretariat.

51. Inspectors shall have the right to request clarifications in connection with ambiguities that arise during an inspection. Such requests shall be made promptly through the representative of the inspected State Party. The representative of the inspected State Party shall provide the inspection team, during the inspection, with such clarification as may be necessary to remove the ambiguity. If questions relating to an object or a building located within the inspection site are not resolved, the object or building shall, if requested, be photographed for the purpose of clarifying its nature and function. If the ambiguity cannot be removed during the inspection, the inspectors shall notify the Technical Secretariat immediately. The inspectors shall include in the inspection report any such unresolved question, relevant clarifications, and a copy of any photographs taken.

Collection, handling and analysis of samples

52. Representatives of the inspected State Party or of the inspected facility shall take samples at the request of the inspection team in the presence of inspectors. If so agreed in advance with the representatives of the inspected State Party or of the inspected facility, the inspection team may take samples itself.

53. Where possible, the analysis of samples shall be performed on-site. The inspection team shall have the right to perform on-site analysis of samples using approved equipment brought by it. At the request of the inspection team, the inspected State Party shall, in accordance with agreed procedures, provide assistance for the analysis of samples on-site. Alternatively, the inspection team may request that appropriate analysis on-site be performed in its presence.

54. The inspected State Party has the right to retain portions of all samples taken or take duplicate samples and be present when samples are analysed on-site.

55. The inspection team shall, if it deems it necessary, transfer samples for analysis off-site at laboratories designated by the Organization.

56. The Director-General shall have the primary responsibility for the security, integrity and preservation of samples and for ensuring that the confidentiality of samples transferred for analysis off-site is protected. The Director-General shall do so in accordance with procedures, to be considered and approved by the Conference pursuant to Article VIII, paragraph 21 (*i*), for inclusion in the inspection manual. He shall:

(*a*) Establish a stringent regime governing the collection, handling, transport and analysis of samples;

(*b*) Certify the laboratories designated to perform different types of analysis;

(*c*) Oversee the standardization of equipment and procedures at these designated laboratories, mobile analytical equipment and procedures, and monitor quality control and overall standards in relation to the certification of these laboratories, mobile equipment and procedures; and

(*d*) Select from among the designated laboratories those which shall perform analytical or other functions in relation to specific investigations.

57. When off-site analysis is to be performed, samples shall be analysed in at least two designated laboratories. The Technical Secretariat shall ensure the expeditious processing of the analysis. The samples shall be accounted for by the Technical Secretariat and any unused samples or portions thereof shall be returned to the Technical Secretariat.

58. The Technical Secretariat shall compile the results of the laboratory analysis of samples relevant to compliance with this Convention and include them in the final inspection report. The Technical Secretariat shall include in the report

detailed information concerning the equipment and methodology employed by the designated laboratories.

Extension of inspection duration

59. Periods of inspection may be extended by agreement with the representative of the inspected State Party.

Debriefing

60. Upon completion of an inspection the inspection team shall meet with representatives of the inspected State Party and the personnel responsible for the inspection site to review the preliminary findings of the inspection team and to clarify any ambiguities. The inspection team shall provide to the representatives of the inspected State Party its preliminary findings in written form according to a standardized format, together with a list of any samples and copies of written information and data gathered and other material to be taken off-site. The document shall be signed by the head of the inspection team. In order to indicate that he has taken notice of the contents of the document, the representative of the inspected State Party shall countersign the document. This meeting shall be completed not later than 24 hours after the completion of the inspection.

F. Departure

61. Upon completion of the post-inspection procedures, the inspection team shall leave, as soon as possible, the territory of the inspected State Party or the Host State.

G. Reports

62. Not later than 10 days after the inspection, the inspectors shall prepare a factual, final report on the activities conducted by them and on their findings. It shall only contain facts relevant to compliance with this Convention, as provided for under the inspection mandate. The report shall also provide information as to the manner in which the State Party inspected cooperated with the inspection team. Differing observations made by inspectors may be attached to the report. The report shall be kept confidential.

63. The final report shall immediately be submitted to the inspected State Party. Any written comments, which the inspected State Party may immediately make on its findings shall be annexed to it. The final report together with annexed comments made by the inspected State Party shall be submitted to the Director-General not later than 30 days after the inspection.

64. Should the report contain uncertainties, or should cooperation between the National Authority and the inspectors not measure up to the standards required, the Director-General shall approach the State Party for clarification.

65. If the uncertainties cannot be removed or the facts established are of a nature to suggest that obligations undertaken under this Convention have not been met, the Director-General shall inform the Executive Council without delay.

H. Application of general provisions

66. The provisions of this Part shall apply to all inspections conducted pursuant to this Convention, except where the provisions of this Part differ from the provisions set forth for specific types of inspections in Parts III to XI of this Annex, in which case the latter provisions shall take precedence.

PART III

GENERAL PROVISIONS FOR VERIFICATION MEASURES PURSUANT TO ARTICLES IV, V AND VI, PARAGRAPH 3

A. INITIAL INSPECTIONS AND FACILITY AGREEMENTS

1. Each declared facility subject to on-site inspection pursuant to Articles IV, V, and VI, paragraph 3, shall receive an initial inspection promptly after the facility is declared. The purpose of this inspection of the facility shall be to verify information provided and to obtain any additional information needed for planning future verification activities at the facility, including on-site inspections and continuous monitoring with on-site instruments, and to work on the facility agreements.

2. States Parties shall ensure that the verification of declarations and the initiation of the systematic verification measures can be accomplished by the Technical Secretariat at all facilities within the established time-frames after this Convention enters into force for them.

3. Each State Party shall conclude a facility agreement with the Organization for each facility declared and subject to on-site inspection pursuant to Articles IV, V, and VI, paragraph 3.

4. Facility agreements shall be completed not later than 180 days after this Convention enters into force for the State Party or after the facility has been declared for the first time, except for a chemical weapons destruction facility to which paragraphs 5 to 7 shall apply.

5. In the case of a chemical weapons destruction facility that begins operations more than one year after this Convention enters into force for the State Party, the facility agreement shall be completed not less than 180 days before the facility begins operation.

6. In the case of a chemical weapons destruction facility that is in operation when this Convention enters into force for the State Party, or begins operation not later than one year thereafter, the facility agreement shall be completed not later than 210 days after this Convention enters into force for the State Party, except that the Executive Council may decide that transitional verification arrangements, approved in accordance with Part IV (A), paragraph 51, of this Annex and including a transitional facility agreement, provisions for verification through on-site inspection and monitoring with on-site instruments, and the time-frame for application of the arrangements, are sufficient.

7. In the case of a facility, referred to in paragraph 6, that will cease operations not later than two years after this Convention enters into force for the

State Party, the Executive Council may decide that transitional verification arrangements, approved in accordance with Part IV (A), paragraph 51, of this Annex and including a transitional facility agreement, provisions for verification through on-site inspection and monitoring with on-site instruments, and the time-frame for application of the arrangements, are sufficient.

8. Facility agreements shall be based on models for such agreements and provide for detailed arrangements which shall govern inspections at each facility. The model agreements shall include provisions to take into account future technological developments and shall be considered and approved by the Conference pursuant to Article VIII, paragraph 21 (*i*).

9. The Technical Secretariat may retain at each site a sealed container for photographs, plans and other information that it may wish to refer to in the course of subsequent inspections.

B. Standing arrangements

10. Where applicable, the Technical Secretariat shall have the right to have continuous monitoring instruments and systems and seals installed and to use them, in conformity with the relevant provisions in this Convention and the facility agreements between States Parties and the Organization.

11. The inspected State Party shall, in accordance with agreed procedures, have the right to inspect any instrument used or installed by the inspection team and to have it tested in the presence of representatives of the inspected State Party. The inspection team shall have the right to use the instruments that were installed by the inspected State Party for its own monitoring of the technological process of the destruction of chemical weapons. To this end, the inspection team shall have the right to inspect those instruments that it intends to use for purposes of verification of the destruction of chemical weapons and to have them tested in its presence.

12. The inspected State Party shall provide the necessary preparation and support for the establishment of continuous monitoring instruments and systems.

13. In order to implement paragraphs 11 and 12, appropriate detailed procedures shall be considered and approved by the Conference pursuant to Article VIII, paragraph 21 (*i*).

14. The inspected State Party shall immediately notify the Technical Secretariat if an event occurs or may occur at a facility where monitoring instruments are installed, which may have an impact on the monitoring system. The inspected State Party shall coordinate subsequent actions with the Technical Secretariat with

a view to restoring the operation of the monitoring system and establishing interim measures, if necessary, as soon as possible.

15. The inspection team shall verify during each inspection that the monitoring system functions correctly and that emplaced seals have not been tampered with. In addition, visits to service the monitoring system may be required to perform any necessary maintenance or replacement of equipment, or to adjust the coverage of the monitoring system as required.

16. If the monitoring system indicates any anomaly, the Technical Secretariat shall immediately take action to determine whether this resulted from equipment malfunction or activities at the facility. If, after this examination, the problem remains unresolved, the Technical Secretariat shall immediately ascertain the actual situation, including through immediate on-site inspection of, or visit to, the facility if necessary. The Technical Secretariat shall report any such problem immediately after its detection to the inspected State Party which shall assist in its resolution.

C. Pre-inspection activities

17. The inspected State Party shall, except as specified in paragraph 18, be notified of inspections not less than 24 hours in advance of the planned arrival of the inspection team at the point of entry.

18. The inspected State Party shall be notified of initial inspections not less than 72 hours in advance of the estimated time of arrival of the inspection team at the point of entry.

PART IV (A)

DESTRUCTION OF CHEMICAL WEAPONS AND ITS VERIFICATION PURSUANT TO ARTICLE IV

A. DECLARATIONS

Chemical weapons

1. The declaration of chemical weapons by a State Party pursuant to Article III, paragraph 1 (*a*) (ii), shall include the following:

(*a*) The aggregate quantity of each chemical declared;

(*b*) The precise location of each chemical weapons storage facility, expressed by:

(i) Name;

(ii) Geographical coordinates; and

(iii) A detailed site diagram, including a boundary map and the location of bunkers/storage areas within the facility.

(*c*) The detailed inventory for each chemical weapons storage facility including:

(i) Chemicals defined as chemical weapons in accordance with Article II;

(ii) Unfilled munitions, sub-munitions, devices and equipment defined as chemical weapons;

(iii) Equipment specially designed for use directly in connection with the employment of munitions, sub-munitions, devices or equipment specified in sub-subparagraph (ii);

(iv) Chemicals specifically designed for use directly in connection with the employment of munitions, sub-munitions, devices or equipment specified in sub-subparagraph (ii).

2. For the declaration of chemicals referred to in paragraph 1 (*c*) (i) the following shall apply:

(*a*) Chemicals shall be declared in accordance with the Schedules specified in the Annex on Chemicals;

(*b*) For a chemical not listed in the Schedules in the Annex on Chemicals the information required for possible assignment of the chemical to the appropriate Schedule shall be provided, including the toxicity of the pure compound. For a precursor, the toxicity and identity of the principal final reaction product(s) shall be provided;

(*c*) Chemicals shall be identified by chemical name in accordance with current International Union of Pure and Applied Chemistry (IUPAC) nomenclature, structural formula and Chemical Abstracts Service registry number, if assigned. For a precursor, the toxicity and identity of the principal final reaction product(s) shall be provided;

(*d*) In cases involving mixtures of two or more chemicals, each chemical shall be identified and the percentage of each shall be provided, and the mixture shall be declared under the category of the most toxic chemical. If a component of a binary chemical weapon consists of a mixture of two or more chemicals, each chemical shall be identified and the percentage of each provided;

(*e*) Binary chemical weapons shall be declared under the relevant end product within the framework of the categories of chemical weapons referred to in paragraph 16. The following supplementary information shall be provided for each type of binary chemical munition/device:

(i) The chemical name of the toxic end-product;

(ii) The chemical composition and quantity of each component;

(iii) The actual weight ratio between the components;

(iv) Which component is considered the key component;

(v) The projected quantity of the toxic end-product calculated on a stoichiometric basis from the key component, assuming 100 per cent yield. A declared quantity (in tonnes) of the key component intended for a specific toxic end-product shall be considered equivalent to the quantity (in tonnes) of this toxic end-product calculated on a stoichiometric basis assuming 100 per cent yield.

(*f*) For multicomponent chemical weapons, the declaration shall be analogous to that envisaged for binary chemical weapons;

(*g*) For each chemical the form of storage, i.e. munitions, submunitions, devices, equipment or bulk containers and other containers shall be declared. For each form of storage the following shall be listed:

(i) Type;

(ii) Size or calibre;

(iii) Number of items; and

(iv) Nominal weight of chemical fill per item.

(*h*) For each chemical the total weight present at the storage facility shall be declared;

(*i*) In addition, for chemicals stored in bulk, the percentage purity shall be declared, if known.

3. For each type of unfilled munitions, sub-munitions, devices or equipment, referred to in paragraph 1 (*c*) (ii), the information shall include:

(*a*) The number of items;

(*b*) The nominal fill volume per item;

(*c*) The intended chemical fill.

Declarations of chemical weapons pursuant to Article III, paragraph 1 (a) (iii)

4. The declaration of chemical weapons pursuant to Article III, paragraph 1 (*a*) (iii), shall contain all information specified in paragraphs 1 to 3 above. It is the responsibility of the State Party on whose territory the chemical weapons are located to make appropriate arrangements with the other State to ensure that the declarations are made. If the State Party on whose territory the chemical weapons are located is not able to fulfil its obligations under this paragraph, it shall state the reasons therefor.

Declarations of past transfers and receipts

5. A State Party that has transferred or received chemical weapons since 1 January 1946 shall declare these transfers or receipts pursuant to Article III, paragraph 1 (*a*) (iv), provided the amount transferred or received exceeded 1 tonne per chemical per year in bulk and/or munition form. This declaration shall be made according to the inventory format specified in paragraphs 1 and 2. This declaration shall also indicate the supplier and recipient countries, the dates of the transfers or receipts and, as precisely as possible, the current location of the transferred items. When not all the specified information is available for transfers or receipts of chemical weapons for the period between 1 January 1946 and 1 January 1970, the State Party shall declare whatever information is still available to it and provide an explanation as to why it cannot submit a full declaration.

Submission of the general plan for destruction of chemical weapons

6. The general plan for destruction of chemical weapons submitted pursuant to Article III, paragraph 1 (*a*) (v), shall provide an overview of the entire national chemical weapons destruction programme of the State Party and information on the efforts of the State Party to fulfil the destruction requirements contained in this Convention. The plan shall specify:

(*a*) A general schedule for destruction, giving types and approximate quantities of chemical weapons planned to be destroyed in each annual destruction period for each existing chemical weapons destruction facility and, if possible, for each planned chemical weapons destruction facility;

(*b*) The number of chemical weapons destruction facilities existing or planned to be operated over the destruction period;

(*c*) For each existing or planned chemical weapons destruction facility:

(i) Name and location; and

(ii) The types and approximate quantities of chemical weapons, and the type (for example, nerve agent or blister agent) and approximate quantity of chemical fill, to be destroyed;

(*d*) The plans and programmes for training personnel for the operation of destruction facilities;

(*e*) The national standards for safety and emissions that the destruction facilities must satisfy;

(*f*) Information on the development of new methods for destruction of chemical weapons and on the improvement of existing methods;

(*g*) The cost estimates for destroying the chemical weapons; and

(*h*) Any issues which could adversely impact on the national destruction programme.

B. Measures to secure the storage facility and storage facility preparation

7. Not later than when submitting its declaration of chemical weapons, a State Party shall take such measures as it considers appropriate to secure its storage facilities and shall prevent any movement of its chemical weapons out of the facilities, except their removal for destruction.

8. A State Party shall ensure that chemical weapons at its storage facilities are configured to allow ready access for verification in accordance with paragraphs 37 to 49.

9. While a storage facility remains closed for any movement of chemical weapons out of the facility other than their removal for destruction, a State Party may continue at the facility standard maintenance activities, including standard maintenance of chemical weapons; safety monitoring and physical security activities; and preparation of chemical weapons for destruction.

10. Maintenance activities of chemical weapons shall not include:

(*a*) Replacement of agent or of munition bodies;

(*b*) Modification of the original characteristics of munitions, or parts or components thereof.

11. All maintenance activities shall be subject to monitoring by the Technical Secretariat.

C. Destruction

Principles and methods for destruction of chemical weapons

12. "Destruction of chemical weapons" means a process by which chemicals are converted in an essentially irreversible way to a form unsuitable for production of chemical weapons, and which in an irreversible manner renders munitions and other devices unusable as such.

13. Each State Party shall determine how it shall destroy chemical weapons, except that the following processes may not be used: dumping in any body of water, land burial or open-pit burning. It shall destroy chemical weapons only at specifically designated and appropriately designed and equipped facilities.

14. Each State Party shall ensure that its chemical weapons destruction facilities are constructed and operated in a manner to ensure the destruction of the chemical weapons; and that the destruction process can be verified under the provisions of this Convention.

Order of destruction

15. The order of destruction of chemical weapons is based on the obligations specified in Article I and the other Articles, including obligations regarding systematic on-site verification. It takes into account interests of States Parties for undiminished security during the destruction period; confidence-building in the early part of the destruction stage; gradual acquisition of experience in the course of destroying chemical weapons; and applicability irrespective of the actual composition

of the stockpiles and the methods chosen for the destruction of the chemical weapons. The order of destruction is based on the principle of levelling out.

16. For the purpose of destruction, chemical weapons declared by each State Party shall be divided into three categories:

Category 1: Chemical weapons on the basis of Schedule 1 chemicals and their parts and components;

Category 2: Chemical weapons on the basis of all other chemicals and their parts and components;

Category 3: Unfilled munitions and devices, and equipment specifically designed for use directly in connection with employment of chemical weapons.

17. A State Party shall start:

(*a*) The destruction of Category 1 chemical weapons not later than two years after this Convention enters into force for it, and shall complete the destruction not later than 10 years after entry into force of this Convention. A State Party shall destroy chemical weapons in accordance with the following destruction deadlines:

(i) Phase 1: Not later than two years after entry into force of this Convention, testing of its first destruction facility shall be completed. Not less than 1 per cent of the Category 1 chemical weapons shall be destroyed not later than three years after the entry into force of this Convention;

(ii) Phase 2: Not less than 20 per cent of the Category 1 chemical weapons shall be destroyed not later than five years after the entry into force of this Convention;

(iii) Phase 3: Not less than 45 per cent of the Category 1 chemical weapons shall be destroyed not later than seven years after the entry into force of this Convention;

(iv) Phase 4: All Category 1 chemical weapons shall be destroyed not later than 10 years after the entry into force of this Convention.

(*b*) The destruction of Category 2 chemical weapons not later than one year after this Convention enters into force for it and shall complete the destruction not later than five years after the entry into force of this Convention. Category 2 chemical weapons shall be destroyed in equal annual increments throughout the destruction period. The comparison factor for such weapons is the weight of the chemicals within Category 2; and

(*c*) The destruction of Category 3 chemical weapons not later than one year after this Convention enters into force for it, and shall complete the destruction not later than five years after the entry into force of this Convention. Category 3 chemical weapons shall be destroyed in equal annual increments throughout the destruction period. The comparison factor for unfilled munitions and devices is expressed in nominal fill volume (m^3) and for equipment in number of items.

18. For the destruction of binary chemical weapons the following shall apply:

(*a*) For the purposes of the order of destruction, a declared quantity (in tonnes) of the key component intended for a specific toxic end-product shall be considered equivalent to the quantity (in tonnes) of this toxic end-product calculated on a stoichiometric basis assuming 100 per cent yield.

(*b*) A requirement to destroy a given quantity of the key component shall entail a requirement to destroy a corresponding quantity of the other component, calculated from the actual weight ratio of the components in the relevant type of binary chemical munition/device.

(*c*) If more of the other component is declared than is needed, based on the actual weight ratio between components, the excess shall be destroyed over the first two years after destruction operations begin.

(*d*) At the end of each subsequent operational year a State Party may retain an amount of the other declared component that is determined on the basis of the actual weight ratio of the components in the relevant type of binary chemical munition/device.

19. For multicomponent chemical weapons the order of destruction shall be analogous to that envisaged for binary chemical weapons.

Modification of intermediate destruction deadlines

20. The Executive Council shall review the general plans for destruction of chemical weapons, submitted pursuant to Article III, paragraph 1 (*a*) (v), and in accordance with paragraph 6, *inter alia*, to assess their conformity with the order of destruction set forth in paragraphs 15 to 19. The Executive Council shall consult with any State Party whose plan does not conform, with the objective of bringing the plan into conformity.

21. If a State Party, due to exceptional circumstances beyond its control, believes that it cannot achieve the level of destruction specified for Phase 1, Phase 2 or Phase 3 of the order of destruction of Category 1 chemical weapons, it may propose changes in those levels. Such a proposal must be made not later than 120 days after the entry into force of this Convention and shall contain a detailed explanation of the reasons for the proposal.

22. Each State Party shall take all necessary measures to ensure destruction of Category 1 chemical weapons in accordance with the destruction deadlines set forth in paragraph 17 (*a*) as changed pursuant to paragraph 21. However, if a State Party believes that it will be unable to ensure the destruction of the percentage of Category 1 chemical weapons required by an intermediate destruction deadline, it may request the Executive Council to recommend to the Conference to grant an extension of its obligation to meet that deadline. Such a request must be made not less than 180 days before the intermediate destruction deadline and shall contain a detailed explanation of the reasons for the request and the plans of the State Party for ensuring that it will be able to fulfil its obligation to meet the next intermediate destruction deadline.

23. If an extension is granted, the State Party shall still be under the obligation to meet the cumulative destruction requirements set forth for the next destruction deadline. Extensions granted pursuant to this Section shall not, in any way, modify the obligation of the State Party to destroy all Category 1 chemical weapons not later than 10 years after the entry into force of this Convention.

Extension of the deadline for completion of destruction

24. If a State Party believes that it will be unable to ensure the destruction of all Category 1 chemical weapons not later than 10 years after the entry into force of this Convention, it may submit a request to the Executive Council for an extension of the deadline for completing the destruction of such chemical weapons. Such a request must be made not later than nine years after the entry into force of this Convention.

25. The request shall contain:

(*a*) The duration of the proposed extension;

(*b*) A detailed explanation of the reasons for the proposed extension; and

(*c*) A detailed plan for destruction during the proposed extension and the remaining portion of the original 10-year period for destruction.

26. A decision on the request shall be taken by the Conference at its next session, on the recommendation of the Executive Council. Any extension shall be the minimum necessary, but in no case shall the deadline for a State Party to complete its destruction of all chemical weapons be extended beyond 15 years after the entry into force of this Convention. The Executive Council shall set conditions for the granting of the extension, including the specific verification measures deemed necessary as well as specific actions to be taken by the State Party to overcome problems in its destruction programme. Costs of verification during the extension period shall be allocated in accordance with Article IV, paragraph 16.

27. If an extension is granted, the State Party shall take appropriate measures to meet all subsequent deadlines.

28. The State Party shall continue to submit detailed annual plans for destruction in accordance with paragraph 29 and annual reports on the destruction of Category 1 chemical weapons in accordance with paragraph 36, until all Category 1 chemical weapons are destroyed. In addition, not later than at the end of each 90 days of the extension period, the State Party shall report to the Executive Council on its destruction activity. The Executive Council shall review progress towards completion of destruction and take the necessary measures to document this progress. All information concerning the destruction activities during the extension period shall be provided by the Executive Council to States Parties, upon request.

Detailed annual plans for destruction

29. The detailed annual plans for destruction shall be submitted to the Technical Secretariat not less than 60 days before each annual destruction period begins pursuant to Article IV, paragraph 7 (*a*), and shall specify:

(*a*) The quantity of each specific type of chemical weapon to be destroyed at each destruction facility and the inclusive dates when the destruction of each specific type of chemical weapon will be accomplished;

(*b*) The detailed site diagram for each chemical weapons destruction facility and any changes to previously submitted diagrams; and

(*c*) The detailed schedule of activities for each chemical weapons destruction facility for the upcoming year, identifying time required for design, construction or modification of the facility, installation of equipment, equipment check-out and operator training, destruction operations for each specific type of chemical weapon, and scheduled periods of inactivity.

30. A State Party shall provide, for each of its chemical weapons destruction facilities, detailed facility information to assist the Technical Secretariat in developing preliminary inspection procedures for use at the facility.

31. The detailed facility information for each destruction facility shall include the following information:

(*a*) Name, address and location;

(*b*) Detailed, annotated facility drawings;

(*c*) Facility design drawings, process drawings, and piping and instrumentation design drawings;

(*d*) Detailed technical descriptions, including design drawings and instrument specifications, for the equipment required for: removing the chemical fill from the munitions, devices, and containers; temporarily storing the drained chemical fill; destroying the chemical agent; and destroying the munitions, devices, and containers;

(*e*) Detailed technical descriptions of the destruction process, including material flow rates, temperatures and pressures, and designed destruction efficiency;

(*f*) Design capacity for each specific type of chemical weapon;

(*g*) A detailed description of the products of destruction and the method of their ultimate disposal;

(*h*) A detailed technical description of measures to facilitate inspections in accordance with this Convention;

(*i*) A detailed description of any temporary holding area at the destruction facility that will be used to provide chemical weapons directly to the destruction facility, including site and facility drawings and information on the storage capacity for each specific type of chemical weapon to be destroyed at the facility;

(*j*) A detailed description of the safety and medical measures in force at the facility;

(*k*) A detailed description of the living quarters and working premises for the inspectors; and

(*l*) Suggested measures for international verification.

32. A State Party shall provide, for each of its chemical weapons destruction facilities, the plant operations manuals, the safety and medical plans, the laboratory operations and quality assurance and control manuals, and the environmental permits that have been obtained, except that this shall not include material previously provided.

33. A State Party shall promptly notify the Technical Secretariat of any developments that could affect inspection activities at its destruction facilities.

34. Deadlines for submission of the information specified in paragraphs 30 to 32 shall be considered and approved by the Conference pursuant to Article VIII, paragraph 21 (*i*).

35. After a review of the detailed facility information for each destruction facility, the Technical Secretariat, if the need arises, shall enter into consultation with the State Party concerned in order to ensure that its chemical weapons destruction facilities are designed to assure the destruction of chemical weapons, to allow advanced planning on how verification measures may be applied and to ensure that the application of verification measures is consistent with proper facility operation, and that the facility operation allows appropriate verification.

Annual reports on destruction

36. Information regarding the implementation of plans for destruction of chemical weapons shall be submitted to the Technical Secretariat pursuant to Article IV, paragraph 7 (*b*), not later than 60 days after the end of each annual destruction period and shall specify the actual amounts of chemical weapons which were destroyed during the previous year at each destruction facility. If appropriate, reasons for not meeting destruction goals should be stated.

D. Verification

Verification of declarations of chemical weapons through on-site inspection

37. The purpose of the verification of declarations of chemical weapons shall be to confirm through on-site inspection the accuracy of the relevant declarations made pursuant to Article III.

38. The inspectors shall conduct this verification promptly after a declaration is submitted. They shall, *inter alia,* verify the quantity and identity of chemicals, types and number of munitions, devices and other equipment.

39. The inspectors shall employ, as appropriate, agreed seals, markers or other inventory control procedures to facilitate an accurate inventory of the chemical weapons at each storage facility.

40. As the inventory progresses, inspectors shall install such agreed seals as may be necessary to clearly indicate if any stocks are removed, and to ensure the securing of the storage facility during the inventory. After completion of the inventory, such seals will be removed unless otherwise agreed.

Systematic verification of storage facilities

41. The purpose of the systematic verification of storage facilities shall be to ensure that no undetected removal of chemical weapons from such facilities takes place.

42. The systematic verification shall be initiated as soon as possible after the declaration of chemical weapons is submitted and shall continue until all chemical weapons have been removed from the storage facility. It shall in accordance with the facility agreement, combine on-site inspection and monitoring with on-site instruments.

43. When all chemical weapons have been removed from the storage facility, the Technical Secretariat shall confirm the declaration of the State Party to that effect. After this confirmation, the Technical Secretariat shall terminate the systematic verification of the storage facility and shall promptly remove any monitoring instruments installed by the inspectors.

Inspections and visits

44. The particular storage facility to be inspected shall be chosen by the Technical Secretariat in such a way as to preclude the prediction of precisely when the facility is to be inspected. The guidelines for determining the frequency of systematic on-site inspections shall be elaborated by the Technical Secretariat, taking into account the recommendations to be considered and approved by the Conference pursuant to Article VIII, paragraph 21 (*i*).

45. The Technical Secretariat shall notify the inspected State Party of its decision to inspect or visit the storage facility 48 hours before the planned arrival of the inspection team at the facility for systematic inspections or visits. In cases of inspections or visits to resolve urgent problems, this period may be shortened. The Technical Secretariat shall specify the purpose of the inspection or visit.

46. The inspected State Party shall make any necessary preparations for the arrival of the inspectors and shall ensure their expeditious transportation from their point of entry to the storage facility. The facility agreement will specify administrative arrangements for inspectors.

47. The inspected State Party shall provide the inspection team upon its arrival at the chemical weapons storage facility to carry out an inspection, with the following data on the facility:

(*a*) The number of storage buildings and storage locations;

(*b*) For each storage building and storage location, the type and the identification number or designation, shown on the site diagram; and

(*c*) For each storage building and storage location at the facility, the number of items of each specific type of chemical weapon, and, for containers that are not part of binary munitions, the actual quantity of chemical fill in each container.

48. In carrying out an inventory, within the time available, inspectors shall have the right:

(*a*) To use any of the following inspection techniques:

(i) inventory all the chemical weapons stored at the facility;

(ii) inventory all the chemical weapons stored in specific buildings or locations at the facility, as chosen by the inspectors; or

(iii) inventory all the chemical weapons of one or more specific types stored at the facility, as chosen by the inspectors; and

(*b*) To check all items inventoried against agreed records.

49. Inspectors shall, in accordance with facility agreements:

(*a*) Have unimpeded access to all parts of the storage facilities including any munitions, devices, bulk containers, or other containers therein. While conducting their activity, inspectors shall comply with the safety regulations at the facility. The items to be inspected will be chosen by the inspectors; and

(*b*) Have the right, during the first and any subsequent inspection of each chemical weapons storage facility, to designate munitions, devices, and containers from which samples are to be taken, and to affix to such munitions, devices, and containers a unique tag that will indicate an attempt to remove or alter the tag. A sample shall be taken from a tagged item at a chemical weapons storage facility or a chemical weapons destruction facility as soon as it is practically possible in accordance with the corresponding destruction programmes, and, in any case, not later than by the end of the destruction operations.

Systematic verification of the destruction of chemical weapons

50. The purpose of verification of destruction of chemical weapons shall be:

(*a*) To confirm the identity and quantity of the chemical weapons stocks to be destroyed; and

(*b*) To confirm that these stocks have been destroyed.

51. Chemical weapons destruction operations during the first 390 days after the entry into force of this Convention shall be governed by transitional verification arrangements. Such arrangements, including a transitional facility agreement, provisions for verification through on-site inspection and monitoring with on-site instruments, and the time-frame for application of the arrangements, shall be agreed

between the Organization and the inspected State Party. These arrangements shall be approved by the Executive Council not later than 60 days after this Convention enters into force for the State Party, taking into account the recommendations of the Technical Secretariat, which shall be based on an evaluation of the detailed facility information provided in accordance with paragraph 31 and a visit to the facility. The Executive Council shall, at its first session, establish the guidelines for such transitional verification arrangements, based on recommendations to be considered and approved by the Conference pursuant to Article VIII, paragraph 21 (*i*). The transitional verification arrangements shall be designed to verify, throughout the entire transitional period, the destruction of chemical weapons in accordance with the purposes set forth in paragraph 50, and to avoid hampering ongoing destruction operations.

52. The provisions of paragraphs 53 to 61 shall apply to chemical weapons destruction operations that are to begin not earlier than 390 days after the entry into force of this Convention.

53. On the basis of this Convention and the detailed destruction facility information, and as the case may be, on experience from previous inspections, the Technical Secretariat shall prepare a draft plan for inspecting the destruction of chemical weapons at each destruction facility. The plan shall be completed and provided to the inspected State Party for comment not less than 270 days before the facility begins destruction operations pursuant to this Convention. Any differences between the Technical Secretariat and the inspected State Party should be resolved through consultations. Any unresolved matter shall be forwarded to the Executive Council for appropriate action with a view to facilitating the full implementation of this Convention.

54. The Technical Secretariat shall conduct an initial visit to each chemical weapons destruction facility of the inspected State Party not less than 240 days before each facility begins destruction operations pursuant to this Convention, to allow it to familiarize itself with the facility and assess the adequacy of the inspection plan.

55. In the case of an existing facility where chemical weapons destruction operations have already been initiated, the inspected State Party shall not be required to decontaminate the facility before the Technical Secretariat conducts an initial visit. The duration of the visit shall not exceed five days and the number of visiting personnel shall not exceed 15.

56. The agreed detailed plans for verification, with an appropriate recommendation by the Technical Secretariat, shall be forwarded to the Executive Council for review. The Executive Council shall review the plans with a view to approving them, consistent with verification objectives and obligations under this

Convention. It should also confirm that verification schemes for destruction are consistent with verification aims and are efficient and practical. This review should be completed not less than 180 days before the destruction period begins.

57. Each member of the Executive Council may consult with the Technical Secretariat on any issues regarding the adequacy of the plan for verification. If there are no objections by any member of the Executive Council, the plan shall be put into action.

58. If there are any difficulties, the Executive Council shall enter into consultations with the State Party to reconcile them. If any difficulties remain unresolved they shall be referred to the Conference.

59. The detailed facility agreements for chemical weapons destruction facilities shall specify, taking into account the specific characteristics of the destruction facility and its mode of operation:

(*a*) Detailed on-site inspection procedures; and

(*b*) Provisions for verification through continuous monitoring with on-site instruments and physical presence of inspectors.

60. Inspectors shall be granted access to each chemical weapons destruction facility not less than 60 days before the commencement of the destruction, pursuant to this Convention, at the facility. Such access shall be for the purpose of supervising the installation of the inspection equipment, inspecting this equipment and testing its operation, as well as for the purpose of carrying out a final engineering review of the facility. In the case of an existing facility where chemical weapons destruction operations have already been initiated, destruction operations shall be stopped for the minimum amount of time required, not to exceed 60 days, for installation and testing of the inspection equipment. Depending on the results of the testing and review, the State Party and the Technical Secretariat may agree on additions or changes to the detailed facility agreement for the facility.

61. The inspected State Party shall notify, in writing, the inspection team leader at a chemical weapons destruction facility not less than four hours before the departure of each shipment of chemical weapons from a chemical weapons storage facility to that destruction facility. This notification shall specify the name of the storage facility, the estimated times of departure and arrival, the specific types and quantities of chemical weapons being transported, whether any tagged items are being moved, and the method of transportation. This notification may include notification of more than one shipment. The inspection team leader shall be promptly notified, in writing, of any changes in this information.

Chemical weapons storage facilities at chemical weapons destruction facilities

62. The inspectors shall verify the arrival of the chemical weapons at the destruction facility and the storing of these chemical weapons. The inspectors shall verify the inventory of each shipment, using agreed procedures consistent with facility safety regulations, prior to the destruction of the chemical weapons. They shall employ, as appropriate, agreed seals, markers or other inventory control procedures to facilitate an accurate inventory of the chemical weapons prior to destruction.

63. As soon and as long as chemical weapons are stored at chemical weapons storage facilities located at chemical weapons destruction facilities, these storage facilities shall be subject to systematic verification in conformity with the relevant facility agreements.

64. At the end of an active destruction phase, inspectors shall make an inventory of the chemical weapons, that have been removed from the storage facility, to be destroyed. They shall verify the accuracy of the inventory of the chemical weapons remaining, employing inventory control procedures as referred to in paragraph 62.

Systematic on-site verification measures at chemical weapons destruction facilities

65. The inspectors shall be granted access to conduct their activities at the chemical weapons destruction facilities and the chemical weapons storage facilities located at such facilities during the entire active phase of destruction.

66. At each chemical weapons destruction facility, to provide assurance that no chemical weapons are diverted and that the destruction process has been completed, inspectors shall have the right to verify through their physical presence and monitoring with on-site instruments:

(*a*) The receipt of chemical weapons at the facility;

(*b*) The temporary holding area for chemical weapons and the specific type and quantity of chemical weapons stored in that area;

(*c*) The specific type and quantity of chemical weapons being destroyed;

(*d*) The process of destruction;

(*e*) The end-product of destruction;

(*f*) The mutilation of metal parts; and

(*g*) The integrity of the destruction process and of the facility as a whole.

67. Inspectors shall have the right to tag, for sampling, munitions, devices, or containers located in the temporary holding areas at the chemical weapons destruction facilities.

68. To the extent that it meets inspection requirements, information from routine facility operations, with appropriate data authentication, shall be used for inspection purposes.

69. After the completion of each period of destruction, the Technical Secretariat shall confirm the declaration of the State Party, reporting the completion of destruction of the designated quantity of chemical weapons.

70. Inspectors shall, in accordance with facility agreements:

(*a*) Have unimpeded access to all parts of the chemical weapons destruction facilities and the chemical weapons storage facilities located at such facilities, including any munitions, devices, bulk containers, or other containers, therein. The items to be inspected shall be chosen by the inspectors in accordance with the verification plan that has been agreed to by the inspected State Party and approved by the Executive Council;

(*b*) Monitor the systematic on-site analysis of samples during the destruction process; and

(*c*) Receive, if necessary, samples taken at their request from any devices, bulk containers and other containers at the destruction facility or the storage facility thereat.

PART IV (B)

OLD CHEMICAL WEAPONS AND ABANDONED CHEMICAL WEAPONS

A. GENERAL

1. Old chemical weapons shall be destroyed as provided for in Section B.

2. Abandoned chemical weapons, including those which also meet the definition of Article II, paragraph 5 (*b*), shall be destroyed as provided for in Section C.

B. REGIME FOR OLD CHEMICAL WEAPONS

3. A State Party which has on its territory old chemical weapons as defined in Article II, paragraph 5 (*a*), shall, not later than 30 days after this Convention enters into force for it, submit to the Technical Secretariat all available relevant information, including, to the extent possible, the location, type, quantity and the present condition of these old chemical weapons.

In the case of old chemical weapons as defined in Article II, paragraph 5 (*b*), the State Party shall submit to the Technical Secretariat a declaration pursuant to Article III, paragraph 1 (*b*) (i), including, to the extent possible, the information specified in Part IV (A), paragraphs 1 to 3, of this Annex.

4. A State Party which discovers old chemical weapons after this Convention enters into force for it shall submit to the Technical Secretariat the information specified in paragraph 3 not later than 180 days after the discovery of the old chemical weapons.

5. The Technical Secretariat shall conduct an initial inspection, and any further inspections as may be necessary, in order to verify the information submitted pursuant to paragraphs 3 and 4 and in particular to determine whether the chemical weapons meet the definition of old chemical weapons as specified in Article II, paragraph 5. Guidelines to determine the usability of chemical weapons produced between 1925 and 1946 shall be considered and approved by the Conference pursuant to Article VIII, paragraph 21 (*i*).

6. A State Party shall treat old chemical weapons that have been confirmed by the Technical Secretariat as meeting the definition in Article II, paragraph 5 (*a*), as toxic waste. It shall inform the Technical Secretariat of the steps being taken to destroy or otherwise dispose of such old chemical weapons as toxic waste in accordance with its national legislation.

7. Subject to paragraphs 3 to 5, a State Party shall destroy old chemical weapons that have been confirmed by the Technical Secretariat as meeting the definition in Article II, paragraph 5 (*b*), in accordance with Article IV and Part IV (A) of this Annex. Upon request of a State Party, the Executive Council may, however, modify the provisions on time-limit and order of destruction of these old chemical weapons, if it determines that doing so would not pose a risk to the object and purpose of this Convention. The request shall contain specific proposals for modification of the provisions and a detailed explanation of the reasons for the proposed modification.

C. Regime for abandoned chemical weapons

8. A State Party on whose territory there are abandoned chemical weapons (hereinafter referred to as the "Territorial State Party") shall, not later than 30 days after this Convention enters into force for it, submit to the Technical Secretariat all available relevant information concerning the abandoned chemical weapons. This information shall include, to the extent possible, the location, type, quantity and the present condition of the abandoned chemical weapons as well as information on the abandonment.

9. A State Party which discovers abandoned chemical weapons after this Convention enters into force for it shall, not later than 180 days after the discovery, submit to the Technical Secretariat all available relevant information concerning the discovered abandoned chemical weapons. This information shall include, to the extent possible, the location, type, quantity and the present condition of the abandoned chemical weapons as well as information on the abandonment.

10. A State Party which has abandoned chemical weapons on the territory of another State Party (hereinafter referred to as the "Abandoning State Party") shall, not later than 30 days after this Convention enters into force for it, submit to the Technical Secretariat all available relevant information concerning the abandoned chemical weapons. This information shall include, to the extent possible, the location, type, quantity as well as information on the abandonment, and the condition of the abandoned chemical weapons.

11. The Technical Secretariat shall conduct an initial inspection, and any further inspections as may be necessary, in order to verify all available relevant information submitted pursuant to paragraphs 8 to 10 and determine whether systematic verification in accordance with Part IV (A), paragraphs 41 to 43, of this Annex is required. It shall, if necessary, verify the origin of the abandoned chemical weapons and establish evidence concerning the abandonment and the identity of the Abandoning State.

12. The report of the Technical Secretariat shall be submitted to the Executive Council, the Territorial State Party, and to the Abandoning State Party or the State Party declared by the Territorial State Party or identified by the Technical Secretariat as having abandoned the chemical weapons. If one of the States Parties directly concerned is not satisfied with the report it shall have the right to settle the matter in accordance with provisions of this Convention or bring the issue to the Executive Council with a view to settling the matter expeditiously.

13. Pursuant to Article I, paragraph 3, the Territorial State Party shall have the right to request the State Party which has been established as the Abandoning State Party pursuant to paragraphs 8 to 12 to enter into consultations for the purpose of destroying the abandoned chemical weapons in cooperation with the Territorial State Party. It shall immediately inform the Technical Secretariat of this request.

14. Consultations between the Territorial State Party and the Abandoning State Party with a view to establishing a mutually agreed plan for destruction shall begin not later than 30 days after the Technical Secretariat has been informed of the request referred to in paragraph 13. The mutually agreed plan for destruction shall be transmitted to the Technical Secretariat not later than 180 days after the Technical Secretariat has been informed of the request referred to in paragraph 13. Upon the request of the Abandoning State Party and the Territorial State Party, the Executive Council may extend the time-limit for transmission of the mutually agreed plan for destruction.

15. For the purpose of destroying abandoned chemical weapons, the Abandoning State Party shall provide all necessary financial, technical, expert, facility as well as other resources. The Territorial State Party shall provide appropriate cooperation.

16. If the Abandoning State cannot be identified or is not a State Party, the Territorial State Party, in order to ensure the destruction of these abandoned chemical weapons, may request the Organization and other States Parties to provide assistance in the destruction of these abandoned chemical weapons.

17. Subject to paragraphs 8 to 16, Article IV and Part IV (A) of this Annex shall also apply to the destruction of abandoned chemical weapons. In the case of abandoned chemical weapons which also meet the definition of old chemical weapons in Article II, paragraph 5 (*b*), the Executive Council, upon the request of the Territorial State Party, individually or together with the Abandoning State Party, may modify or in exceptional cases suspend the application of provisions on destruction, if it determines that doing so would not pose a risk to the object and purpose of this Convention. In the case of abandoned chemical weapons which do not meet the definition of old chemical weapons in Article II, paragraph 5 (*b*), the Executive Council, upon the request of the Territorial State Party, individually or

together with the Abandoning State Party, may in exceptional circumstances modify the provisions on the time-limit and the order of destruction, if it determines that doing so would not pose a risk to the object and purpose of this Convention. Any request as referred to in this paragraph shall contain specific proposals for modification of the provisions and a detailed explanation of the reasons for the proposed modification.

18. States Parties may conclude between themselves agreements or arrangements concerning the destruction of abandoned chemical weapons. The Executive Council may, upon request of the Territorial State Party, individually or together with the Abandoning State Party, decide that selected provisions of such agreements or arrangements take precedence over provisions of this Section, if it determines that the agreement or arrangement ensures the destruction of the abandoned chemical weapons in accordance with paragraph 17.

PART V

DESTRUCTION OF CHEMICAL WEAPONS PRODUCTION FACILITIES AND ITS VERIFICATION PURSUANT TO ARTICLE V

A. DECLARATIONS

Declarations of chemical weapons production facilities

1. The declaration of chemical weapons production facilities by a State Party pursuant to Article III, paragraph 1 (*c*) (ii), shall contain for each facility:

(*a*) The name of the facility, the names of the owners, and the names of the companies or enterprises operating the facility since 1 January 1946;

(*b*) The precise location of the facility, including the address, location of the complex, location of the facility within the complex including the specific building and structure number, if any;

(*c*) A statement whether it is a facility for the manufacture of chemicals that are defined as chemical weapons or whether it is a facility for the filling of chemical weapons, or both;

(*d*) The date when the construction of the facility was completed and the periods during which any modifications to the facility were made, including the installation of new or modified equipment, that significantly changed the production process characteristics of the facility;

(*e*) Information on the chemicals defined as chemical weapons that were manufactured at the facility; the munitions, devices, and containers that were filled at the facility; and the dates of the beginning and cessation of such manufacture or filling:

(i) For chemicals defined as chemical weapons that were manufactured at the facility, such information shall be expressed in terms of the specific types of chemicals manufactured, indicating the chemical name in accordance with the current International Union of Pure and Applied Chemistry (IUPAC) nomenclature, structural formula, and the Chemical Abstracts Service registry number, if assigned, and in terms of the amount of each chemical expressed by weight of chemical in tonnes;

(ii) For munitions, devices and containers that were filled at the facility, such information shall be expressed in terms of the specific type of chemical weapons filled and the weight of the chemical fill per unit;

(*f*) The production capacity of the chemical weapons production facility:

(i) For a facility where chemical weapons were manufactured, production capacity shall be expressed in terms of the annual quantitative potential for manufacturing a specific substance on the basis of the technological process actually used or, in the case of processes not actually used, planned to be used at the facility;

(ii) For a facility where chemical weapons were filled, production capacity shall be expressed in terms of the quantity of chemical that the facility can fill into each specific type of chemical weapon a year;

(*g*) For each chemical weapons production facility that has not been destroyed, a description of the facility including:

(i) A site diagram;

(ii) A process flow diagram of the facility; and

(iii) An inventory of buildings at the facility, and specialized equipment at the facility and of any spare parts for such equipment;

(*h*) The present status of the facility, stating:

(i) The date when chemical weapons were last produced at the facility;

(ii) Whether the facility has been destroyed, including the date and manner of its destruction; and

(iii) Whether the facility has been used or modified before entry into force of this Convention for an activity not related to the production of chemical weapons, and if so, information on what modifications have been made, the date such non-chemical weapons related activity began and the nature of such activity, indicating, if applicable, the kind of product;

(*i*) A specification of the measures that have been taken by the State Party for closure of, and a description of the measures that have been or will be taken by the State Party to inactivate the facility;

(*j*) A description of the normal pattern of activity for safety and security at the inactivated facility; and

(*k*) A statement as to whether the facility will be converted for the destruction of chemical weapons and, if so, the dates for such conversions.

Declarations of chemical weapons production facilities pursuant to Article III, paragraph 1 (c) (iii)

2. The declaration of chemical weapons production facilities pursuant to Article III, paragraph 1 (*c*) (iii), shall contain all information specified in paragraph 1 above. It is the responsibility of the State Party on whose territory the facility is or has been located to make appropriate arrangements with the other State to ensure that the declarations are made. If the State Party on whose territory the facility is or has been located is not able to fulfil this obligation, it shall state the reasons therefor.

Declarations of past transfers and receipts

3. A State Party that has transferred or received chemical weapons production equipment since 1 January 1946 shall declare these transfers and receipts pursuant to Article III, paragraph 1 (*c*) (iv), and in accordance with paragraph 5 below. When not all the specified information is available for transfer and receipt of such equipment for the period between 1 January 1946 and 1 January 1970, the State Party shall declare whatever information is still available to it and provide an explanation as to why it cannot submit a full declaration.

4. Chemical weapons production equipment referred to in paragraph 3 means:

(*a*) Specialized equipment;

(*b*) Equipment for the production of equipment specifically designed for use directly in connection with chemical weapons employment; and

(*c*) Equipment designed or used exclusively for producing non-chemical parts for chemical munitions.

5. The declaration concerning transfer and receipt of chemical weapons production equipment shall specify:

(*a*) Who received/transferred the chemical weapons production equipment;

(*b*) The identity of such equipment;

(*c*) The date of transfer or receipt;

(*d*) Whether the equipment was destroyed, if known; and

(*d*) Installation of blind flanges and other devices to prevent the addition of chemicals to, or the removal of chemicals from, any specialized process equipment for synthesis, separation or purification of chemicals defined as a chemical weapon, any storage tank, or any machine for filling chemical weapons, the heating, cooling, or supply of electrical or other forms of power to such equipment, storage tanks, or machines; and

(*e*) Interruption of rail, road and other access routes for heavy transport to the chemical weapons production facility except those required for agreed activities.

14. While the chemical weapons production facility remains closed, a State Party may continue safety and physical security activities at the facility.

Technical maintenance of chemical weapons production facilities prior to their destruction

15. A State Party may carry out standard maintenance activities at chemical weapons production facilities only for safety reasons, including visual inspection, preventive maintenance, and routine repairs.

16. All planned maintenance activities shall be specified in the general and detailed plans for destruction. Maintenance activities shall not include:

(*a*) Replacement of any process equipment;

(*b*) Modification of the characteristics of the chemical process equipment;

(*c*) Production of chemicals of any type.

17. All maintenance activities shall be subject to monitoring by the Technical Secretariat.

Principles and methods for temporary conversion of chemical weapons production facilities into chemical weapons destruction facilities

18. Measures pertaining to the temporary conversion of chemical weapons production facilities into chemical weapons destruction facilities shall ensure that the regime for the temporarily converted facilities is at least as stringent as the regime for chemical weapons production facilities that have not been converted.

19. Chemical weapons production facilities converted into chemical weapons destruction facilities before entry into force of this Convention shall be declared under the category of chemical weapons production facilities.

They shall be subject to an initial visit by inspectors, who shall confirm the correctness of the information about these facilities. Verification that the conversion of these facilities was performed in such a manner as to render them inoperable as chemical weapons production facilities shall also be required, and shall fall within the framework of measures provided for the facilities that are to be rendered inoperable not later than 90 days after entry into force of this Convention.

20. A State Party that intends to carry out a conversion of chemical weapons production facilities shall submit to the Technical Secretariat, not later than 30 days after this Convention enters into force for it, or not later than 30 days after a decision has been taken for temporary conversion, a general facility conversion plan, and subsequently shall submit annual plans.

21. Should a State Party have the need to convert to a chemical weapons destruction facility an additional chemical weapons production facility that had been closed after this Convention entered into force for it, it shall inform the Technical Secretariat thereof not less than 150 days before conversion. The Technical Secretariat, in conjunction with the State Party, shall make sure that the necessary measures are taken to render that facility, after its conversion, inoperable as a chemical weapons production facility.

22. A facility converted for the destruction of chemical weapons shall not be more fit for resuming chemical weapons production than a chemical weapons production facility which has been closed and is under maintenance. Its reactivation shall require no less time than that required for a chemical weapons production facility that has been closed and is under maintenance.

23. Converted chemical weapons production facilities shall be destroyed not later than 10 years after entry into force of this Convention.

24. Any measures for the conversion of any given chemical weapons production facility shall be facility-specific and shall depend upon its individual characteristics.

25. The set of measures carried out for the purpose of converting a chemical weapons production facility into a chemical weapons destruction facility shall not be less than that which is provided for the disabling of other chemical weapons production facilities to be carried out not later than 90 days after this Convention enters into force for the State Party.

Principles and methods related to destruction of a chemical weapons production facility

26. A State Party shall destroy equipment and buildings covered by the definition of a chemical weapons production facility as follows:

(*a*) All specialized equipment and standard equipment shall be physically destroyed;

(*b*) All specialized buildings and standard buildings shall be physically destroyed.

27. A State Party shall destroy facilities for producing unfilled chemical munitions and equipment for chemical weapons employment as follows:

(*a*) Facilities used exclusively for production of non-chemical parts for chemical munitions or equipment specifically designed for use directly in connection with chemical weapons employment, shall be declared and destroyed. The destruction process and its verification shall be conducted according to the provisions of Article V and this Part of this Annex that govern destruction of chemical weapons production facilities;

(*b*) All equipment designed or used exclusively for producing non-chemical parts for chemical munitions shall be physically destroyed. Such equipment, which includes specially designed moulds and metal-forming dies, may be brought to a special location for destruction;

(*c*) All buildings and standard equipment used for such production activities shall be destroyed or converted for purposes not prohibited under this Convention, with confirmation, as necessary, through consultations and inspections as provided for under Article IX;

(*d*) Activities for purposes not prohibited under this Convention may continue while destruction or conversion proceeds.

Order of destruction

28. The order of destruction of chemical weapons production facilities is based on the obligations specified in Article I and the other Articles of this Convention, including obligations regarding systematic on-site verification. It takes into account interests of States Parties for undiminished security during the destruction period; confidence-building in the early part of the destruction stage; gradual acquisition of experience in the course of destroying chemical weapons production facilities; and applicability irrespective of the actual characteristics of the facilities and the methods chosen for their destruction. The order of destruction is based on the principle of levelling out.

29. A State Party shall, for each destruction period, determine which chemical weapons production facilities are to be destroyed and carry out the destruction in such a way that not more than what is specified in paragraphs 30 and 31 remains at the end of each destruction period. A State Party is not precluded from destroying its facilities at a faster pace.

30. The following provisions shall apply to chemical weapons production facilities that produce Schedule 1 chemicals:

(*a*) A State Party shall start the destruction of such facilities not later than one year after this Convention enters into force for it, and shall complete it not later than 10 years after entry into force of this Convention. For a State which is a Party at the entry into force of this Convention, this overall period shall be divided into three separate destruction periods, namely, years 2-5, years 6-8, and years 9-10. For States which become a Party after entry into force of this Convention, the destruction periods shall be adapted, taking into account paragraphs 28 and 29;

(*b*) Production capacity shall be used as the comparison factor for such facilities. It shall be expressed in agent tonnes, taking into account the rules specified for binary chemical weapons;

(*c*) Appropriate agreed levels of production capacity shall be established for the end of the eighth year after entry into force of this Convention. Production capacity that exceeds the relevant level shall be destroyed in equal increments during the first two destruction periods;

(*d*) A requirement to destroy a given amount of capacity shall entail a requirement to destroy any other chemical weapons production facility that supplied the Schedule 1 facility or filled the Schedule 1 chemical produced there into munitions or devices;

(*e*) Chemical weapons production facilities that have been converted temporarily for destruction of chemical weapons shall continue to be subject to the obligation to destroy capacity according to the provisions of this paragraph.

31. A State Party shall start the destruction of chemical weapons production facilities not covered in paragraph 30 not later than one year after this Convention enters into force for it, and complete it not later than five years after entry into force of this Convention.

Detailed plans for destruction

32. Not less than 180 days before the destruction of a chemical weapons production facility starts, a State Party shall provide to the Technical Secretariat

the detailed plans for destruction of the facility, including proposed measures for verification of destruction referred to in paragraph 33 (*f*), with respect to, *inter alia*:

(*a*) Timing of the presence of the inspectors at the facility to be destroyed; and

(*b*) Procedures for verification of measures to be applied to each item on the declared inventory.

33. The detailed plans for destruction of each chemical weapons production facility shall contain:

(*a*) Detailed time schedule of the destruction process;

(*b*) Layout of the facility;

(*c*) Process flow diagram;

(*d*) Detailed inventory of equipment, buildings and other items to be destroyed;

(*e*) Measures to be applied to each item on the inventory;

(*f*) Proposed measures for verification;

(*g*) Security/safety measures to be observed during the destruction of the facility; and

(*h*) Working and living conditions to be provided for inspectors.

34. If a State Party intends to convert temporarily a chemical weapons production facility into a chemical weapons destruction facility, it shall notify the Technical Secretariat not less than 150 days before undertaking any conversion activities. The notification shall:

(*a*) Specify the name, address, and location of the facility;

(*b*) Provide a site diagram indicating all structures and areas that will be involved in the destruction of chemical weapons and also identify all structures of the chemical weapons production facility that are to be temporarily converted;

(*c*) Specify the types of chemical weapons, and the type and quantity of chemical fill to be destroyed;

(*d*) Specify the destruction method;

(*e*) Provide a process flow diagram, indicating which portions of the production process and specialized equipment will be converted for the destruction of chemical weapons;

(*f*) Specify the seals and inspection equipment potentially affected by the conversion, if applicable; and

(*g*) Provide a schedule identifying: The time allocated to design, temporary conversion of the facility, installation of equipment, equipment check-out, destruction operations, and closure.

35. In relation to the destruction of a facility that was temporarily converted for destruction of chemical weapons, information shall be provided in accordance with paragraphs 32 and 33.

Review of detailed plans

36. On the basis of the detailed plan for destruction and proposed measures for verification submitted by the State Party, and on experience from previous inspections, the Technical Secretariat shall prepare a plan for verifying the destruction of the facility, consulting closely with the State Party. Any differences between the Technical Secretariat and the State Party concerning appropriate measures should be resolved through consultations. Any unresolved matters shall be forwarded to the Executive Council for appropriate action with a view to facilitating the full implementation of this Convention.

37. To ensure that the provisions of Article V and this Part are fulfilled, the combined plans for destruction and verification shall be agreed upon between the Executive Council and the State Party. This agreement should be completed, not less than 60 days before the planned initiation of destruction.

38. Each member of the Executive Council may consult with the Technical Secretariat on any issues regarding the adequacy of the combined plan for destruction and verification. If there are no objections by any member of the Executive Council, the plan shall be put into action.

39. If there are any difficulties, the Executive Council shall enter into consultations with the State Party to reconcile them. If any difficulties remain unresolved they shall be referred to the Conference. The resolution of any differences over methods of destruction shall not delay the execution of other parts of the destruction plan that are acceptable.

40. If agreement is not reached with the Executive Council on aspects of verification, or if the approved verification plan cannot be put into action, verification of destruction shall proceed through continuous monitoring with on-site instruments and physical presence of inspectors.

41. Destruction and verification shall proceed according to the agreed plan. The verification shall not unduly interfere with the destruction process and shall be conducted through the presence of inspectors on-site to witness the destruction.

42. If required verification or destruction actions are not taken as planned, all States Parties shall be so informed.

C. Verification

Verification of declarations of chemical weapons production facilities through on-site inspection

43. The Technical Secretariat shall conduct an initial inspection of each chemical weapons production facility in the period between 90 and 120 days after this Convention enters into force for the State Party.

44. The purposes of the initial inspection shall be:

(*a*) To confirm that the production of chemical weapons has ceased and that the facility has been inactivated in accordance with this Convention;

(*b*) To permit the Technical Secretariat to familiarize itself with the measures that have been taken to cease production of chemical weapons at the facility;

(*c*) To permit the inspectors to install temporary seals;

(*d*) To permit the inspectors to confirm the inventory of buildings and specialized equipment;

(*e*) To obtain information necessary for planning inspection activities at the facility, including use of tamper-indicating seals and other agreed equipment, which shall be installed pursuant to the detailed facility agreement for the facility; and

(*f*) To conduct preliminary discussions regarding a detailed agreement on inspection procedures at the facility.

45. Inspectors shall employ, as appropriate, agreed seals, markers or other inventory control procedures to facilitate an accurate inventory of the declared items at each chemical weapons production facility.

46. Inspectors shall install such agreed devices as may be necessary to indicate if any resumption of production of chemical weapons occurs or if any declared item is removed. They shall take the necessary precaution not to hinder closure activities by the inspected State Party. Inspectors may return to maintain and verify the integrity of the devices.

47. If, on the basis of the initial inspection, the Director-General believes that additional measures are necessary to inactivate the facility in accordance with this Convention, the Director-General may request, not later than 135 days after this Convention enters into force for a State Party, that such measures be

implemented by the inspected State Party not later than 180 days after this Convention enters into force for it. At its discretion, the inspected State Party may satisfy the request. If it does not satisfy the request, the inspected State Party and the Director-General shall consult to resolve the matter.

Systematic verification of chemical weapons production facilities and cessation of their activities

48. The purpose of the systematic verification of a chemical weapons production facility shall be to ensure that any resumption of production of chemical weapons or removal of declared items will be detected at this facility.

49. The detailed facility agreement for each chemical weapons production facility shall specify:

(*a*) Detailed on-site inspection procedures, which may include:

(i) Visual examinations;

(ii) Checking and servicing of seals and other agreed devices; and

(iii) Obtaining and analysing samples;

(*b*) Procedures for using tamper-indicating seals and other agreed equipment to prevent the undetected reactivation of the facility, which shall specify:

(i) The type, placement, and arrangements for installation; and

(ii) The maintenance of such seals and equipment; and

(*c*) Other agreed measures.

50. The seals or other approved equipment provided for in a detailed agreement on inspection measures for that facility shall be placed not later than 240 days after this Convention enters into force for a State Party. Inspectors shall be permitted to visit each chemical weapons production facility for the installation of such seals or equipment.

51. During each calendar year, the Technical Secretariat shall be permitted to conduct up to four inspections of each chemical weapons production facility.

52. The Director-General shall notify the inspected State Party of his decision to inspect or visit a chemical weapons production facility 48 hours before the planned arrival of the inspection team at the facility for systematic inspections or visits.

In the case of inspections or visits to resolve urgent problems, this period may be shortened. The Director-General shall specify the purpose of the inspection or visit.

53. Inspectors shall, in accordance with the facility agreements, have unimpeded access to all parts of the chemical weapons production facilities. The items on the declared inventory to be inspected shall be chosen by the inspectors.

54. The guidelines for determining the frequency of systematic on-site inspections shall be considered and approved by the Conference pursuant to Article VIII, paragraph 21 (*i*). The particular production facility to be inspected shall be chosen by the Technical Secretariat in such a way as to preclude the prediction of precisely when the facility is to be inspected.

Verification of destruction of chemical weapons production facilities

55. The purpose of systematic verification of the destruction of chemical weapons production facilities shall be to confirm that the facility is destroyed in accordance with the obligations under this Convention and that each item on the declared inventory is destroyed in accordance with the agreed detailed plan for destruction.

56. When all items on the declared inventory have been destroyed, the Technical Secretariat shall confirm the declaration of the State Party to that effect. After this confirmation, the Technical Secretariat shall terminate the systematic verification of the chemical weapons production facility and shall promptly remove all devices and monitoring instruments installed by the inspectors.

57. After this confirmation, the State Party shall make the declaration that the facility has been destroyed.

Verification of temporary conversion of a chemical weapons production facility into a chemical weapons destruction facility

58. Not later than 90 days after receiving the initial notification of the intent to convert temporarily a production facility, the inspectors shall have the right to visit the facility to familiarize themselves with the proposed temporary conversion and to study possible inspection measures that will be required during the conversion.

59. Not later than 60 days after such a visit, the Technical Secretariat and the inspected State Party shall conclude a transition agreement containing additional inspection measures for the temporary conversion period. The transition agreement shall specify inspection procedures, including the use of seals, monitoring equipment, and inspections, that will provide confidence that no chemical weapons

production takes place during the conversion process. This agreement shall remain in force from the beginning of the temporary conversion activity until the facility begins operation as a chemical weapons destruction facility.

60. The inspected State Party shall not remove or convert any portion of the facility, or remove or modify any seal or other agreed inspection equipment that may have been installed pursuant to this Convention until the transition agreement has been concluded.

61. Once the facility begins operation as a chemical weapons destruction facility, it shall be subject to the provisions of Part IV (A) of this Annex applicable to chemical weapons destruction facilities. Arrangements for the pre-operation period shall be governed by the transition agreement.

62. During destruction operations the inspectors shall have access to all portions of the temporarily converted chemical weapons production facilities, including those that are not directly involved with the destruction of chemical weapons.

63. Before the commencement of work at the facility to convert it temporarily for chemical weapons destruction purposes and after the facility has ceased to function as a facility for chemical weapons destruction, the facility shall be subject to the provisions of this Part applicable to chemical weapons production facilities.

D. Conversion of chemical weapons production facilities to purposes not prohibited under this Convention

Procedures for requesting conversion

64. A request to use a chemical weapons production facility for purposes not prohibited under this Convention may be made for any facility that a State Party is already using for such purposes before this Convention enters into force for it, or that it plans to use for such purposes.

65. For a chemical weapons production facility that is being used for purposes not prohibited under this Convention when this Convention enters into force for the State Party, the request shall be submitted to the Director-General not later than 30 days after this Convention enters into force for the State Party. The request shall contain, in addition to data submitted in accordance with paragraph 1 (*h*) (iii), the following information:

(*a*) A detailed justification for the request;

(*b*) A general facility conversion plan that specifies:

(i) The nature of the activity to be conducted at the facility;

(ii) If the planned activity involves production, processing, or consumption of chemicals: the name of each of the chemicals, the flow diagram of the facility, and the quantities planned to be produced, processed, or consumed annually;

(iii) Which buildings or structures are proposed to be used and what modifications are proposed, if any;

(iv) Which buildings or structures have been destroyed or are proposed to be destroyed and the plans for destruction;

(v) What equipment is to be used in the facility;

(vi) What equipment has been removed and destroyed and what equipment is proposed to be removed and destroyed and the plans for its destruction;

(vii) The proposed schedule for conversion, if applicable; and

(viii) The nature of the activity of each other facility operating at the site; and

(*c*) A detailed explanation of how measures set forth in subparagraph (*b*), as well as any other measures proposed by the State Party, will ensure the prevention of standby chemical weapons production capability at the facility.

66. For a chemical weapons production facility that is not being used for purposes not prohibited under this Convention when this Convention enters into force for the State Party, the request shall be submitted to the Director-General not later than 30 days after the decision to convert, but in no case later than four years after this Convention enters into force for the State Party. The request shall contain the following information:

(*a*) A detailed justification for the request, including its economic needs;

(*b*) A general facility conversion plan that specifies:

(i) The nature of the activity planned to be conducted at the facility;

(ii) If the planned activity involves production, processing, or consumption of chemicals: the name of each of the chemicals, the flow diagram of the facility, and the quantities planned to be produced, processed, or consumed annually;

(iii) Which buildings or structures are proposed to be retained and what modifications are proposed, if any;

(iv) Which buildings or structures have been destroyed or are proposed to be destroyed and the plans for destruction;

(v) What equipment is proposed for use in the facility;

(vi) What equipment is proposed to be removed and destroyed and the plans for its destruction;

(vii) The proposed schedule for conversion; and

(viii) The nature of the activity of each other facility operating at the site; and

(*c*) A detailed explanation of how the measures set forth in subparagraph (*b*), as well as any other measures proposed by the State Party, will ensure the prevention of standby chemical weapons production capability at the facility.

67. The State Party may propose in its request any other measures it deems appropriate to build confidence.

Actions pending a decision

68. Pending a decision of the Conference, a State Party may continue to use for purposes not prohibited under this Convention a facility that was being used for such purposes before this Convention enters into force for it, but only if the State Party certifies in its request that no specialized equipment and no specialized buildings are being used and that the specialized equipment and specialized buildings have been rendered inactive using the methods specified in paragraph 13.

69. If the facility, for which the request was made, was not being used for purposes not prohibited under this Convention before this Convention enters into force for the State Party, or if the certification required in paragraph 68 is not made, the State Party shall cease immediately all activity pursuant to Article V, paragraph 4. The State Party shall close the facility in accordance with paragraph 13 not later than 90 days after this Convention enters into force for it.

Conditions for conversion

70. As a condition for conversion of a chemical weapons production facility for purposes not prohibited under this Convention, all specialized equipment at the facility must be destroyed and all special features of buildings and structures that distinguish them from buildings and structures normally used for purposes not prohibited under this Convention and not involving Schedule 1 chemicals must be eliminated.

71. A converted facility shall not be used:

(*a*) For any activity involving production, processing, or consumption of a Schedule 1 chemical or a Schedule 2 chemical; or

(*b*) For the production of any highly toxic chemical, including any highly toxic organophosphorus chemical, or for any other activity that would require special equipment for handling highly toxic or highly corrosive chemicals, unless the Executive Council decides that such production or activity would pose no risk to the object and purpose of this Convention, taking into account criteria for toxicity, corrosiveness and, if applicable, other technical factors, to be considered and approved by the Conference pursuant to Article VIII, paragraph 21 (*i*).

72. Conversion of a chemical weapons production facility shall be completed not later than six years after entry into force of this Convention.

Decisions by the Executive Council and the Conference

73. Not later than 90 days after receipt of the request by the Director-General, an initial inspection of the facility shall be conducted by the Technical Secretariat. The purpose of this inspection shall be to determine the accuracy of the information provided in the request, to obtain information on the technical characteristics of the proposed converted facility, and to assess the conditions under which use for purposes not prohibited under this Convention may be permitted. The Director-General shall promptly submit a report to the Executive Council, the Conference, and all States Parties containing his recommendations on the measures necessary to convert the facility to purposes not prohibited under this Convention and to provide assurance that the converted facility will be used only for purposes not prohibited under this Convention.

74. If the facility has been used for purposes not prohibited under this Convention before this Convention enters into force for the State Party, and is continuing to be in operation, but the measures required to be certified under paragraph 68 have not been taken, the Director-General shall immediately inform the Executive Council, which may require implementation of measures it deems

appropriate, *inter alia,* shut-down of the facility and removal of specialized equipment and modification of buildings or structures. The Executive Council shall stipulate the deadline for implementation of these measures and shall suspend consideration of the request pending their satisfactory completion. The facility shall be inspected promptly after the expiration of the deadline to determine whether the measures have been implemented. If not, the State Party shall be required to shut down completely all facility operations.

75. As soon as possible after receiving the report of the Director-General, the Conference, upon recommendation of the Executive Council, shall decide, taking into account the report and any views expressed by States Parties, whether to approve the request, and shall establish the conditions upon which approval is contingent. If any State Party objects to approval of the request and the associated conditions, consultations shall be undertaken among interested States Parties for up to 90 days to seek a mutually acceptable solution. A decision on the request and associated conditions, along with any proposed modifications thereto, shall be taken, as a matter of substance, as soon as possible after the end of the consultation period.

76. If the request is approved, a facility agreement shall be completed not later than 90 days after such a decision is taken. The facility agreement shall contain the conditions under which the conversion and use of the facility is permitted, including measures for verification. Conversion shall not begin before the facility agreement is concluded.

Detailed plans for conversion

77. Not less than 180 days before conversion of a chemical weapons production facility is planned to begin, the State Party shall provide the Technical Secretariat with the detailed plans for conversion of the facility, including proposed measures for verification of conversion, with respect to, *inter alia*:

(*a*) Timing of the presence of the inspectors at the facility to be converted; and

(*b*) Procedures for verification of measures to be applied to each item on the declared inventory.

78. The detailed plan for conversion of each chemical weapons production facility shall contain:

(*a*) Detailed time schedule of the conversion process;

(*b*) Layout of the facility before and after conversion;

(*c*) Process flow diagram of the facility before, and as appropriate, after the conversion;

(*d*) Detailed inventory of equipment, buildings and structures and other items to be destroyed and of the buildings and structures to be modified;

(*e*) Measures to be applied to each item on the inventory, if any;

(*f*) Proposed measures for verification;

(*g*) Security/safety measures to be observed during the conversion of the facility; and

(*h*) Working and living conditions to be provided for inspectors.

Review of detailed plans

79. On the basis of the detailed plan for conversion and proposed measures for verification submitted by the State Party, and on experience from previous inspections, the Technical Secretariat shall prepare a plan for verifying the conversion of the facility, consulting closely with the State Party. Any differences between the Technical Secretariat and the State Party concerning appropriate measures shall be resolved through consultations. Any unresolved matters shall be forwarded to the Executive Council for appropriate action with a view to facilitate the full implementation of this Convention.

80. To ensure that the provisions of Article V and this Part are fulfilled, the combined plans for conversion and verification shall be agreed upon between the Executive Council and the State Party. This agreement shall be completed not less than 60 days before conversion is planned to begin.

81. Each member of the Executive Council may consult with the Technical Secretariat on any issue regarding the adequacy of the combined plan for conversion and verification. If there are no objections by any member of the Executive Council, the plan shall be put into action.

82. If there are any difficulties, the Executive Council should enter into consultations with the State Party to reconcile them. If any difficulties remain unresolved, they should be referred to the Conference. The resolution of any differences over methods of conversion should not delay the execution of other parts of the conversion plan that are acceptable.

83. If agreement is not reached with the Executive Council on aspects of verification, or if the approved verification plan cannot be put into action, verification of conversion shall proceed through continuous monitoring with on-site instruments and physical presence of inspectors.

84. Conversion and verification shall proceed according to the agreed plan. The verification shall not unduly interfere with the conversion process and shall be conducted through the presence of inspectors to confirm the conversion.

85. For the 10 years after the Director-General certifies that conversion is complete, the State Party shall provide to inspectors unimpeded access to the facility at any time. The inspectors shall have the right to observe all areas, all activities, and all items of equipment at the facility. The inspectors shall have the right to verify that the activities at the facility are consistent with any conditions established under this Section, by the Executive Council and the Conference. The inspectors shall also have the right, in accordance with provisions of Part II, Section E, of this Annex to receive samples from any area of the facility and to analyse them to verify the absence of Schedule 1 chemicals, their stable by-products and decomposition products and of Schedule 2 chemicals and to verify that the activities at the facility are consistent with any other conditions on chemical activities established under this Section, by the Executive Council and the Conference. The inspectors shall also have the right to managed access, in accordance with Part X, Section C, of this Annex, to the plant site at which the facility is located. During the 10-year period, the State Party shall report annually on the activities at the converted facility. Upon completion of the 10-year period, the Executive Council, taking into account recommendations of the Technical Secretariat, shall decide on the nature of continued verification measures.

86. Costs of verification of the converted facility shall be allocated in accordance with Article V, paragraph 19.

PART VI

ACTIVITIES NOT PROHIBITED UNDER THIS CONVENTION IN ACCORDANCE WITH ARTICLE VI

REGIME FOR SCHEDULE 1 CHEMICALS AND FACILITIES RELATED TO SUCH CHEMICALS

A. GENERAL PROVISIONS

1. A State Party shall not produce, acquire, retain or use Schedule 1 chemicals outside the territories of States Parties and shall not transfer such chemicals outside its territory except to another State Party.

2. A State Party shall not produce, acquire, retain, transfer or use Schedule 1 chemicals unless:

(*a*) The chemicals are applied to research, medical, pharmaceutical or protective purposes; and

(*b*) The types and quantities of chemicals are strictly limited to those which can be justified for such purposes; and

(*c*) The aggregate amount of such chemicals at any given time for such purposes is equal to or less than 1 tonne; and

(*d*) The aggregate amount for such purposes acquired by a State Party in any year through production, withdrawal from chemical weapons stocks and transfer is equal to or less than 1 tonne.

B. TRANSFERS

3. A State Party may transfer Schedule 1 chemicals outside its territory only to another State Party and only for research, medical, pharmaceutical or protective purposes in accordance with paragraph 2.

4. Chemicals transferred shall not be retransferred to a third State.

5. Not less than 30 days before any transfer to another State Party both States Parties shall notify the Technical Secretariat of the transfer.

6. Each State Party shall make a detailed annual declaration regarding transfers during the previous year. The declaration shall be submitted not later than 90 days after the end of that year and shall for each Schedule 1 chemical that has been transferred include the following information:

(*a*) The chemical name, structural formula and Chemical Abstracts Service registry number, if assigned;

(*b*) The quantity acquired from other States or transferred to other States Parties. For each transfer the quantity, recipient and purpose shall be included.

C. Production

General principles for production

7. Each State Party, during production under paragraphs 8 to 12, shall assign the highest priority to ensuring the safety of people and to protecting the environment. Each State Party shall conduct such production in accordance with its national standards for safety and emissions.

Single small-scale facility

8. Each State Party that produces Schedule 1 chemicals for research, medical, pharmaceutical or protective purposes shall carry out the production at a single small-scale facility approved by the State Party, except as set forth in paragraphs 10, 11 and 12.

9. The production at a single small-scale facility shall be carried out in reaction vessels in production lines not configurated for continuous operation. The volume of such a reaction vessel shall not exceed 100 litres, and the total volume of all reaction vessels with a volume exceeding 5 litres shall not be more than 500 litres.

Other facilities

10. Production of Schedule 1 chemicals in aggregate quantities not exceeding 10 kg per year may be carried out for protective purposes at one facility outside a single small-scale facility. This facility shall be approved by the State Party.

11. Production of Schedule 1 chemicals in quantities of more than 100 g per year may be carried out for research, medical or pharmaceutical purposes outside a single small-scale facility in aggregate quantities not exceeding 10 kg per year per facility. These facilities shall be approved by the State Party.

12. Synthesis of Schedule 1 chemicals for research, medical or pharmaceutical purposes, but not for protective purposes, may be carried out at laboratories in aggregate quantities less than 100 g per year per facility. These facilities shall not be subject to any obligation relating to declaration and verification as specified in Sections D and E.

D. Declarations

Single small-scale facility

13. Each State Party that plans to operate a single small-scale facility shall provide the Technical Secretariat with the precise location and a detailed technical description of the facility, including an inventory of equipment and detailed diagrams. For existing facilities, this initial declaration shall be provided not later than 30 days after this Convention enters into force for the State Party. Initial declarations on new facilities shall be provided not less than 180 days before operations are to begin.

14. Each State Party shall give advance notification to the Technical Secretariat of planned changes related to the initial declaration. The notification shall be submitted not less than 180 days before the changes are to take place.

15. A State Party producing Schedule 1 chemicals at a single small-scale facility shall make a detailed annual declaration regarding the activities of the facility for the previous year. The declaration shall be submitted not later than 90 days after the end of that year and shall include:

(*a*) Identification of the facility;

(*b*) For each Schedule 1 chemical produced, acquired, consumed or stored at the facility, the following information:

(i) The chemical name, structural formula and Chemical Abstracts Service registry number, if assigned;

(ii) The methods employed and quantity produced;

(iii) The name and quantity of precursors listed in Schedules 1, 2, or 3 used for production of Schedule 1 chemicals;

(iv) The quantity consumed at the facility and the purpose(s) of the consumption;

(v) The quantity received from or shipped to other facilities in the State Party. For each shipment the quantity, recipient and purpose should be included;

(vi) The maximum quantity stored at any time during the year; and

(vii) The quantity stored at the end of the year; and

(*c*) Information on any changes at the facility during the year compared to previously submitted detailed technical descriptions of the facility including inventories of equipment and detailed diagrams.

16. Each State Party producing Schedule 1 chemicals at a single small-scale facility shall make a detailed annual declaration regarding the projected activities and the anticipated production at the facility for the coming year. The declaration shall be submitted not less than 90 days before the beginning of that year and shall include:

(*a*) Identification of the facility;

(*b*) For each Schedule 1 chemical anticipated to be produced, consumed or stored at the facility, the following information:

(i) The chemical name, structural formula and Chemical Abstracts Service registry number, if assigned;

(ii) The quantity anticipated to be produced and the purpose of the production; and

(*c*) Information on any anticipated changes at the facility during the year compared to previously submitted detailed technical descriptions of the facility including inventories of equipment and detailed diagrams.

Other facilities referred to in paragraphs 10 and 11

17. For each facility, a State Party shall provide the Technical Secretariat with the name, location and a detailed technical description of the facility or its relevant part(s) as requested by the Technical Secretariat. The facility producing Schedule 1 chemicals for protective purposes shall be specifically identified. For existing facilities, this initial declaration shall be provided not later than 30 days after this Convention enters into force for the State Party. Initial declarations on new facilities shall be provided not less than 180 days before operations are to begin.

18. Each State Party shall give advance notification to the Technical Secretariat of planned changes related to the initial declaration. The notification shall be submitted not less than 180 days before the changes are to take place.

19. Each State Party shall, for each facility, make a detailed annual declaration regarding the activities of the facility for the previous year. The declaration shall be submitted not later than 90 days after the end of that year and shall include:

(*a*) Identification of the facility;

(*b*) For each Schedule 1 chemical the following information:

(i) The chemical name, structural formula and Chemical Abstracts Service registry number, if assigned;

(ii) The quantity produced and, in case of production for protective purposes, methods employed;

(iii) The name and quantity of precursors listed in Schedules 1, 2, or 3, used for production of Schedule 1 chemicals;

(iv) The quantity consumed at the facility and the purpose of the consumption;

(v) The quantity transferred to other facilities within the State Party. For each transfer the quantity, recipient and purpose should be included;

(vi) The maximum quantity stored at any time during the year; and

(vii) The quantity stored at the end of the year; and

(*c*) Information on any changes at the facility or its relevant parts during the year compared to previously submitted detailed technical description of the facility.

20. Each State Party shall, for each facility, make a detailed annual declaration regarding the projected activities and the anticipated production at the facility for the coming year. The declaration shall be submitted not less than 90 days before the beginning of that year and shall include:

(*a*) Identification of the facility;

(*b*) For each Schedule 1 chemical the following information:

(i) The chemical name, structural formula and Chemical Abstracts Service registry number, if assigned; and

(ii) The quantity anticipated to be produced, the time periods when the production is anticipated to take place and the purposes of the production; and

(*c*) Information on any anticipated changes at the facility or its relevant parts, during the year compared to previously submitted detailed technical descriptions of the facility.

E. VERIFICATION

Single small-scale facility

21. The aim of verification activities at the single small-scale facility shall be to verify that the quantities of Schedule 1 chemicals produced are correctly declared and, in particular, that their aggregate amount does not exceed 1 tonne.

22. The facility shall be subject to systematic verification through on-site inspection and monitoring with on-site instruments.

23. The number, intensity, duration, timing and mode of inspections for a particular facility shall be based on the risk to the object and purpose of this Convention posed by the relevant chemicals, the characteristics of the facility and the nature of the activities carried out there. Appropriate guidelines shall be considered and approved by the Conference pursuant to Article VIII, paragraph 21 (*i*).

24. The purpose of the initial inspection shall be to verify information provided concerning the facility, including verification of the limits on reaction vessels set forth in paragraph 9.

25. Not later than 180 days after this Convention enters into force for a State Party, it shall conclude a facility agreement, based on a model agreement, with the Organization, covering detailed inspection procedures for the facility.

26. Each State Party planning to establish a single small-scale facility after this Convention enters into force for it shall conclude a facility agreement, based on a model agreement, with the Organization, covering detailed inspection procedures for the facility before it begins operation or is used.

27. A model for agreements shall be considered and approved by the Conference pursuant to Article VIII, paragraph 21 (*i*).

Other facilities referred to in paragraphs 10 and 11

28. The aim of verification activities at any facility referred to in paragraphs 10 and 11 shall be to verify that:

(*a*) The facility is not used to produce any Schedule 1 chemical, except for the declared chemicals;

(*b*) The quantities of Schedule 1 chemicals produced, processed or consumed are correctly declared and consistent with needs for the declared purpose; and

(*c*) The Schedule 1 chemical is not diverted or used for other purposes.

29. The facility shall be subject to systematic verification through on-site inspection and monitoring with on-site instruments.

30. The number, intensity, duration, timing and mode of inspections for a particular facility shall be based on the risk to the object and purpose of this Convention posed by the quantities of chemicals produced, the characteristics of the facility and the nature of the activities carried out there. Appropriate guidelines shall be considered and approved by the Conference pursuant to Article VIII, paragraph 21 (*i*).

31. Not later than 180 days after this Convention enters into force for a State Party, it shall conclude facility agreements with the Organization, based on a model agreement covering detailed inspection procedures for each facility.

32. Each State Party planning to establish such a facility after entry into force of this Convention shall conclude a facility agreement with the Organization before the facility begins operation or is used.

PART VII

ACTIVITIES NOT PROHIBITED UNDER THIS CONVENTION IN ACCORDANCE WITH ARTICLE VI

REGIME FOR SCHEDULE 2 CHEMICALS AND FACILITIES RELATED TO SUCH CHEMICALS

A. DECLARATIONS

Declarations of aggregate national data

1. The initial and annual declarations to be provided by each State Party pursuant to Article VI, paragraphs 7 and 8, shall include aggregate national data for the previous calendar year on the quantities produced, processed, consumed, imported and exported of each Schedule 2 chemical, as well as a quantitative specification of import and export for each country involved.

2. Each State Party shall submit:

(*a*) Initial declarations pursuant to paragraph 1 not later than 30 days after this Convention enters into force for it; and, starting in the following calendar year,

(*b*) Annual declarations not later than 90 days after the end of the previous calendar year.

Declarations of plant sites producing, processing or consuming Schedule 2 chemicals

3. Initial and annual declarations are required for all plant sites that comprise one or more plant(s) which produced, processed or consumed during any of the previous three calendar years or is anticipated to produce, process or consume in the next calendar year more than:

(*a*) 1 kg of a chemical designated "*" in Schedule 2, part A;

(*b*) 100 kg of any other chemical listed in Schedule 2, part A; or

(*c*) 1 tonne of a chemical listed in Schedule 2, part B.

4. Each State Party shall submit:

(*a*) Initial declarations pursuant to paragraph 3 not later than 30 days after this Convention enters into force for it; and, starting in the following calendar year;

(*b*) Annual declarations on past activities not later than 90 days after the end of the previous calendar year;

(*c*) Annual declarations on anticipated activities not later than 60 days before the beginning of the following calendar year. Any such activity additionally planned after the annual declaration has been submitted shall be declared not later than five days before this activity begins.

5. Declarations pursuant to paragraph 3 are generally not required for mixtures containing a low concentration of a Schedule 2 chemical. They are only required, in accordance with guidelines, in cases where the ease of recovery from the mixture of the Schedule 2 chemical and its total weight are deemed to pose a risk to the object and purpose of this Convention. These guidelines shall be considered and approved by the Conference pursuant to Article VIII, paragraph 21 (*i*).

6. Declarations of a plant site pursuant to paragraph 3 shall include:

(*a*) The name of the plant site and the name of the owner, company, or enterprise operating it;

(*b*) Its precise location including the address; and

(*c*) The number of plants within the plant site which are declared pursuant to Part VIII of this Annex.

7. Declarations of a plant site pursuant to paragraph 3 shall also include, for each plant which is located within the plant site and which falls under the specifications set forth in paragraph 3, the following information:

(*a*) The name of the plant and the name of the owner, company, or enterprise operating it;

(*b*) Its precise location within the plant site including the specific building or structure number, if any;

(*c*) Its main activities;

(*d*) Whether the plant:

(i) Produces, processes, or consumes the declared Schedule 2 chemical(s);

(ii) Is dedicated to such activities or multi-purpose; and

(iii) Performs other activities with regard to the declared Schedule 2 chemical(s), including a specification of that other activity (e.g. storage); and

(*e*) The production capacity of the plant for each declared Schedule 2 chemical.

8. Declarations of a plant site pursuant to paragraph 3 shall also include the following information on each Schedule 2 chemical above the declaration threshold:

(*a*) The chemical name, common or trade name used by the facility, structural formula, and Chemical Abstracts Service registry number, if assigned;

(*b*) In the case of the initial declaration: the total amount produced, processed, consumed, imported and exported by the plant site in each of the three previous calendar years;

(*c*) In the case of the annual declaration on past activities: the total amount produced, processed, consumed, imported and exported by the plant site in the previous calendar year;

(*d*) In the case of the annual declaration on anticipated activities: the total amount anticipated to be produced, processed or consumed by the plant site in the following calendar year, including the anticipated time periods for production, processing or consumption; and

(*e*) The purposes for which the chemical was or will be produced, processed or consumed:

(i) Processing and consumption on site with a specification of the product types;

(ii) Sale or transfer within the territory or to any other place under the jurisdiction or control of the State Party, with a specification whether to other industry, trader or other destination and, if possible, of final product types;

(iii) Direct export, with a specification of the States involved; or

(iv) Other, including a specification of these other purposes.

Declarations on past production of Schedule 2 chemicals for chemical weapons purposes

9. Each State Party shall, not later than 30 days after this Convention enters into force for it, declare all plant sites comprising plants that produced at any time since 1 January 1946 a Schedule 2 chemical for chemical weapons purposes.

10. Declarations of a plant site pursuant to paragraph 9 shall include:

(*a*) The name of the plant site and the name of the owner, company, or enterprise operating it;

(*b*) Its precise location including the address;

(*c*) For each plant which is located within the plant site, and which falls under the specifications set forth in paragraph 9, the same information as required under paragraph 7, subparagraphs (*a*) to (*e*); and

(*d*) For each Schedule 2 chemical produced for chemical weapons purposes:

(i) The chemical name, common or trade name used by the plant site for chemical weapons production purposes, structural formula, and Chemical Abstracts Service registry number, if assigned;

(ii) The dates when the chemical was produced and the quantity produced; and

(iii) The location to which the chemical was delivered and the final product produced there, if known.

Information to States Parties

11. A list of plant sites declared under this Section together with the information provided under paragraphs 6, 7 (*a*), 7 (*c*), 7 (*d*) (i), 7 (*d*) (iii), 8 (*a*) and 10 shall be transmitted by the Technical Secretariat to States Parties upon request.

B. Verification

General

12. Verification provided for in Article VI, paragraph 4, shall be carried out through on-site inspection at those of the declared plant sites that comprise one or more plants which produced, processed or consumed during any of the previous three calendar years or are anticipated to produce, process or consume in the next calendar year more than:

(*a*) 10 kg of a chemical designated "*" in Schedule 2, part A;

(*b*) 1 tonne of any other chemical listed in Schedule 2, part A; or

(*c*) 10 tonnes of a chemical listed in Schedule 2, part B.

13. The programme and budget of the Organization to be adopted by the Conference pursuant to Article VIII, paragraph 21 (*a*) shall contain, as a separate item, a programme and budget for verification under this Section. In the allocation of resources made available for verification under Article VI, the Technical Secretariat shall, during the first three years after the entry into force of this

Convention, give priority to the initial inspections of plant sites declared under Section A. The allocation shall thereafter be reviewed on the basis of the experience gained.

14. The Technical Secretariat shall conduct initial inspections and subsequent inspections in accordance with paragraphs 15 to 22.

Inspection aims

15. The general aim of inspections shall be to verify that activities are in accordance with obligations under this Convention and consistent with the information to be provided in declarations. Particular aims of inspections at plant sites declared under Section A shall include verification of:

(*a*) The absence of any Schedule 1 chemical, especially its production, except if in accordance with Part VI of this Annex;

(*b*) Consistency with declarations of levels of production, processing or consumption of Schedule 2 chemicals; and

(*c*) Non-diversion of Schedule 2 chemicals for activities prohibited under this Convention.

Initial inspections

16. Each plant site to be inspected pursuant to paragraph 12 shall receive an initial inspection as soon as possible but preferably not later than three years after entry into force of this Convention. Plant sites declared after this period shall receive an initial inspection not later than one year after production, processing or consumption is first declared. Selection of plant sites for initial inspections shall be made by the Technical Secretariat in such a way as to preclude the prediction of precisely when the plant site is to be inspected.

17. During the initial inspection, a draft facility agreement for the plant site shall be prepared unless the inspected State Party and the Technical Secretariat agree that it is not needed.

18. With regard to frequency and intensity of subsequent inspections, inspectors shall during the initial inspection assess the risk to the object and purpose of this Convention posed by the relevant chemicals, the characteristics of the plant site and the nature of the activities carried out there, taking into account, *inter alia,* the following criteria:

(*a*) The toxicity of the scheduled chemicals and of the end-products produced with it, if any;

(*b*) The quantity of the scheduled chemicals typically stored at the inspected site;

(*c*) The quantity of feedstock chemicals for the scheduled chemicals typically stored at the inspected site;

(*d*) The production capacity of the Schedule 2 plants; and

(*e*) The capability and convertibility for initiating production, storage and filling of toxic chemicals at the inspected site.

Inspections

19. Having received the initial inspection, each plant site to be inspected pursuant to paragraph 12 shall be subject to subsequent inspections.

20. In selecting particular plant sites for inspection and in deciding on the frequency and intensity of inspections, the Technical Secretariat shall give due consideration to the risk to the object and purpose of this Convention posed by the relevant chemical, the characteristics of the plant site and the nature of the activities carried out there, taking into account the respective facility agreement as well as the results of the initial inspections and subsequent inspections.

21. The Technical Secretariat shall choose a particular plant site to be inspected in such a way as to preclude the prediction of exactly when it will be inspected.

22. No plant site shall receive more than two inspections per calendar year under the provisions of this Section. This, however, shall not limit inspections pursuant to Article IX.

Inspection procedures

23. In addition to agreed guidelines, other relevant provisions of this Annex and the Confidentiality Annex, paragraphs 24 to 30 below shall apply.

24. A facility agreement for the declared plant site shall be concluded not later than 90 days after completion of the initial inspection between the inspected State Party and the Organization unless the inspected State Party and the Technical Secretariat agree that it is not needed. It shall be based on a model agreement and govern the conduct of inspections at the declared plant site. The agreement shall specify the frequency and intensity of inspections as well as detailed inspection procedures, consistent with paragraphs 25 to 29.

25. The focus of the inspection shall be the declared Schedule 2 plant(s) within the declared plant site. If the inspection team requests access to other parts of the plant site, access to these areas shall be granted in accordance with the obligation to provide clarification pursuant to Part II, paragraph 51, of this Annex and in

accordance with the facility agreement, or, in the absence of a facility agreement, in accordance with the rules of managed access as specified in Part X, Section C, of this Annex.

26. Access to records shall be provided, as appropriate, to provide assurance that there has been no diversion of the declared chemical and that production has been consistent with declarations.

27. Sampling and analysis shall be undertaken to check for the absence of undeclared scheduled chemicals.

28. Areas to be inspected may include:

(*a*) Areas where feed chemicals (reactants) are delivered or stored;

(*b*) Areas where manipulative processes are performed upon the reactants prior to addition to the reaction vessels;

(*c*) Feed lines as appropriate from the areas referred to in subparagraph (*a*) or subparagraph (*b*) to the reaction vessels together with any associated valves, flow meters, etc.;

(*d*) The external aspect of the reaction vessels and ancillary equipment;

(*e*) Lines from the reaction vessels leading to long- or short-term storage or to equipment further processing the declared Schedule 2 chemicals;

(*f*) Control equipment associated with any of the items under subparagraphs (*a*) to (*e*);

(*g*) Equipment and areas for waste and effluent handling;

(*h*) Equipment and areas for disposition of chemicals not up to specification.

29. The period of inspection shall not last more than 96 hours; however, extensions may be agreed between the inspection team and the inspected State Party.

Notification of inspection

30. A State Party shall be notified by the Technical Secretariat of the inspection not less than 48 hours before the arrival of the inspection team at the plant site to be inspected.

C. Transfers to States not Party to this Convention

31. Schedule 2 chemicals shall only be transferred to or received from States Parties. This obligation shall take effect three years after entry into force of this Convention.

32. During this interim three-year period, each State Party shall require an end-use certificate, as specified below, for transfers of Schedule 2 chemicals to States not Party to this Convention. For such transfers, each State Party shall adopt the necessary measures to ensure that the transferred chemicals shall only be used for purposes not prohibited under this Convention. *Inter alia*, the State Party shall require from the recipient State a certificate stating, in relation to the transferred chemicals:

(*a*) That they will only be used for purposes not prohibited under this Convention;

(*b*) That they will not be re-transferred;

(*c*) Their types and quantities;

(*d*) Their end-use(s); and

(*e*) The name(s) and address(es) of the end-user(s).

PART VIII

ACTIVITIES NOT PROHIBITED UNDER THIS CONVENTION IN ACCORDANCE WITH ARTICLE VI

REGIME FOR SCHEDULE 3 CHEMICALS AND FACILITIES RELATED TO SUCH CHEMICALS

A. DECLARATIONS

Declarations of aggregate national data

1. The initial and annual declarations to be provided by a State Party pursuant to Article VI, paragraphs 7 and 8, shall include aggregate national data for the previous calendar year on the quantities produced, imported and exported of each Schedule 3 chemical, as well as a quantitative specification of import and export for each country involved.

2. Each State Party shall submit:

(*a*) Initial declarations pursuant to paragraph 1 not later than 30 days after this Convention enters into force for it; and, starting in the following calendar year,

(*b*) Annual declarations not later than 90 days after the end of the previous calendar year.

Declarations of plant sites producing Schedule 3 chemicals

3. Initial and annual declarations are required for all plant sites that comprise one or more plants which produced during the previous calendar year or are anticipated to produce in the next calendar year more than 30 tonnes of a Schedule 3 chemical.

4. Each State Party shall submit:

(*a*) Initial declarations pursuant to paragraph 3 not later than 30 days after this Convention enters into force for it; and, starting in the following calendar year;

(*b*) Annual declarations on past activities not later than 90 days after the end of the previous calendar year;

(*c*) Annual declarations on anticipated activities not later than 60 days before the beginning of the following calendar year. Any such activity additionally planned after the annual declaration has been submitted shall be declared not later than five days before this activity begins.

5. Declarations pursuant to paragraph 3 are generally not required for mixtures containing a low concentration of a Schedule 3 chemical. They are only required, in accordance with guidelines, in such cases where the ease of recovery from the mixture of the Schedule 3 chemical and its total weight are deemed to pose a risk to the object and purpose of this Convention. These guidelines shall be considered and approved by the Conference pursuant to Article VIII, paragraph 21 (*i*).

6. Declarations of a plant site pursuant to paragraph 3 shall include:

(*a*) The name of the plant site and the name of the owner, company, or enterprise operating it;

(*b*) Its precise location including the address; and

(*c*) The number of plants within the plant site which are declared pursuant to Part VII of this Annex.

7. Declarations of a plant site pursuant to paragraph 3 shall also include, for each plant which is located within the plant site and which falls under the specifications set forth in paragraph 3, the following information:

(*a*) The name of the plant and the name of the owner, company, or enterprise operating it;

(*b*) Its precise location within the plant site, including the specific building or structure number, if any;

(*c*) Its main activities.

8. Declarations of a plant site pursuant to paragraph 3 shall also include the following information on each Schedule 3 chemical above the declaration threshold:

(*a*) The chemical name, common or trade name used by the facility, structural formula, and Chemical Abstracts Service registry number, if assigned;

(*b*) The approximate amount of production of the chemical in the previous calendar year, or, in case of declarations on anticipated activities, anticipated for the next calendar year, expressed in the ranges: 30 to 200 tonnes, 200 to 1,000 tonnes, 1,000 to 10,000 tonnes, 10,000 to 100,000 tonnes, and above 100,000 tonnes; and

(*c*) The purposes for which the chemical was or will be produced.

Declarations on past production of Schedule 3 chemicals for chemical weapons purposes

9. Each State Party shall, not later than 30 days after this Convention enters into force for it, declare all plant sites comprising plants that produced at any time since 1 January 1946 a Schedule 3 chemical for chemical weapons purposes.

10. Declarations of a plant site pursuant to paragraph 9 shall include:

(*a*) The name of the plant site and the name of the owner, company, or enterprise operating it;

(*b*) Its precise location including the address;

(*c*) For each plant which is located within the plant site, and which falls under the specifications set forth in paragraph 9, the same information as required under paragraph 7, subparagraphs (*a*) to (*c*); and

(*d*) For each Schedule 3 chemical produced for chemical weapons purposes:

(i) The chemical name, common or trade name used by the plant site for chemical weapons production purposes, structural formula, and Chemical Abstracts Service registry number, if assigned;

(ii) The dates when the chemical was produced and the quantity produced; and

(iii) The location to which the chemical was delivered and the final product produced there, if known.

Information to States Parties

11. A list of plant sites declared under this Section together with the information provided under paragraphs 6, 7 (*a*), 7 (*c*), 8 (*a*) and 10 shall be transmitted by the Technical Secretariat to States Parties upon request.

B. VERIFICATION

General

12. Verification provided for in paragraph 5 of Article VI shall be carried out through on-site inspections at those declared plant sites which produced during the previous calendar year or are anticipated to produce in the next calendar year in excess of 200 tonnes aggregate of any Schedule 3 chemical above the declaration threshold of 30 tonnes.

13. The programme and budget of the Organization to be adopted by the Conference pursuant to Article VIII, paragraph 21 (*a*), shall contain, as a separate item, a programme and budget for verification under this Section taking into account Part VII, paragraph 13, of this Annex.

14. Under this Section, the Technical Secretariat shall randomly select plant sites for inspection through appropriate mechanisms, such as the use of specially designed computer software, on the basis of the following weighting factors:

(*a*) Equitable geographical distribution of inspections; and

(*b*) The information on the declared plant sites available to the Technical Secretariat, related to the relevant chemical, the characteristics of the plant site and the nature of the activities carried out there.

15. No plant site shall receive more than two inspections per year under the provisions of this Section. This, however, shall not limit inspections pursuant to Article IX.

16. In selecting plant sites for inspection under this Section, the Technical Secretariat shall observe the following limitation for the combined number of inspections to be received by a State Party per calendar year under this Part and Part IX of this Annex: the combined number of inspections shall not exceed three plus 5 per cent of the total number of plant sites declared by a State Party under both this Part and Part IX of this Annex, or 20 inspections, whichever of these two figures is lower.

Inspection aims

17. At plant sites declared under Section A, the general aim of inspections shall be to verify that activities are consistent with the information to be provided in declarations. The particular aim of inspections shall be the verification of the absence of any Schedule 1 chemical, especially its production, except if in accordance with Part VI of this Annex.

Inspection procedures

18. In addition to agreed guidelines, other relevant provisions of this Annex and the Confidentiality Annex, paragraphs 19 to 25 below shall apply.

19. There shall be no facility agreement, unless requested by the inspected State Party.

20. The focus of the inspections shall be the declared Schedule 3 plant(s) within the declared plant site. If the inspection team, in accordance with Part II, paragraph 51, of this Annex, requests access to other parts of the plant site for

clarification of ambiguities, the extent of such access shall be agreed between the inspection team and the inspected State Party.

21. The inspection team may have access to records in situations in which the inspection team and the inspected State Party agree that such access will assist in achieving the objectives of the inspection.

22. Sampling and on-site analysis may be undertaken to check for the absence of undeclared scheduled chemicals. In case of unresolved ambiguities, samples may be analysed in a designated off-site laboratory, subject to the inspected State Party's agreement.

23. Areas to be inspected may include:

(*a*) Areas where feed chemicals (reactants) are delivered or stored;

(*b*) Areas where manipulative processes are performed upon the reactants prior to addition to the reaction vessel;

(*c*) Feed lines as appropriate from the areas referred to in subparagraph (*a*) or subparagraph (*b*) to the reaction vessel together with any associated valves, flow meters, etc.;

(*d*) The external aspect of the reaction vessels and ancillary equipment;

(*e*) Lines from the reaction vessels leading to long- or short-term storage or to equipment further processing the declared Schedule 3 chemicals;

(*f*) Control equipment associated with any of the items under subparagraphs (*a*) to (*e*);

(*g*) Equipment and areas for waste and effluent handling;

(*h*) Equipment and areas for disposition of chemicals not up to specification.

24. The period of inspection shall not last more than 24 hours; however, extensions may be agreed between the inspection team and the inspected State Party.

Notification of inspection

25. A State Party shall be notified by the Technical Secretariat of the inspection not less than 120 hours before the arrival of the inspection team at the plant site to be inspected.

C. Transfers to States not Party to this Convention

26. When transferring Schedule 3 chemicals to States not Party to this Convention, each State Party shall adopt the necessary measures to ensure that the transferred chemicals shall only be used for purposes not prohibited under this Convention. *Inter alia,* the State Party shall require from the recipient State a certificate stating, in relation to the transferred chemicals:

(*a*) That they will only be used for purposes not prohibited under this Convention;

(*b*) That they will not be re-transferred;

(*c*) Their types and quantities;

(*d*) Their end-use(s); and

(*e*) The name(s) and address(es) of the end-user(s).

27. Five years after entry into force of this Convention, the Conference shall consider the need to establish other measures regarding transfers of Schedule 3 chemicals to States not Party to this Convention.

PART IX

ACTIVITIES NOT PROHIBITED UNDER THIS CONVENTION IN ACCORDANCE WITH ARTICLE VI

REGIME FOR OTHER CHEMICAL PRODUCTION FACILITIES

A. DECLARATIONS

List of other chemical production facilities

1. The initial declaration to be provided by each State Party pursuant to Article VI, paragraph 7, shall include a list of all plant sites that:

(*a*) Produced by synthesis during the previous calendar year more than 200 tonnes of unscheduled discrete organic chemicals; or

(*b*) Comprise one or more plants which produced by synthesis during the previous calendar year more than 30 tonnes of an unscheduled discrete organic chemical containing the elements phosphorus, sulfur or fluorine (hereinafter referred to as "PSF-plants" and "PSF-chemical").

2. The list of other chemical production facilities to be submitted pursuant to paragraph 1 shall not include plant sites that exclusively produced explosives or hydrocarbons.

3. Each State Party shall submit its list of other chemical production facilities pursuant to paragraph 1 as part of its initial declaration not later than 30 days after this Convention enters into force for it. Each State Party shall, not later than 90 days after the beginning of each following calendar year, provide annually the information necessary to update the list.

4. The list of other chemical production facilities to be submitted pursuant to paragraph 1 shall include the following information on each plant site:

(*a*) The name of the plant site and the name of the owner, company, or enterprise operating it;

(*b*) The precise location of the plant site including its address;

(*c*) Its main activities; and

(*d*) The approximate number of plants producing the chemicals specified in paragraph 1 in the plant site.

5. With regard to plant sites listed pursuant to paragraph 1 (*a*), the list shall also include information on the approximate aggregate amount of production of

the unscheduled discrete organic chemicals in the previous calendar year expressed in the ranges: under 1,000 tonnes, 1,000 to 10,000 tonnes and above 10,000 tonnes.

6. With regard to plant sites listed pursuant to paragraph 1 (*b*), the list shall also specify the number of PSF-plants within the plant site and include information on the approximate aggregate amount of production of PSF-chemicals produced by each PSF-plant in the previous calendar year expressed in the ranges: under 200 tonnes, 200 to 1,000 tonnes, 1,000 to 10,000 tonnes and above 10,000 tonnes.

Assistance by the Technical Secretariat

7. If a State Party, for administrative reasons, deems it necessary to ask for assistance in compiling its list of chemical production facilities pursuant to paragraph 1, it may request the Technical Secretariat to provide such assistance. Questions as to the completeness of the list shall then be resolved through consultations between the State Party and the Technical Secretariat.

Information to States Parties

8. The lists of other chemical production facilities submitted pursuant to paragraph 1, including the information provided under paragraph 4, shall be transmitted by the Technical Secretariat to States Parties upon request.

B. Verification

General

9. Subject to the provisions of Section C, verification as provided for in Article VI, paragraph 6, shall be carried out through on-site inspection at:

(*a*) Plant sites listed pursuant to paragraph 1 (*a*); and

(*b*) Plant sites listed pursuant to paragraph 1 (*b*) that comprise one or more PSF-plants which produced during the previous calendar year more than 200 tonnes of a PSF-chemical.

10. The programme and budget of the Organization to be adopted by the Conference pursuant to Article VIII, paragraph 21 (*a*), shall contain, as a separate item, a programme and budget for verification under this Section after its implementation has started.

11. Under this Section, the Technical Secretariat shall randomly select plant sites for inspection through appropriate mechanisms, such as the use of specially designed computer software, on the basis of the following weighting factors:

(*a*) Equitable geographical distribution of inspections;

(*b*) The information on the listed plant sites available to the Technical Secretariat, related to the characteristics of the plant site and the activities carried out there; and

(*c*) Proposals by States Parties on a basis to be agreed upon in accordance with paragraph 25.

12. No plant site shall receive more than two inspections per year under the provisions of this Section. This, however, shall not limit inspections pursuant to Article IX.

13. In selecting plant sites for inspection under this Section, the Technical Secretariat shall observe the following limitation for the combined number of inspections to be received by a State Party per calendar year under this Part and Part VIII of this Annex: the combined number of inspections shall not exceed three plus 5 per cent of the total number of plant sites declared by a State Party under both this Part and Part VIII of this Annex, or 20 inspections, whichever of these two figures is lower.

Inspection aims

14. At plant sites listed under Section A, the general aim of inspections shall be to verify that activities are consistent with the information to be provided in declarations. The particular aim of inspections shall be the verification of the absence of any Schedule 1 chemical, especially its production, except if in accordance with Part VI of this Annex.

Inspection procedures

15. In addition to agreed guidelines, other relevant provisions of this Annex and the Confidentiality Annex, paragraphs 16 to 20 below shall apply.

16. There shall be no facility agreement, unless requested by the inspected State Party.

17. The focus of inspection at a plant site selected for inspection shall be the plant(s) producing the chemicals specified in paragraph 1, in particular the PSF-plants listed pursuant to paragraph 1 (*b*). The inspected State Party shall have the right to manage access to these plants in accordance with the rules of managed access as specified in Part X, Section C, of this Annex. If the inspection team, in accordance with Part II, paragraph 51, of this Annex, requests access to other parts of the plant site for clarification of ambiguities, the extent of such access shall be agreed between the inspection team and the inspected State Party.

18. The inspection team may have access to records in situations in which the inspection team and the inspected State Party agree that such access will assist in achieving the objectives of the inspection.

19. Sampling and on-site analysis may be undertaken to check for the absence of undeclared scheduled chemicals. In cases of unresolved ambiguities, samples may be analysed in a designated off-site laboratory, subject to the inspected State Party's agreement.

20. The period of inspection shall not last more than 24 hours; however, extensions may be agreed between the inspection team and the inspected State Party.

Notification of inspection

21. A State Party shall be notified by the Technical Secretariat of the inspection not less than 120 hours before the arrival of the inspection team at the plant site to be inspected.

C. Implementation and review of Section B

Implementation

22. The implementation of Section B shall start at the beginning of the fourth year after entry into force of this Convention unless the Conference, at its regular session in the third year after entry into force of this Convention, decides otherwise.

23. The Director-General shall, for the regular session of the Conference in the third year after entry into force of this Convention, prepare a report which outlines the experience of the Technical Secretariat in implementing the provisions of Parts VII and VIII of this Annex as well as of Section A of this Part.

24. At its regular session in the third year after entry into force of this Convention, the Conference, on the basis of a report of the Director-General, may also decide on the distribution of resources available for verification under Section B between "PSF-plants" and other chemical production facilities. Otherwise, this distribution shall be left to the expertise of the Technical Secretariat and be added to the weighting factors in paragraph 11.

25. At its regular session in the third year after entry into force of this Convention, the Conference, upon advice of the Executive Council, shall decide on which basis (e.g. regional) proposals by States Parties for inspections should be presented to be taken into account as a weighting factor in the selection process specified in paragraph 11.

Review

26. At the first special session of the Conference convened pursuant to Article VIII, paragraph 22, the provisions of this Part of the Verification Annex shall be re-examined in the light of a comprehensive review of the overall verification regime for the chemical industry (Article VI, Parts VII to IX of this Annex) on the basis of the experience gained. The Conference shall then make recommendations so as to improve the effectiveness of the verification regime.

PART X

CHALLENGE INSPECTIONS PURSUANT TO ARTICLE IX

A. DESIGNATION AND SELECTION OF INSPECTORS AND INSPECTION ASSISTANTS

1. Challenge inspections pursuant to Article IX shall only be performed by inspectors and inspection assistants especially designated for this function. In order to designate inspectors and inspection assistants for challenge inspections pursuant to Article IX, the Director-General shall, by selecting inspectors and inspection assistants from among the inspectors and inspection assistants for routine inspection activities, establish a list of proposed inspectors and inspection assistants. It shall comprise a sufficiently large number of inspectors and inspection assistants having the necessary qualification, experience, skill and training, to allow for flexibility in the selection of the inspectors, taking into account their availability, and the need for rotation. Due regard shall be paid also to the importance of selecting inspectors and inspection assistants on as wide a geographical basis as possible. The designation of inspectors and inspection assistants shall follow the procedures provided for under Part II, Section A, of this Annex.

2. The Director-General shall determine the size of the inspection team and select its members taking into account the circumstances of a particular request. The size of the inspection team shall be kept to a minimum necessary for the proper fulfilment of the inspection mandate. No national of the requesting State Party or the inspected State Party shall be a member of the inspection team.

B. PRE-INSPECTION ACTIVITIES

3. Before submitting the inspection request for a challenge inspection, the State Party may seek confirmation from the Director-General that the Technical Secretariat is in a position to take immediate action on the request. If the Director-General cannot provide such confirmation immediately, he shall do so at the earliest opportunity, in keeping with the order of requests for confirmation. He shall also keep the State Party informed of when it is likely that immediate action can be taken. Should the Director-General reach the conclusion that timely action on requests can no longer be taken, he may ask the Executive Council to take appropriate action to improve the situation in the future.

Notification

4. The inspection request for a challenge inspection to be submitted to the Executive Council and the Director-General shall contain at least the following information:

(*a*) The State Party to be inspected and, if applicable, the Host State;

(*b*) The point of entry to be used;

(*c*) The size and type of the inspection site;

(*d*) The concern regarding possible non-compliance with this Convention including a specification of the relevant provisions of this Convention about which the concern has arisen, and of the nature and circumstances of the possible non-compliance as well as all appropriate information on the basis of which the concern has arisen; and

(*e*) The name of the observer of the requesting State Party.

The requesting State Party may submit any additional information it deems necessary.

5. The Director-General shall within one hour acknowledge to the requesting State Party receipt of its request.

6. The requesting State Party shall notify the Director-General of the location of the inspection site in due time for the Director-General to be able to provide this information to the inspected State Party not less than 12 hours before the planned arrival of the inspection team at the point of entry.

7. The inspection site shall be designated by the requesting State Party as specifically as possible by providing a site diagram related to a reference point with geographic coordinates, specified to the nearest second if possible. If possible, the requesting State Party shall also provide a map with a general indication of the inspection site and a diagram specifying as precisely as possible the requested perimeter of the site to be inspected.

8. The requested perimeter shall:

(*a*) Run at least a 10 metre distance outside any buildings or other structures;

(*b*) Not cut through existing security enclosures; and

(*c*) Run at least a 10 metre distance outside any existing security enclosures that the requesting State Party intends to include within the requested perimeter.

9. If the requested perimeter does not conform with the specifications of paragraph 8, it shall be redrawn by the inspection team so as to conform with that provision.

10. The Director-General shall, not less than 12 hours before the planned arrival of the inspection team at the point of entry, inform the Executive Council about the location of the inspection site as specified in paragraph 7.

11. Contemporaneously with informing the Executive Council according to paragraph 10, the Director-General shall transmit the inspection request to the inspected State Party including the location of the inspection site as specified in paragraph 7. This notification shall also include the information specified in Part II, paragraph 32, of this Annex.

12. Upon arrival of the inspection team at the point of entry, the inspected State Party shall be informed by the inspection team of the inspection mandate.

Entry into the territory of the inspected State Party or the Host State

13. The Director-General shall, in accordance with Article IX, paragraphs 13 to 18, dispatch an inspection team as soon as possible after an inspection request has been received. The inspection team shall arrive at the point of entry specified in the request in the minimum time possible, consistent with the provisions of paragraphs 10 and 11.

14. If the requested perimeter is acceptable to the inspected State Party, it shall be designated as the final perimeter as early as possible, but in no case later than 24 hours after the arrival of the inspection team at the point of entry. The inspected State Party shall transport the inspection team to the final perimeter of the inspection site. If the inspected State Party deems it necessary, such transportation may begin up to 12 hours before the expiry of the time period specified in this paragraph for the designation of the final perimeter. Transportation shall, in any case, be completed not later than 36 hours after the arrival of the inspection team at the point of entry.

15. For all declared facilities, the procedures in subparagraphs (*a*) and (*b*) shall apply. (For the purposes of this Part, "declared facility" means all facilities declared pursuant to Articles III, IV, and V. With regard to Article VI, "declared facility" means only facilities declared pursuant to Part VI of this Annex, as well as declared plants specified by declarations pursuant to Part VII, paragraphs 7 and 10 (*c*), and Part VIII, paragraphs 7 and 10 (*c*), of this Annex.)

(*a*) If the requested perimeter is contained within or conforms with the declared perimeter, the declared perimeter shall be considered the final perimeter. The final perimeter may, however, if agreed by the inspected State Party, be made smaller in order to conform with the perimeter requested by the requesting State Party.

(*b*) The inspected State Party shall transport the inspection team to the final perimeter as soon as practicable, but in any case shall ensure their arrival at the perimeter not later than 24 hours after the arrival of the inspection team at the point of entry.

Alternative determination of final perimeter

16. At the point of entry, if the inspected State Party cannot accept the requested perimeter, it shall propose an alternative perimeter as soon as possible, but in any case not later than 24 hours after the arrival of the inspection team at the point of entry. In case of differences of opinion, the inspected State Party and the inspection team shall engage in negotiations with the aim of reaching agreement on a final perimeter.

17. The alternative perimeter should be designated as specifically as possible in accordance with paragraph 8. It shall include the whole of the requested perimeter and should, as a rule, bear a close relationship to the latter, taking into account natural terrain features and man-made boundaries. It should normally run close to the surrounding security barrier if such a barrier exists. The inspected State Party should seek to establish such a relationship between the perimeters by a combination of at least two of the following means:

(*a*) An alternative perimeter that does not extend to an area significantly greater than that of the requested perimeter;

(*b*) An alternative perimeter that is a short, uniform distance from the requested perimeter;

(*c*) At least part of the requested perimeter is visible from the alternative perimeter.

18. If the alternative perimeter is acceptable to the inspection team, it shall become the final perimeter and the inspection team shall be transported from the point of entry to that perimeter. If the inspected State Party deems it necessary, such transportation may begin up to 12 hours before the expiry of the time period specified in paragraph 16 for proposing an alternative perimeter. Transportation shall, in any case, be completed not later than 36 hours after the arrival of the inspection team at the point of entry.

19. If a final perimeter is not agreed, the perimeter negotiations shall be concluded as early as possible, but in no case shall they continue more than 24 hours after the arrival of the inspection team at the point of entry. If no agreement is reached, the inspected State Party shall transport the inspection team to a location at the alternative perimeter. If the inspected State Party deems it necessary, such transportation may begin up to 12 hours before the expiry of the time period

14. Before the commencement of the inspection the inspection team shall prepare an inspection plan to serve, *inter alia,* as a basis for logistic and safety arrangements. The inspection plan shall be updated as need arises.

C. Conduct of inspections

Access

15. The inspection team shall have the right of access to any and all areas which could be affected by the alleged use of chemical weapons. It shall also have the right of access to hospitals, refugee camps and other locations it deems relevant to the effective investigation of the alleged use of chemical weapons. For such access, the inspection team shall consult with the inspected State Party.

Sampling

16. The inspection team shall have the right to collect samples of types, and in quantities it considers necessary. If the inspection team deems it necessary, and if so requested by it, the inspected State Party shall assist in the collection of samples under the supervision of inspectors or inspection assistants. The inspected State Party shall also permit and cooperate in the collection of appropriate control samples from areas neighbouring the site of the alleged use and from other areas as requested by the inspection team.

17. Samples of importance in the investigation of alleged use include toxic chemicals, munitions and devices, remnants of munitions and devices, environmental samples (air, soil, vegetation, water, snow, etc.) and biomedical samples from human or animal sources (blood, urine, excreta, tissue etc.).

18. If duplicate samples cannot be taken and the analysis is performed at off-site laboratories, any remaining sample shall, if so requested, be returned to the inspected State Party after the completion of the analysis.

Extension of inspection site

19. If the inspection team during an inspection deems it necessary to extend the investigation into a neighbouring State Party, the Director-General shall notify that State Party about the need for access to its territory and request and confirm arrangements for the safe reception of the team.

Extension of inspection duration

20. If the inspection team deems that safe access to a specific area relevant to the investigation is not possible, the requesting State Party shall be informed immediately. If necessary, the period of inspection shall be extended until safe access can be provided and the inspection team will have concluded its mission.

Interviews

21. The inspection team shall have the right to interview and examine persons who may have been affected by the alleged use of chemical weapons. It shall also have the right to interview eyewitnesses of the alleged use of chemical weapons and medical personnel, and other persons who have treated or have come into contact with persons who may have been affected by the alleged use of chemical weapons. The inspection team shall have access to medical histories, if available, and be permitted to participate in autopsies, as appropriate, of persons who may have been affected by the alleged use of chemical weapons.

D. Reports

Procedures

22. The inspection team shall, not later than 24 hours after its arrival on the territory of the inspected State Party, send a situation report to the Director-General. It shall further throughout the investigation send progress reports as necessary.

23. The inspection team shall, not later than 72 hours after its return to its primary work location, submit a preliminary report to the Director-General. The final report shall be submitted to the Director-General not later than 30 days after its return to its primary work location. The Director-General shall promptly transmit the preliminary and final reports to the Executive Council and to all States Parties.

Contents

24. The situation report shall indicate any urgent need for assistance and any other relevant information. The progress reports shall indicate any further need for assistance that might be identified during the course of the investigation.

25. The final report shall summarize the factual findings of the inspection, particularly with regard to the alleged use cited in the request. In addition, a report of an investigation of an alleged use shall include a description of the investigation process, tracing its various stages, with special reference to:

(*h*) Access to confidential information shall be regulated in accordance with its classification. The dissemination of confidential information within the Organization shall be strictly on a need-to-know basis.

3. The Director-General shall report annually to the Conference on the implementation of the regime governing the handling of confidential information by the Technical Secretariat.

4. Each State Party shall treat information which it receives from the Organization in accordance with the level of confidentiality established for that information. Upon request, a State Party shall provide details on the handling of information provided to it by the Organization.

B. Employment and conduct of personnel in the Technical Secretariat

5. Conditions of staff employment shall be such as to ensure that access to and handling of confidential information shall be in conformity with the procedures established by the Director-General in accordance with Section A.

6. Each position in the Technical Secretariat shall be governed by a formal position description that specifies the scope of access to confidential information, if any, needed in that position.

7. The Director-General, the inspectors and the other members of the staff shall not disclose even after termination of their functions to any unauthorized persons any confidential information coming to their knowledge in the performance of their official duties. They shall not communicate to any State, organization or person outside the Technical Secretariat any information to which they have access in connection with their activities in relation to any State Party.

8. In the discharge of their functions inspectors shall only request the information and data which are necessary to fulfil their mandate. They shall not make any records of information collected incidentally and not related to verification of compliance with this Convention.

9. The staff shall enter into individual secrecy agreements with the Technical Secretariat covering their period of employment and a period of five years after it is terminated.

10. In order to avoid improper disclosures, inspectors and staff members shall be appropriately advised and reminded about security considerations and of the possible penalties that they would incur in the event of improper disclosure.

11. Not less than 30 days before an employee is given clearance for access to confidential information that refers to activities on the territory or in any other

place under the jurisdiction or control of a State Party, the State Party concerned shall be notified of the proposed clearance. For inspectors the notification of a proposed designation shall fulfil this requirement.

12. In evaluating the performance of inspectors and any other employees of the Technical Secretariat, specific attention shall be given to the employee's record regarding protection of confidential information.

C. Measures to protect sensitive installations and prevent disclosure of confidential data in the course of on-site verification activities

13. States Parties may take such measures as they deem necessary to protect confidentiality, provided that they fulfil their obligations to demonstrate compliance in accordance with the relevant Articles and the Verification Annex. When receiving an inspection, the State Party may indicate to the inspection team the equipment, documentation or areas that it considers sensitive and not related to the purpose of the inspection.

14. Inspection teams shall be guided by the principle of conducting on-site inspections in the least intrusive manner possible consistent with the effective and timely accomplishment of their mission. They shall take into consideration proposals which may be made by the State Party receiving the inspection, at whatever stage of the inspection, to ensure that sensitive equipment or information, not related to chemical weapons, is protected.

15. Inspection teams shall strictly abide by the provisions set forth in the relevant Articles and Annexes governing the conduct of inspections. They shall fully respect the procedures designed to protect sensitive installations and to prevent the disclosure of confidential data.

16. In the elaboration of arrangements and facility agreements, due regard shall be paid to the requirement of protecting confidential information. Agreements on inspection procedures for individual facilities shall also include specific and detailed arrangements with regard to the determination of those areas of the facility to which inspectors are granted access, the storage of confidential information on-site, the scope of the inspection effort in agreed areas, the taking of samples and their analysis, the access to records and the use of instruments and continuous monitoring equipment.

17. The report to be prepared after each inspection shall only contain facts relevant to compliance with this Convention. The report shall be handled in accordance with the regulations established by the Organization governing the handling of confidential information. If necessary, the information contained in the report shall be processed into less sensitive forms before it is transmitted outside the Technical Secretariat and the inspected State Party.

D. Procedures in case of breaches or alleged breaches of confidentiality

18. The Director-General shall establish necessary procedures to be followed in case of breaches or alleged breaches of confidentiality, taking into account recommendations to be considered and approved by the Conference pursuant to Article VIII, paragraph 21 (*i*).

19. The Director-General shall oversee the implementation of individual secrecy agreements. The Director-General shall promptly initiate an investigation if, in his judgement, there is sufficient indication that obligations concerning the protection of confidential information have been violated. The Director-General shall also promptly initiate an investigation if an allegation concerning a breach of confidentiality is made by a State Party.

20. The Director-General shall impose appropriate punitive and disciplinary measures on staff members who have violated their obligations to protect confidential information. In cases of serious breaches, the immunity from jurisdiction may be waived by the Director-General.

21. States Parties shall, to the extent possible, cooperate and support the Director-General in investigating any breach or alleged breach of confidentiality and in taking appropriate action in case a breach has been established.

22. The Organization shall not be held liable for any breach of confidentiality committed by members of the Technical Secretariat.

23. For breaches involving both a State Party and the Organization, a "Commission for the settlement of disputes related to confidentiality", set up as a subsidiary organ of the Conference, shall consider the case. This Commission shall be appointed by the Conference. Rules governing its composition and operating procedures shall be adopted by the Conference at its first session.

Selective Index

SELECTIVE INDEX

The following sample entries illustrate the way in which the various sections of the Convention are referred to in the *Selective Index*:

Preamble	Preamble
II.2	Article II, paragraph 2
AC.A.2	Annex on Chemicals, part A, paragraph 2
VA.X.27, 48	Verification Annex, part X, paragraphs 27 and 48
CA.2(*h*)	Confidentiality Annex, subparagraph 2(*h*).

An underlined entry signifies the primary source of information on a subject:

<u>IV</u>	The article dealing with chemical weapons

The following acronyms appear in the *Selective Index:*

CSP	Conference of the States Parties
ICJ	International Court of Justice
ISP	inspected State Party
IUPAC	International Union of Pure and Applied Chemistry
OPCW	Organization for the Prohibition of Chemical Weapons
PSF	phosphorus, sulfur or fluorine (per VA.IX)
UN	United Nations

The *Selective Index* does not contain any references to the "Text on the Establishment of a Preparatory Commission".

A

Abandoned chemical weapons
Declarations ..... III.1(*b*), VA.IV(B).8-10
Definition II.6
Destruction ..... I.3, VA.IV(B).2, 13-18
Regime for ..... VA.IV(B).2, 8-18
(see also *Chemical weapons, buried*; *Old chemical weapons*)

Access
Aerial . . . . . VA.X.40 (see also *Transportation, aircraft*)
Challenge inspections . . . . . IX.20-21, VA.X.38, 41-42, 59 (see also *Challenge inspection, managed access*)
Confidential information . . . . . CA.2(*h*), 5-7, 11, 16
Documentation/records VA.II.47, VA.VII.26, VA.VIII.21, VA.IX.18, VA.X.33, VA.XI.21, CA.16
Full/less than full IX.20, VA.X.29, 42, 49, 52
Managed . . . . . (see *Challenge inspection*)
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I. LE SECRÉTAIRE GÉNÉRAL DE L'ORGANISATION DES NATIONS UNIES AU PRÉSIDENT DE LA COUR INTERNATIONALE DE JUSTICE

[Traduction]

Le 19 décembre 1994.

J'ai l'honneur de vous faire connaître qu'à sa 90e séance tenue le 15 décembre 1994, au titre du point 62 de son ordre du jour intitulé «Désarmement général et complet: rapport de la Première Commission» (A/49/699), l'Assemblée générale a adopté la résolution 49/75 K, «Demande d'avis consultatif de la Cour internationale de Justice sur la légalité de la menace ou de l'emploi d'armes nucléaires». Le texte de cette résolution est joint à la présente lettre.

Par cette résolution, l'Assemblée générale a décidé, conformément au paragraphe 1 de l'article 96 de la Charte des Nations Unies:

> «de demander à la Cour internationale de Justice de rendre dans les meilleurs délais un avis consultatif sur la question ci-après: «Est-il permis en droit international de recourir à la menace ou à l'emploi d'armes nucléaires en toute circonstance?»

Conformément aux dispositions du paragraphe 2 de l'article 65 du Statut de la Cour internationale de Justice, le Secrétariat a commencé à préparer un dossier contenant «tout document pouvant servir à élucider la question», qui sera transmis à la Cour dans les meilleurs délais.

(Signé) Boutros BOUTROS-GHALI.

II. RESOLUTION 49/75 K ADOPTED BY THE GENERAL ASSEMBLY AT ITS 90TH PLENARY MEETING ON 15 DECEMBER 1994

Request for an Advisory Opinion from the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons

The General Assembly,

Conscious that the continuing existence and development of nuclear weapons pose serious risks to humanity,

Mindful that States have an obligation under the Charter of the United Nations to refrain from the threat or use of force against the territorial integrity or political independence of any State,

Recalling its resolutions 1653 (XVI) of 24 November 1961, 33/71 B of 14 December 1978, 34/83 G of 11 December 1979, 35/152 D of 12 December 1980, 36/92 I of 9 December 1981, 45/59 B of 4 December 1990 and 46/37 D of 6 December 1991, in which it declared that the use of nuclear weapons would be a violation of the Charter and a crime against humanity,

Welcoming the progress made on the prohibition and elimination of weapons of mass destruction, including the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction[1] and the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction[2],

Convinced that the complete elimination of nuclear weapons is the only guarantee against the threat of nuclear war,

Noting the concerns expressed in the Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons that insufficient progress had been made towards the complete elimination of nuclear weapons at the earliest possible time,

Recalling that, convinced of the need to strengthen the rule of law in international relations, it has declared the period 1990-1999 the United Nations Decade of International Law[3],

Noting that Article 96, paragraph 1, of the Charter empowers the General Assembly to request the International Court of Justice to give an advisory opinion on any legal question,

---

[1] Resolution 2826 (XXVI), annex.

[2] See *Official Records of the General Assembly, Forty-seventh Session, Supplement No. 27* (A/47/27), appendix I.

[3] Resolution 44/23.

PART IV

Final Document of the Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, and Excerpts from Statements made therein

1. The sixth preambular paragraph of General Assembly resolution 49/75 K referred to "the concerns expressed in the Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, that insufficient progress has been made towards the complete elimination of nuclear weapons at the earliest possible time".

2. This Part contains the text of the Final Document of the Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Organization and Work of the Conference (No. 66), which was convened on 20 August 1990 at the Palais des Nations in Geneva.

3. Also included are Excerpts from statements made at the Conference pertaining to the "concerns" mentioned above (No. 67). All excerpts are copied from the Final Document of the Conference, Part III, Summary Records, Geneva, 1992 (NPT/CONF.IV/45/III) in the order of the statements made. Before each excerpt, reference is given to the name of the speaker, nationality, meeting number, page number (in the Final Document), and paragraph number (in the Final Document). For ease of reference, an index is also attached.

FINAL DOCUMENT OF THE FOURTH REVIEW CONFERENCE OF THE PARTIES TO THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS

ORGANIZATION AND WORK OF THE CONFERENCE

Introduction

1. In the Final Declaration of the Third Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, under the section "Review of the Operation of the Treaty and Recommendations", it is stated, with regard to article VIII of the Treaty:

> "The States Party to the Treaty participating in the Conference propose to the Depositary Governments that a fourth Conference to review the operation of the Treaty be convened in 1990.
>
> "The Conference accordingly invites States Party to the Treaty which are Members of the United Nations to request the Secretary-General of the United Nations to include the following item in the provisional agenda of the forty-third session of the General Assembly:
>
> 'Implementation of the conclusions of the Third Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and establishment of a Preparatory Committee for the Fourth Conference.'"

2. At its forty-third session the General Assembly of the United Nations in resolution 43/82 noted that, following appropriate consultations, an open-ended preparatory committee had been formed of Parties to the Treaty on the Non-Proliferation of Nuclear Weapons serving on the Board of Governors of the International Atomic Energy Agency or represented in the Conference on Disarmament as well as any Party to the Treaty which would express its interest in participating in the work of the Preparatory Committee.

3. Accordingly, the following 106 Parties participated in the work of one or more sessions of the Preparatory Committee: Afghanistan, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belgium, Benin, Bhutan, Bolivia, Bulgaria, Burkina Faso, Cameroon, Canada, Cape Verde, Central African Republic, Colombia, Costa Rica, Côte d'Ivoire, Cyprus, Czech and Slovak Federal Republic, Democratic People's Republic of Korea, Democratic Yemen, Denmark, Ecuador, Egypt, Ethiopia, Fiji, Finland, Gabon, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Grenada, Guinea-Bissau, Holy See, Honduras, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Madagascar, Malaysia, Maldives, Malta, Mauritius, Mexico, Mongolia, Morocco, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Viet Nam, Yemen Arab Republic, Yugoslavia and Zaire.

4. The Committee held three sessions: the first took place in New York from 1 to 5 May 1989, the second in Geneva from 11 to 15 September 1989 and the third in Geneva from 23 April to 2 May 1990. Progress reports on the first two sessions of the Committee were issued as documents NPT/CONF.IV/PC.I/4 and NPT/CONF.IV/PC.II/18/Rev.1.

5. At its first session, the Preparatory Committee unanimously elected Ambassador Bariyu Adeyemi (Nigeria), Ambassador Tadeusz Strulak (Poland) and Ambassador Chusei Yamada (Japan) to serve together as members of the Bureau for the three sessions that the Committee intended to hold and decided that Ambassador Yamada would be the Chairman of the first session, Ambassador Strulak the Chairman of the second session and Ambassador Adeyemi the Chairman of the third session. When one member of the Bureau was serving as Chairman of a given session, the two other members would serve as Vice-Chairmen of the Committee. The Committee authorized its Bureau to handle technical and other matters in the period before the Review Conference. Furthermore, the Committee decided that the Chairman of the third session should open the Review Conference.

6. Pursuant to the request of the Preparatory Committee, the Secretariat of the United Nations, the International Atomic Energy Agency (IAEA), the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL) and the South Pacific Forum prepared a number of background papers which were submitted to the Conference as background documents as follows:

(a) by the Secretariat of the United Nations:

- Working Paper on the basic facts within the framework of the United Nations in connection with the realization of the purposes of the tenth paragraph of the Preamble of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT/CONF.IV/2)

- Working Paper on the basic facts within the framework of the United Nations in connection with the implementation of articles I and II of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT/CONF.IV/3)

- Working Paper on basic facts within the framework of the United Nations in connection with the realization of the purposes of articles IV and V of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT/CONF.IV/4)

- Working Paper on basic facts within the framework of the United Nations in connection with the realization of the purposes of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT/CONF.IV/5)

- Working Paper on the dynamics and consequences of the nuclear-arms race, including its quantitative, qualitative and vertical aspects (NPT/CONF.IV/6)

- Working Paper on the dynamics and consequences of the wider dissemination of nuclear weapons (NPT/CONF.IV/7)

- Studies relevant to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT/CONF.IV/8)

- Report on the present status of negotiations of the Conference on Disarmament on "Nuclear Test Ban" (NPT/CONF.IV/9)

- Report on the present status of negotiations of the Conference on Disarmament on effective measures relating to cessation of the nuclear-arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control (NPT/CONF.IV/10)

- Report on the present status of negotiations of the Conference on Disarmament on "Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons" (NPT/CONF.IV/11)

(b) by the International Atomic Energy Agency (IAEA):

- Activities of IAEA under article III of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT/CONF.IV/12)

- Activities of IAEA under article IV of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT/CONF.IV/13)

- Activities of IAEA under article V of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT/CONF.IV/14)

(c) by the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL):

- Memorandum from the General Secretariat of OPANAL prepared for the Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT/CONF.IV/15)

(d) by the South Pacific Forum:

- Memorandum from the Secretariat of the South Pacific Forum on the subject of the South Pacific Nuclear-Free Zone Treaty prepared for the Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT/CONF.IV/16)

7. In addition, to assist the Review Conference, the Preparatory Committee invited the nuclear-weapon States and other parties to the Treaty on the Non-Proliferation of Nuclear Weapons to provide, sufficiently in advance of the Review Conference, information relevant to the implementation of various articles of the Treaty, including especially article VI. Pursuant to the Committee's invitation, the following documents were submitted to the Conference:

- Information on the implementation by the Union of Soviet Socialist Republics of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT/CONF.IV/19)

- United States information pertaining to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT/CONF.IV/20)

- The United Kingdom's implementation of the Treaty on the Non-Proliferation of Nuclear Weapons 1985-90 (NPT/CONF.IV/21)

8. The Final Report of the Preparatory Committee for the Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT/CONF.IV/1) was also issued as a document of the Conference prior to its opening. The report included, inter alia, the Provisional Agenda for the Conference, a proposed Allocation of Items to the Main Committees of the Conference, the Draft Rules of Procedure and a Schedule for the Division of Costs of the Conference.

Organization of the Conference

9. In accordance with the decision of the Preparatory Committee, the Conference was convened on 20 August 1990 at the Palais des Nations in Geneva. After the opening of the Conference by Ambassador Bariyu Adeyemi of Nigeria, Chairman of the Third Session of the Preparatory Committee, the Conference elected by acclamation as its President Ambassador Oswaldo de Rivero of Peru. The Conference also unanimously confirmed the nomination of Mr. Arpad Prandler as Secretary-General of the Conference. The nomination had been made by the Secretary-General of the United Nations, following an invitation by the Preparatory Committee.

10. At the same meeting, Mr. Yasushi Akashi, Under-Secretary-General for Disarmament Affairs, United Nations, conveyed to the Conference a message of the Secretary-General of the United Nations, and Dr. Hans Blix, Director-General of the International Atomic Energy Agency, addressed the Conference.

11. At the opening meeting, the Conference adopted its agenda and the Allocation of Items to the Main Committees of the Conference as proposed by the Preparatory Committee (see Annexes I and II, respectively).

12. Also at the first meeting, the Conference adopted the rules of procedure recommended by the Preparatory Committee. The rules of procedure of the Conference are contained in document NPT/CONF.IV/1.

13. The rules of procedure provided for the establishment of (a) three Main Committees; (b) a General Committee, to be presided over by the President of the Conference and composed of the Chairmen of the Conference's three Main Committees, its Drafting Committee and its Credentials Committee, as well as 26 Vice-Presidents of the Conference; (c) a Drafting Committee, composed of representatives of the 32 States Parties represented on the General Committee, but open to representatives of other delegations when matters of particular concern to them were under discussion; and (d) a Credentials Committee, composed of a Chairman and two Vice-Chairmen elected by the Conference, and six other members appointed by the Conference on the proposal of the President.

14. The Conference unanimously elected the Chairmen and Vice-Chairmen of the three Main Committees, the Drafting Committee, and the Credentials Committee, as follows:

Main Committee I	Chairman	Ambassador Bariyu A. Adeyemi (Nigeria)
	Vice-Chairman	Ambassador Todor Ditchev (Bulgaria)
	Vice-Chairman	Ambassador Oscar Vaerno (Norway)
Main Committee II	Chairman	Ambassador Tadeusz Strulak (Poland)
	Vice-Chairman	Mr. Arend J. Meerburg (Netherlands)
	Vice-Chairman	Ambassador Hector K. Villarroel (Philippines)
Main Committee III	Chairman	Ambassador Chusei Yamada (Japan)
	Vice-Chairman	Dr. Ján Chandoga (Czech and Slovak Federal Republic)
	Vice-Chairman	Mrs. Fatma Hussein (Egypt)
Drafting Committee	Chairman	Ambassador Carl-Magnus Hyltenius (Sweden)
	Vice-Chairman	Ambassador Peggy Mason (Canada)
	Vice-Chairman	Ambassador Tibor Tóth (Hungary)
Credentials Committee	Chairman	Ambassador Jan Groop (Finland)
	Vice-Chairman	Mr. Plamen Grozdanov (Bulgaria)
	Vice-Chairman	Ambassador Sawanit Kongsiri (Thailand)

The Conference also unanimously elected 25 Vice-Presidents from the following States Parties:

Bangladesh
Bulgaria
Cameroon
Canada
Czech and Slovak Federal Republic
Egypt
Ethiopia
Ghana
Hungary
Indonesia
Iran (Islamic Republic of)
Ireland
Italy
Mexico
Morocco
New Zealand
Republic of Korea
Romania
Spain
Union of Soviet Socialist Republics
United Kingdom of Great Britain and Northern Ireland
United States of America
Venezuela
Yemen
Yugoslavia

15. The Conference also appointed, on the proposal of the President, representatives from the following six States Parties as members of the Credentials Committee: Italy, Kenya, Nigeria, Poland, the Union of Soviet Socialist Republics and the United States of America.

16. At the first meeting of the General Debate, a message was addressed to the participants in the Conference by President George Bush of the United States of America (NPT/CONF.IV/25).

17. At the same meeting, a message was addressed to the Conference by President Mikhail Gorbachev of the Union of Soviet Socialist Republics, (NPT/CONF.IV/26).

18. At the same meeting a message was also addressed to the Conference by President Alberto Fujimori of Peru (NPT/CONF.IV/27).

Participation in the Conference

19. Eighty-four (84) States Party to the Treaty on the Non-Proliferation of Nuclear Weapons participated in the Conference, as follows:

Australia
Austria
Bahrain
Bangladesh
Belgium
Bhutan
Bolivia
Brunei Darussalam
Bulgaria
Cameroon
Canada
Colombia
Costa Rica
Côte d'Ivoire
Cyprus
Czech and Slovak Federal Republic
Democratic People's Republic of Korea
Denmark
Ecuador
Egypt
Ethiopia
Finland
German Democratic Republic
Germany, Federal Republic of
Ghana
Greece
Holy See
Honduras
Hungary
Iceland
Indonesia
Iran (Islamic Republic of)
Iraq
Ireland
Italy
Jamaica
Japan
Jordan
Kenya
Kuwait
Libyan Arab Jamahiriya
Liechtenstein
Luxembourg
Malaysia
Malta
Mexico
Mongolia
Morocco
Netherlands
New Zealand
Nicaragua
Nigeria
Norway
Peru
Philippines
Poland
Portugal
Qatar
Republic of Korea
Romania
San Marino
Sao Tome and Principe
Saudi Arabia
Senegal
Singapore
Somalia
Spain
Sri Lanka
Sudan
Sweden
Switzerland
Syrian Arab Republic
Thailand
Tunisia
Turkey
Uganda
Union of Soviet Socialist Republics
United Kingdom of Great Britain and Northern Ireland
United States of America
Uruguay
Venezuela
Viet Nam
Yemen
Yugoslavia

20. In accordance with subparagraph 2 (a) of Rule 44, 15 States, not Parties to the Treaty, namely, Algeria, Argentina, Brazil, Byelorussian Soviet Socialist Republic, Chile, China, Cuba, France, Israel, Myanmar, Oman, Pakistan, Ukrainian Soviet Socialist Republic, United Republic of Tanzania and Zimbabwe, were granted observer status.

21. In accordance with subparagraph 2 (b) of Rule 44, Palestine was granted observer status.

22. The United Nations and the International Atomic Energy Agency participated in the Conference under paragraph 3 of Rule 44.

23. The Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, the Commission of the European Communities and the League of Arab States were granted Observer Agency status under paragraph 4 of Rule 44.

24. Forty-four (44) non-governmental organizations attended the Conference under paragraph 5 of Rule 44.

25. A list of all delegations to the Conference, including States Parties, Observers, the United Nations and International Atomic Energy Agency, Observer Agencies and Reserach Institutes and non-governmental organizations, is contained in Annex IV to this report.

26. The Credentials Committee met on 12 September and adopted its report to the Conference on the credentials of States Parties (NPT/CONF.IV/CC/1 and Corr.1). At its 14th plenary meeting on 14 September, the Conference took note of the report.

Financial arrangements

27. At its 12th plenary meeting, the Conference decided to adopt the cost-sharing formula proposed by the Preparatory Committee in the Appendix to Rule 12 of the rules of procedure (NPT/CONF.IV/1). The final schedule was based on the actual participation of States Parties in the Conference.

Work of the Conference

28. The Conference held 14 plenary meetings between 20 August and 14 September 1990, when it concluded its work.

29. The general debate in plenary, in which 62 States Parties took part, was held from 20 to 28 August.

30. The General Committee, at its 1st meeting on 22 August, considered item 10 of the Agenda entitled "Programme of Work" and decided, *inter alia*, to make the following recommendations:

(1) the Conference should complete its work by 14 September;

(2) the three Main Committees should accordingly complete their work on 5 September and the Drafting Committee should convene immediately thereafter.

31. At its 8th meeting, on 24 August, the Conference adopted the above recommendations of the General Committee.

32. Main Committee I held seven meetings from 24 August to 10 September. Its report (NPT/CONF.IV/MC.I/1) was submitted to the Conference at its 13th meeting on 11 September. Main Committee II held eight meetings from 24 August to 5 September. Its report (NPT/CONF.IV/MC.II/1) was submitted to the Conference at its 13th meeting on 11 September. Main Committee III held five meetings from 27 August to 5 September. Its report (NPT/CONF.IV/MC.III/2) was submitted to the Conference at its 13th meeting on 11 September.

33. At its 13th meeting on 11 September 1990, the Conference decided to take note of the three reports.

34. The Drafting Committee met from 10 to 14 September. Its report (NPT/CONF.IV/DC/1) was submitted to the Conference at its 14th meeting on 14 September 1990. At that meeting, the Conference took note of the report.

Documentation

35. A list of the documents of the Conference is attached as Annex III.

Conclusion of the Conference

36. At its last plenary meeting, on 14 September, the Conference, notwithstanding extensive consultations and considerable effort, was unable to adopt a final declaration.

Excerpts from Statements made at the Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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1. The Acting PRESIDENT, in his capacity as Chairman of the third session of the Preparatory Committee, declared open the Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. The Conference had been convened in accordance with article VIII, paragraph 3, of the Treaty, a proposal made during the Third Review Conference, and General Assembly resolution 43/82. The significant increase in the number of States Parties to the Treaty since the Third Review Conference, in 1985, was convincing evidence of the great importance attached to the need to ensure non-proliferation of nuclear weapons. Since 1985, actual reductions in nuclear weapons had been achieved for the first time as the result of a negotiated agreement between the Soviet Union and the United States. The international community was now awaiting the finalization of an agreement between the two major nuclear-weapon Powers concerning the reduction of strategic nuclear weapons. Yet there continued to be very serious concern that not enough had been done, or seemed likely to be done, to proceed towards the complete elimination from national arsenals of nuclear weapons and the means of their delivery pursuant to a treaty on general and complete disarmament under strict and effective international control. With those issues in mind, and taking into account the review of the Treaty's future that was to take place in 1995, it was of the utmost importance for the Conference to reaffirm its strong commitment to the purposes of the Treaty's preamble and provisions.

MR. COLLINS, IRELAND (2nd meeting) page 21, para 10

10. The Treaty drew a fundamental distinction between nuclear-weapon and non-nuclear-weapon States. Like all other non-nuclear-weapon States parties to the Treaty, Ireland had forgone the right to develop a nuclear weapons capability and considered that the only acceptable level of nuclear weapons was zero. His Government did not believe that nuclear weapons could strengthen the security of a State. The nuclear-weapon States must negotiate reductions of nuclear weapons and eventually their complete elimination. The first step towards the zero option was to stop the development of nuclear weapons, which required an end to nuclear testing.

MR. SUJKA, POLAND (2nd meeting) page 34, para 73

73. The first steps taken in the area of nuclear disarmament with the implementation of the Treaty concluded between the United States and the USSR on intermediate-range nuclear forces, together with the progress made in the START talks, demonstrated the desire of the two super-Powers to meet their obligations under article VI of the NPT and gave reason to hope for substantial reductions in their strategic nuclear-weapons arsenals. But the world expected more from the implementation of that crucial article for the viability of the Treaty. Those signs of progress should be only a beginning, and considerable efforts were still needed in order to attain the desired tangible results. Certain urgent problems still needed to be resolved, in particular in the area of a ban on nuclear testing, testing which could only be conducive to the qualitative and quantitative development of nuclear arsenals in violation of the spirit of the NPT. Although the limited measures adopted by the United States and the USSR to reduce their testing were welcome, they still fell short of the long-standing expectation of the international community that nuclear testing should be brought to a complete halt, which was a fundamental measure aimed at ending the nuclear arms race. It was therefore to be hoped that with the improvement in their relationships, the two major nuclear Powers, followed by other countries, would soon take meaningful steps towards that goal. The Conference on Disarmament should be called upon to play a role in that undertaking, with additional constructive support from the conference currently being prepared on the review of the 1963 Partial Test Ban Treaty.

MR. LEHMAN, UNITED STATES OF AMERICA (2nd meeting) page 25, para 33; page 26, paras 36 and 37

33. Fourthly, the United States had, over the previous five years, conducted intensive negotiations on a broad range of arms-control issues. The list of agreements and negotiations since the Third Review Conference made it clear that the United States was successfully discharging its responsibilities under article VI of the Treaty. Thus, in 1986, the United States had subscribed to the Final Document of the Stockholm Conference on Disarmament in Europe. In 1987, it had concluded an agreement with the Soviet Union on establishing nuclear-risk reduction centres and had signed the INF Treaty and an agreement on enhancing the norms established by the Biological Weapons Convention. In 1988, it had entered into an agreement with the Soviet Union on advance notification of ballistic-missile launches. In 1989, it had joined in the reaffirmation by the 140 participants in the Paris Conference on Chemical Weapons of the need to uphold the 1925 Geneva Protocol on the use of chemical weapons and to achieve a universal ban on such weapons. In the same year, it had concluded an agreement with the Soviet Union on prevention of dangerous military activities, an agreement on implementing trial START verification and stability measures and an agreement on advance notification of major strategic exercises and an agreement with other NATO and Warsaw Pact countries in CSCE to open negotiations on conventional forces in Europe. In 1990, it had concluded an agreement with the Soviet Union on the destruction of chemical-weapon stockpiles, as well as new verification protocols related to the 1974 Threshold Test Ban Treaty and the 1976 Peaceful Nuclear Explosions Treaty.

36. Among notable achievements since the Review Conference of 1985 was the fact that the 23 States members of NATO and the Warsaw Pact were now making progress in their negotiations - covering the area from the Atlantic to the Urals - on conventional forces in Europe. At the Washington Summit, the United States and the Soviet Union had concluded a bilateral agreement to destroy the bulk of United States and Soviet chemical weapons by the year 2002. In December 1987, President Reagan and President Gorbachev had signed a historic agreement - the INF Treaty on the elimination of ground-launched intermediate-range nuclear delivery systems. The agreement, which had entered into force in 1988, had already resulted in the elimination of 2,257 Soviet and United States missiles and almost 800 Soviet and United States launchers, and in the introduction of an elaborate system of verification, including innovative forms of on-site inspection.

37. At their meeting in June 1990, President Bush and President Gorbachev had indicated that an agreement on strategic arms reduction might be signed by the end of the year. For the first time ever, both sides would carry out significant reductions - up to 50 per cent in certain categories - in the numbers of strategic offensive arms. Those reductions would be designed to make a first strike less plausible, providing greater stability and a lower risk of war. Moreover, the far-reaching reductions of the START Treaty would be accompanied by innovative provisions for effective verification and information exchange, thus increasing the confidence essential for a sound strategic relationship. When that goal was attained, the United States and the Soviet Union would continue their talks on nuclear and space weapons.

46. The profound changes which had taken place in the interntional situation had had a direct effect on arms control and disarmament; it would be no exaggeration to say that a reliable peace process, accompanied by a gradual reduction of military potential, had already taken shape. That had been the object of the programme of stage-by-stage elimination of nuclear and other types of weapons of mass destruction presented by the Soviet Union on 15 January 1986. The most important step towards the implementation of that programme had been achieved with the entry into force of the INF Treaty between the Soviet Union and the United States, whose main political significance consisted in reversing the absurd logic of nuclear confrontation and destroying the dangerous stereotype according to which the nuclear arms build-up was unavoidable. For the first time, the USSR and the United States had agreed on the elimination of two classes of nuclear missiles and, according to a joint assessment made at the highest level, the implementation of the agreement was proceeding normally. The elimination of short-range missiles had been completed on both sides. As of 1 June 1990, the Soviet Union had, for its part, eliminated a total of more than 1,500 medium-range and shorter-range missiles, or 90 per cent of the original number. The experience of the INF Treaty in other areas of disarmament, and above all nuclear disarmament, especially with regard to verification mechanism, would be extremely valuable to the START agreement at present being negotiated, which was to mark the beginning of major reductions in strategic arsenals measured in hundreds of delivery vehicles and thousands of charges. As soon as possible after the conclusion of the Treaty, the two countries would hold consultations on future negotiations on nuclear and space weapons and on the strengthening of strategic stability.

47. There was now a real opportunity for radical reductions of tactical nuclear weapons in Europe. The Soviet Union had already withdrawn 500 nuclear charges stationed in the territory of its allies in 1989 and had refrained from modernizing its tactical nuclear missiles in 1989 or 1990.

49. The Soviet Union favoured a ban on the production of weapons-grade fissionable materials, which should constitute a reliable barrier to both vertical and horizontal proliferation. It had ceased, on a unilateral basis, the production of highly-enriched uranium and had begun to implement a programme of gradual discontinuance of all its industrial reactors producing weapons-grade plutonium by the year 2000. It had also proposed the elaboration of a USSR-United States agreement, as well as a multilateral agreement, on verifiable cessation of production of all weapons-grade fissionable materials, compliance with which could be verified with the help of IAEA's experience. Lastly, the Soviet Union had proposed, at the United Nations, that agreement should be reached on the non-use for military purposes of nuclear material made available as a result of reductions in nuclear arsenals, together with a corresponding verification mechanism.

51. The signing at the Washington Summit of protocols to the Threshold Treaties of 1974 and 1976 now made it possible to ratify those treaties and pave the way for setting further limits on nuclear tests with a view eventually to stopping them altogether. The Soviet Union favoured the continuance, without delay, of full-scale negotations in that field, in accordance with the agreement reached in 1987. However, the nuclear-testing issue called for multilateral efforts in parallel with bilateral efforts, and the Soviet Union therefore consistently advocated that practical work on a test ban should be started, within the framework of the Conference on Disarmament in Geneva. In 1987, together with other States, it had submitted draft basic provisions of a treaty on the comprehensive and universal prohibition of nuclear weapons tests. One of the options in that respect would be to extend the 1963 Moscow Treaty banning nuclear weapons tests in the atmosphere, in outer space and under water to cover underground testing. The forthcoming conference on that question should make a positive contribution to the search for a solution to the problem of a nuclear test ban.

MR. BENHIMA, MOROCCO (2nd meeting) page 38, para 90

90. With regard to article VI, his delegation welcomed the progress made in that area by the two super-Powers and the continuation of the negotiations begun with a view to reducing their strategic arsenals by 30-50 per cent. Nevertheless, the new order of international security and peace would not be ushered in as long as the other three nuclear Powers remained outside the disarmament process. Co-operation in that area was all the more necessary because the two military alliances considered themselves no longer to be antagonists but partners in the setting-up of a new security system based on co-operation and dialogue, as proven by the progress made at the latest international conferences. In that connection, his delegation earnestly hoped that the Ad Hoc Committee on a Nuclear Test Ban, re-established with the Conference on Disarmament, would benefit from the United States-USSR bilateral negotiations.

MR. VAERNO, NORWAY (3rd meeting) page 45, para 13 and page 46, para 19

13. In no other field had the new era in East-West relations made more impact than in arms control. Major progress - the INF Treaty and the Stockholm Document - had already been made and more significant achievements were within reach. The prospects of an early START Treaty, providing for sizeable reductions in strategic nuclear weapons were promising and it was to be hoped that bilateral negotiations between the United States and the Soviet Union would be successfully concluded in the near future. In Vienna, the end-game in the negotiations on conventional forces was about to begin and his country was confident that, given the necessary political will, the major issues that remained outstanding could be sorted out in time for the first CFE treaty to be signed at the CSCE summit in November 1990. Together with a meaningful package on confidence- and security-building measures, such a CFE agreement could dramatically improve security and stability in Europe by eliminating the capability for surprise attack and large-scale offensive operations and would help consolidate the recent political changes and serve as a barrier against any attempt to re-establish the previous status quo. Such an agreement would also pave the way for significant reductions in the nuclear arsenals in Europe and new negotiations could be started on the reduction of Soviet and United States short-range nuclear forces.. In addition, at the July summit in London, the members of NATO's integrated military structure had made it clear that they intended, in response to reciprocal action on the part of the Soviet Union, to eliminate all the Alliance's nuclear artillery shells in Europe.

19. The objectives of ending the nuclear arms race and implementing effective measures for nuclear disarmament were a major and integral part of the Treaty. It was gratifying to note that considerable progress had taken place during the period under review and that the prospects for further advances were good. In that connection, he referred in particular to the agreement on basic provisions of the START Treaty achieved at the United States-Soviet summit in June 1990. He also noted with satisfaction that the two parties were to begin further talks on strategic nuclear forces specifically to achieve a more stable strategic balance after the Treaty was completed. The signing of verification protocols for the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty opened the way for the ratification of those instruments and thus represented a step towards a comprehensive ban on all nuclear testing.

MR. VITALONE, ITALY (3rd meeting) page 48, para 27

27. Against such a background, the overwhelming importance of the Treaty on the Non-Proliferation of Nuclear Weapons was self-evident. The Treaty's status as the principal multilateral instrument in the field of arms control was reflected by the fact that over 140 States had acceded to it in the desire not only to prevent a recurrence of the tragedies of Hiroshima and Nagasaki, but also to contain the possibility of generalized conflict. Recent developments in the Soviet Union and in the countries of Eastern Europe had radically transformed the international scene, so that the Second World War and the ensuing cold war could be said to have come definitively to an end. In that connection he referred in particular to the London declaration of the NATO countries, as well as to the conclusion of the INF agreement and the agreements concerning the reduction by one-half of the strategic nuclear arsenals of the two Great Powers. He also stressed the importance of the adoption of verification protocols to the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty, as well as the ongoing Vienna negotiations on the reduction of conventional forces in Europe and of the forthcoming Paris summit of the Conference on Security and Co-operation in Europe. The Italian Government, in its capacity as current President of the European Community, was actively engaged in all those endeavours.

MR. MACKAY, NEW ZEALAND (3rd meeting) page 54, para 50

50. In the five years since the previous Review Conference, there had been unprecedented progress in nuclear disarmament as between the major Powers. The conclusion of the INF treaty had eliminated a whole category of weapons, agreement on significant reductions in strategic nuclear weapons was close and there were grounds for optimism with regard to short-range nuclear forces. Welcome developments in the conventional area had also had an impact upon the nuclear arms race. The chemical weapons agreement between the United States and the Soviet Union, and the progress towards an agreement on conventional forces in Europe showed a new willingness to achieve concrete and major disarmament measures.

MR. OGADA, KENYA (3rd meeting) page 56, para 61

61. The Treaty sought to prohibit not only horizontal proliferation but also vertical proliferation. Article VI of the Treaty still remained to be totally fulfilled. Two of the nuclear-weapon States Parties to the NPT continued to be engaged in bilateral nuclear arms control and disarmament negotiations that had already culminated in the destruction of a whole category of nuclear weapons. Nevertheless, those weapons continued to exist in the arsenals of a few States. The negotiations to eliminate nuclear weapons should encompass all those States which possessed such weapons. The world could not be safe until all nuclear weapons, wherever they existed, were effectively and verifiably destroyed. The banning of all nuclear tests in all environments and for all time was long overdue. Under the present favourable international circumstances, there was no justification for the continuation of those tests.

MRS. VON GRUNIGEN, SWITZERLAND (4th meeting) page 60, para 5

5. Regarding the implementation of article VI of the Treaty, her delegation welcomed the substantial progress made in recent years by the two super-Powers in the area of arms reduction, especially in Europe. The signing of the INF Treaty between the United States and the Soviet Union in December 1987 represented unprecedented progress in the area of arms control, since the Treaty provided for genuine reduction of both States' potential nuclear capabilities, together with an entirely new verification system, which might serve as a precedent for the elimination of other military imbalances. However, the INF Treaty should be followed by other agreements on conventional and chemical weapons. It seemed that an agreement on conventional forces in Europe might be concluded before the next Conference on Security and Co-operation in Europe. Her delegation hoped that the negotiations on a reduction of strategic nuclear weapons would produce a new agreement in 1990, and, like most States, it considered that the conclusion of an agreement on a comprehensive nuclear test ban was essential for guaranteeing compliance with the commitments made under article VI of the Treaty.

MR. LOEIS, INDONESIA (4th meeting) page 66, para 29

29. Turning to an evaluation of the implementation of the Treaty, he said that the three nuclear-weapon States parties had observed the provisions of article I but had not been able fully to implement the provisions of the eighth to eleventh preambular paragraphs and article VI. Since the Treaty's entry into force, progress towards halting the nuclear arms race and vertical proliferation had been meagre. The non-nuclear-weapon States parties to the Treaty, for their part, had fully discharged their obligations under article II. Indonesia believed that the factors that had led to the inability of States parties fully to implement the Treaty's provisions should be reviewed regularly to enhance its credibility. The United States and the Soviet Union had concluded agreements aimed at halting the arms race, but that was insufficient. His delegation was of the view that the most decisive measure to halt the nuclear arms race was a total ban on nuclear testing. Moreover, under the provisions of article VI, all parties had undertaken to pursue negotiations in good faith on effective measures relating to the cessation of the nuclear arms race at an early date and on nuclear disarmament, as well as on a treaty on general and complete disarmament under strict and effective international control. Thus the Treaty should not be considered merely as an instrument to encourage negotiations on nuclear and non-nuclear arms control. Indonesia was also worried by the fact that the reduction of the number of nuclear weapons was being accompanied by improvements in the quality, accuracy and reliability of nuclear weapon systems. With regard to nuclear disarmament, an assessment of the position also revealed a certain degree of dissatisfaction. It was true that the INF Treaty had initiated a reduction in nuclear arsenals. However, even a 30 per cent reduction of the strategic nuclear weaponry of the United States and the Soviet Union would still leave them with arsenals far exceeding those they had had in 1970, which was contrary to the spirit of article VI of the Treaty.

MR GENSCHER, FEDERAL REPUBLIC OF GERMANY (4th meeting) page 70, para 43

43. Further nuclear disarmament was necessary and indeed possible. The changed security situation in Europe would permit less and less reliance on nuclear weapons for the purpose of preventing war. In that connection, he mentioned the negotiations between the United States and the Soviet Union on the reduction of short-range nuclear weapons, which would be started soon after the signing of an agreement on conventional forces in Europe. The signing of the verification protocols to the threshold Treaties at the United States-Soviet summit in Washington would constitute a further stage along the road to a ban on nuclear tests.

MR. KOSIN, YUGOSLAVIA (4th meeting) page 78, para 85

85. Although they recognized the positive elements and effects brought about by recent agreements and ongoing negotiations in the nuclear disarmament field, the countries he represented regretted that the modernization and qualitative improvement of nuclear weapons continued. Vertical proliferation of nuclear weapons by nuclear-weapon States continued contrary to the provisions of the preamble and the articles of the Treaty. As for horizontal proliferation, the spread of nuclear weapons capability among certain States not parties to the NPT posed a serious threat to the non-proliferation régime and underlined the gravity of the problem.

MR. WAGENMAKERS, NETHERLANDS (5th meeting) page 84, para 13

13. The NPT had also been of crucial importance as the major post-war multilateral arms control agreement. It had strengthened the belief that the spread of nuclear weapons could not be allowed to go unchecked. The preamble noted the intention of the Parties "to achieve at the earliest possible date the cessation of the nuclear arms race" and article VI reflected that same undertaking. In the past five years considerable progress had been made in the field of arms control and more tangible results could be expected in the near future. Important agreements had been reached by the United States and the Soviet Union on major outstanding issues in that connection. There had also been considerable advances in regional and world-wide disarmament over the past five years and the negotiations in Vienna on conventional stability in Europe could be expected to lead to an agreement within a few months. The discussions on a treaty on chemical weapons had reached an advanced stage. General and complete disarmament under strict and effective international control, one of the aims of the NPT, still seemed rather remote, but there was some indication of movement in the right direction. After years of stagnation, some progress had been achieved on the subject of nuclear-weapon testing and discussion on that item had been resumed in the Conference on Disarmament. It was important that the number and yield of nuclear tests should be reduced to a minimum level, thereby offering the prospect of a comprehensive test ban at the appropriate moment.

MR. PIREK, CZECH AND SLOVAK FEDERAL REPUBLIC (5th meeting) page 93, paras. 50 and 51

50. As to the review of articles V, VI and VII, he wished to emphasize that the gradual and consistent construction of a world free of nuclear weapons was a priority in his country's foreign policy. Like most other participants in the Conference, Czechoslovakia was not fully satisfied with the implementation of the provisions of article VI, although it was true that more had been done in that field since the 1985 Review Conference than in all previous years taken together. His country expected that process to continue and hoped to see it advance to the stage of multilateral negotiations in the near future. In that context, it greatly appreciated the Soviet-United States INF Agreement, in whose implementation it was partly involved. The Agreement, which had launched a process of real disarmament in the nuclear field, should be supplemented in the foreseeable future by a radical reduction in the two Powers' offensive strategic weapons, something his Government strongly favoured. In view of the London Declaration of the NATO countries in July 1990, the start of negotiations on the elimination of all tactical nuclear weapons in Europe seemed promising. The time was approaching when the process of nuclear disarmament should be joined by the other nuclear Powers. It was to be hoped that their participation in the relevant negotiations would not be linked to any preconditions. The first step towards that end might be the adoption of so-called negative assurances.

51. General and complete prohibition of nuclear-weapon tests was the most effective way of halting the escalation of armaments and achieving nuclear disarmament. Unfortunately, the results expected had not been achieved; although the additional protocols to the Soviet-United States agreements on nuclear-weapon tests of 1974 and 1976 had been signed at the Soviet-United States summit in Washington earlier in 1990, they had not yet been ratified. It was to be hoped that resumed negotiations would result in a significant limitation by both Powers of the number and energy yield of their nuclear tests. At the Conference on Disarmament, the matter had remained in a state of protracted stagnation. The Czechoslovak delegation was among those trying to find ways of overcoming the impasse. It was to be hoped that the recently established Ad Hoc Committee would at long last produce tangible results. One possible solution might be found in the non-aligned countries' proposal that the validity of the Partial Test-Ban Treaty should be extended to cover underground testing. Czechoslovakia, for its part, was making responsible and serious preparations for the United Nations conference to be held in New York at the beginning of 1991.

MR. ENE, ROMANIA (5th meeting) page 95, para 59

59. The positive results achieved since the entry into force of the Non-Proliferation Treaty demonstrated the important role that the NPT played in maintaining international peace and security and promoting development, something that must be borne in mind in 1995 when the States Parties met to decide on the Treaty's further duration. In view of the recent positive developments in international relations and the democratization and improved human rights situation in Europe, the coming five years offered a unique opportunity to prepare the groundwork for the abolition of nuclear weapons. The Conference sought to give fresh impetus to that goal by improving upon the inadequacies of the non-proliferation régime so as to make the spread of nuclear weapons more difficult. The Conference must also attach priority to the early completion of the Soviet-United States negotiations on a 50 per cent reduction in strategic nuclear weapons, the beginning of a new series of negotiations on short-range nuclear missiles in Europe and a re-evaluation of nuclear weapons strategy in the light of new political realities. It was also important to give legal force to the obligation of States not to resort to the use or threat of use of nuclear weapons. The issue of security assurances for non-nuclear States should no longer create difficulties. The steps taken to reduce nuclear weapons were most gratifying, but such efforts must also help achieve another objective of the Treaty - a ban on all nuclear tests. Romania welcomed the recent initiative by six non-aligned States in that matter.

MR. STEPHANOU, GREECE (5th meeting) page 96, para 65

65. Despite the continuing risk that yet more countries might acquire nuclear weapons and the fact that a number of States continued to remain outside the non-proliferation régime, important progress had been achieved in recent years: the INF Treaty, the Stockholm Conference on Disarmament in Europe agreement, the verification protocols for the Threshold Test Ban Treaty and the Treaty on Peaceful Nuclear Explosions, and the agreement between the United States and the Union of Soviet Socialist Republics to destroy chemical weapons were all encouraging signs that the two super-Powers were on the right path towards genuine nuclear disarmament and a reduction in vertical proliferation. His delegation looked forward to further progress towards the completion by the end of 1990 of a number of bilateral agreements between the United States and the Soviet Union on strategic nuclear weapons and chemical weapons.

MR. TCHEUL, DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA, (6th meeting) page 100, para 4

4. The NPT had already played a significant role in that no new nuclear-weapon State had emerged in recent years. Since the Third Review Conference efforts had been made by the nuclear-weapon States to achieve nuclear disarmament and progress had been made towards that goal. The 1987 Treaty between the United States and the USSR on the Elimination of their Intermediate-Range and Shorter-Range Missiles, the prospects for strategic arms reductions and the unilateral reduction of certain tactical nuclear weapons aroused hopes that negotiations on nuclear disarmament would extricate themselves from their three-decade-long stagnation. It was for the Conference to see that those hopes were fulfilled.

MR. STAIKOV, BULGARIA (6th meeting) page 105, para 27

27. His Government was convinced that continued nuclear disarmament efforts would contribute significantly to the strengthening of the non-proliferation régime. The elimination of thousands of intermediate-range and short-range nuclear missiles by the Soviet Union and the United States represented considerable progress towards that end, and it was to be hoped that the agreement concluded in June on a framework for reducing strategic nuclear arsenals would lead to the rapid conclusion of a treaty on the subject and that negotiations on future reductions would begin immediately after the conclusion of the START-I Treaty, which would be fully in keeping with the States parties' commitments under article VI of the Treaty. The unilateral withdrawal of hundreds of tactical nuclear charges by the USSR and the United States was another encouraging sign of full compliance with the provisions of article VI. His Government also welcomed the progress in the negotiations on conventional arms reductions, confidence-building measures in Europe and the prohibition of chemical weapons. And it welcomed the recent signing of the protocols on the control mechanism of the agreements concluded between the USSR and the United States in 1974 and 1976, and hoped that those agreements would be ratified shortly.

MR. HOULLEZ, BELGIUM (6th meeting) page 106, para 30

30. In the area of disarmament, the INF Agreement, the first since the Second World War to be accompanied by effective verification measures, was being implemented satisfactorily by all the parties. The signing of the START Agreement on the reduction of strategic weapons, which would have a strong impact on the capabilities of the two major nuclear Powers, appeared to be imminent, and the North Atlantic Treaty Alliance, for its part, had repeated its will to begin negotiations on short-range weapons as soon as an agreement on conventional forces in Europe was signed. Similarly, at their London summit, the Heads of State and Government of the Alliance countries had taken full account of the new relations between the countries of Europe, which aroused hopes that the new NATO strategy would be less dependent on nuclear weapons. The United States had in turn announced its intention to refrain from modernizing its LANCE missiles and to withdraw its nuclear artillery from Europe. In the area of the cessation of nuclear testing, too, a welcome sign was the imminent ratification of the protocols to the 1974 and 1976 treaties on thresholds and peaceful nuclear explosions by the two nuclear super-Powers. In that connection, the re-establishment of the Ad Hoc Committee on a Nuclear Test Ban proved that the final objective, to which Belgium was strongly committed, namely, a permanent and verifiable halt to nuclear testing, could finally be achieved.

MR. CALDERON, PERU (6th meeting) page 108, para 40

40. Mr. CALDERON (Peru) said that it had probably been out of fear of the consequences of a nuclear conflict that the super-Powers had begun negotiations on a treaty to check the proliferation of such weapons of mass destruction. The NPT had been an important initial stage on the road to reason. It was simply one way of creating conditions that would make it possible to eliminate nuclear weapons from the face of the earth once and for all. Non-proliferation did not mean elimination or reduction, but non-reproduction. That was why the Treaty was discriminatory, in two respects. First, it was the first international instrument legally to recognize five States as being the sole nuclear Powers under article IX, paragraph 3. It was perhaps that discriminatory nature that explained the existence of article VI. Indeed, since it was not a nuclear disarmament treaty, its moral authority and universalization depended on the cessation of the nuclear arms race and on nuclear disarmament, two processes leading to general and complete disarmament. Secondly, the Treaty gave preferential treatment to the non-nuclear-weapon States parties. Article IV provided that non-nuclear-weapon States should benefit from the development of the many uses of nuclear energy for peaceful purposes.

MR. CALDERON, PERU (6th meeting) page 109, para 43

43. The successful implementation of the 1987 Washington Treaty, on the elimination of intermediate-range and short-range missiles, and the announcement that the super-Powers would be concluding a treaty on the elimination of certain categories of strategic offensive weapons by the end of the year were examples of the measures that must be taken in order to lessen the disappointment of the non-nuclear-weapon States parties at the implementation of article VI.

MR. RASAPUTRAM, SRI LANKA (6th meeting) page 113, paras 60 and 61

60. Regarding article VI, he noted with satisfaction the progress in bilateral negotiations since 1985. The two nuclear super-Powers had concluded the INF Treaty and committed themselves to concluding the START Agreement. However, his Government was disappointed that there had been no agreement on effective limitations, and it thus feared that the quest for a new generation of nuclear weapons would continue.

61. There had been reports of new nuclear-weapon systems, including submarine-based missiles and cruise missiles. Moreover, even if 3 to 4 per cent of the missiles were destroyed under the INF Treaty, their warheads would be retained. The START Agreement envisaged much less than a 50 per cent reduction, but even after a 50 per cent reduction of the two super-Powers' strategic arsenals, those two countries would have 20 per cent more nuclear warheads than they had had in the early 1970s. Current negotiations had not produced any progress concerning a possible agreement on preventing an arms race in outer space. Research and development were continuing in that field. Sri Lanka was thus seriously concerned at the possibility of an expensive and destabilizing arms race in outer space coupled with the development of new nuclear weapons.

MR. DUNA, TURKEY (7th meeting) page 131, para 51

51. The progress achieved in nuclear disarmament over the past five years represented a major step in the implementation of article VI of the Treaty. In that connection, he referred to the INF Agreement of 1988, the impending conclusion of a START agreement, to be followed by further talks on strategic balance issues, and the negotiations on the reduction of short-range nuclear forces expected to take place after the conclusion of the agreement on conventional forces in Europe. His delegation also welcomed the decision of the Conference on Disarmament to discuss at informal meetings the topics of cessation of the nuclear arms race and nuclear disarmament and prevention of nuclear war, including all related matters, and hoped that the debate on those items would be continued at the 1991 sessions of the Conference.

MRS. MASON, CANADA (8th meeting) page 137, para 7

7. Many States Parties also participated in bilateral nuclear co-operation, and as a major exporter of nuclear items, Canada had played and would continue to play a significant role in international nuclear co-operation with a wide variety of countries, both developed and developing. It would be submitting to the Conference a paper on its bilateral activities, which included uranium exports, provision of power and research reactors, nuclear technology transfer and training activities. Canada had bilateral agreements with 28 countries which, with the exception of France, a nuclear-weapon State, were parties to the NPT. It believed that adherence to the NPT or to NPT-type safeguards was an essential condition of nuclear supply. Another important point was to clarify the list of nuclear materials and equipment. Some parties to the NPT objected to the additional non-proliferation assurances often required by suppliers. Such requirements were often a matter of national policy, responded to nuclear non-proliferation concerns and provided fallback safeguards in the event that IAEA was unable to apply safeguards. They made it possible to take particular precautions with high enrichment and reprocessing and to have some control over the retransfer of items to third parties. It was within that more comprehensive non-proliferation régime that assurances of nuclear supply could continue to contribute to world prosperity. That did not extend to the peaceful applications of nuclear explosions, as provided for in article V, for the benefits remained doubtful. As to the provisions of article VI, under which parties undertook to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race and to nuclear disarmament, and on a treaty on general and complete disarmament, all the efforts undertaken in that direction had provoked the build-up rather than the reduction of arms, in a climate of international tension. However, the international climate had changed considerably since the previous Review Conference, particularly in the East-West context, and States were demonstrating a revitalized commitment to resolve problems by peaceful means. Unprecedented progress had been made towards halting and reversing the nuclear arms race. The INF Treaty, concluded in 1987, was a noteworthy achievement. The United States and the Soviet Union had reached agreement in principle on a START treaty, which should be signed before the end of the year. They had also committed themselves to negotiating a START II treaty and to pursuing a dialogue on enhancing strategic stability after the implementation of START I. There were also other indications that the super-Powers had indeed embarked on the path of nuclear disarmament.

MR. BARNETT, JAMAICA (8th meeting) page 139, 17-22

17. The last half of the 1980s had heralded the new direction in international relations, marked by improved relations between the super-Powers and the signing of the INF Treaty. However, the elimination of an entire class of missiles still left the international community militarily only marginally better off, as there were still more than enough weapons to destroy the world several times over. The significance of the recent turn in international relations portended more than it actually meant. However, the prospects for an early signature of a strategic arms reduction treaty and of substantial progress in the Vienna negotiations were all the more encouraging.

20. Only a comprehensive nuclear-test ban would prevent the development of more sophisticated nuclear weapons systems. Continued testing, at whatever level, implied acceptance of the idea that nuclear weapons were usable and would be used, thus indicating persistent adherence to a doctrine of certain mutual destruction. If no progress was made beyond that stage, then the NPT had not yet provided a suitable framework for the maintenance of international peace and security in a changing world.

22. The principal concerns initially raised by the non-aligned countries were still unmet, more particularly a comprehensive test ban, a cut-off of the production of fissile material for weapons, a freeze and reduction of stocks of nuclear weapons and their delivery systems, prohibition of the use of nuclear weapons, and security assurances to non-nuclear-weapon States. The Treaty, which was essentially about States and not about weapons, had led to scant progress in those spheres.

MR. MGBOKWERE, NIGERIA (8th meeting) page 144, para 47

47. It had to be remembered that, pursuant to article VI of the Treaty, all States Parties, nuclear and non-nuclear alike, had accepted a legally-binding commitment 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, and on a treaty on general and complete disarmament under strict and effective international control. However, the adverse effect of the military posture and defence doctrines of the nuclear-weapon States and other militarily significant States Parties were likely to jeopardize attainment of the goals of the NPT. Accordingly, Nigeria urgently called on the super-Powers and other nuclear-weapon States, which were primarily responsible for the implementation of article VI, to take advantage of the considerably improved relations between them to redouble their efforts towards fulfilling the aims of that article. The statements they had already made during the Conference were encouraging and it was to be hoped that they would actively participate in the 1991 Amendment Conference aimed at converting the Partial Test Ban Treaty into a comprehensive test ban treaty to ensure its success.

MR. GLESSINER, AUSTRIA (8th meeting) page 147, para 59

59. Further to the conclusion of the INF Treaty by the United States and the USSR, and to other recent developments in the field of disarmament, for the first time it seemed that the provisions of article VI of the Non-Proliferation Treaty were actually being applied. However, in view of the number of nuclear weapons to be destroyed, the INF Treaty could only be considered as a first step towards comprehensive nuclear disarmament. In the same context, it was to be hoped that the START I agreement on the reduction of the strategic arsenals of the two nuclear super-Powers would be concluded shortly and that a second agreement would also be reached later.

MR. NASSERI, ISLAMIC REPUBLIC OF IRAN (8th meeting) page 149, para 70

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70. The objective of article VI was undoubtedly the most important of the Treaty, although it had to a large extent long been ignored by the super-Powers. During the cold war, the arms race had reached its peak, but a number of positive developments had since taken place. However, the policy of maintaining nuclear supremacy and refusing to disavow the nuclear option remained intact. Various States had adopted the doctrine of acquiring security through the achievement of nuclear superiority. Such trends had unfortunately paved the way for a qualitative and quantitative regional conventional arms race, thus boosting the transfer of arms to such regions. Recent developments in the Middle East and the Persian Gulf were the consequence of that dangerous process.

MR. AMOO-GOTTFRIED, GHANA (8th meeting) page 151, para 78

78. The ultimate objective of the NPT was complete nuclear disarmament, which required an end to both horizontal and vertical proliferation of nuclear weapons. The fact that nuclear-weapon States continued to improve the quality of such weapons could only encourage non-nuclear-weapon States with advanced nuclear technology to cross the nuclear threshold and develop nuclear weapons. The first step to halt that process was an end to nuclear testing through a comprehensive test ban treaty. The conclusion of such a treaty would be the most concrete proof of the determination of the nuclear-weapon States to stop vertical proliferation and to work towards complete nuclear disarmament. The prospects of such a treaty were not as bleak as seemed at first sight. The signing of the INF Treaty, in 1987, had been followed by the conclusion of a number of bilateral agreements between the United States and the Soviet Union. Again, the Ad Hoc Comittee on a Nuclear Test Ban had been re-established, a development which Ghana welcomed as a positive sign of the commitment of the nuclear-weapon States to nuclear disarmament.

MR. ROZENTAL, MEXICO (9th meeting) page 159, para 18

18. He welcomed the reduction of 20 to 30 per cent in the strategic arsenals, but noted with anxiety that the weapons themselves were not disappearing, but were being redeployed outside Europe, to other regions. Thus, the nuclear threat had dwindled in Europe, but it had not disappeared. Nuclear disarmament would not be achieved as long as nuclear weapon testing and the production of fissionable material for military purposes continued. The necessary steps must therefore be taken to "suffocate" the nuclear arms race.

MR. LUONG, VIETNAM (9th meeting) page 160, para 23

23. Since the Third Review Conference, international relations had undergone profound modifications. The world had moved out of the cold war period into one of dialogue and co-operation. There were now real possibilities of preserving international peace and security and finding equitable solutions to regional conflicts. In that context, the process of both general and nuclear disarmament had made great progress. With the entry into force of the INF Agreement in 1988, genuine nuclear disarmament measures had been taken for the first time in history. Also to be welcomed was the signature of the verification protocols to the "threshold" treaties of 1974 and 1976, as well as the progress being made towards conclusion of the START treaty, which provided for important reductions in the strategic nuclear arsenals of the Soviet Union and the United States. There was reason to be satisfied, but not excessively so, since even if the START treaty were well implemented, thousand of nuclear warheads would remain, enough to cause a nuclear holocaust whose consequences would bring about the total destruction of civilisation.

MR. NGOUBEYOU, CAMEROON (10th meeting) page 165, para 8

8. It was a matter of concern that, despite some significant developments such as the signing of the INF Treaty, the joint declaration on non-proliferation by the United States and the Soviet Union and the adoption of verification protocols at the recent Washington Summit, as well as significant progress achieved at the Vienna and Stockholm talks, the undertakings set out in article VI had not been fully discharged during the period under review. The problem of the cessation of all test explosions of nuclear weapons, like that of the conclusion of a treaty on general and complete disarmament, remained unresolved. He continued to believe that the conclusion of an agreement on the complete halting of nuclear tests was an essential condition for compliance with article VI, and also supported the Nigerian proposal on negative security assurances to non-nuclear-weapon States Parties to the Treaty (NPT/CONF.IV/17). It was also to be hoped that the Ad Hoc Committee on a Nuclear Test Ban re-established by the Conference on Disarmament would accelerate its work with a view to arriving at an early agreement which, together with measures prohibiting the threat or use of nuclear weapons against non-nuclear States Parties, would unquestionably contribute towards strengthening the NPT in particular and the non-proliferation régime in general, encouraging States which had not yet done so to accede to the Treaty and restoring the confidence of non-nuclear-weapon States Parties.

MR. RIVAS, COLOMBIA (10th meeting) page 168, para 20

20. The Conference afforded an exceptional opportunity for nuclear powers to strengthen their commitment under article VI. Important, albeit partial, steps had been taken on the road to nuclear disarmament, or rather to a lower rate of nuclear armament. There was no doubt, however, that international opinion and the aspirations of all peoples continued to be in favour of bolder and more ambitious measures in that field. It was not enough for the two super-Powers to agree on certain limitations to their nuclear arsenals while leaving their destructive capacity intact, if nuclear-weapon States continued the race towards technical improvement of their weapons of mass destruction and a vertical proliferation which continued to threaten mankind, something that was against the very spirit of the Treaty.

MR. RIVADENEIRA, ECUADOR (10th meeting) page 172, para 33

33. While he welcomed the efforts made by the nuclear-weapon States to comply with article VI of the Treaty, it was important to make further progress in negotiations on effective measures relating to cessation of the nuclear arms race. The exceptionally favourable international situation must be used to convert the Partial Test Ban Treaty into an instrument banning all nuclear testing, the long-term goal being complete disarmament.

MR. ANDERSSON, SWEDEN (11th meeting) page 174, para 2

2. Significant progress had been made in the field of nuclear disarmament. In January 1985, the Soviet Union and the United States had agreed to begin negotiations on the reduction of strategic and intermediate-range nuclear weapons. Subsequent declarations by the two major nuclear Powers had demonstrated to the world community that policy makers were now asking fundamental questions about the future role of nuclear weapons as a means of deterrence. The first real step towards nuclear disarmament had been the conclusion in 1987 of the bilateral INF Treaty, which provided for the elimination of a whole category of nuclear weapons. The comprehensive study on nuclear weapons, in which both nuclear-weapon and non-nuclear-weapon States had participated, had also made a valuable contribution to the analysis of the matter. In the European context in particular, negotiations were under way on both disarmament and confidence- and security-building measures. The States participating in the Conference on Security and Co-operation in Europe (CSCE) were expected to adopt regional measures in the near future; and although military negotiations had so far been concerned with conventional weapons, they were also expected to address the issue of nuclear weapons in the future.

MR. ANDERSSON, SWEDEN (11th meeting) page 175, para 5

5. The best way of achieving universality adherence lay in bringing about a situation in which all States Parties strictly observed the provisions of the Treaty, not only in peace-time but also in times of crisis or war. It was also highly desirable to pursue comprehensive negotiations on nuclear disarmament, including naval disarmament, with the objective of banning nuclear weapons from all ships and submarines other than those placed in classes specially designated by agreement. Such a prohibition should cover all sea-lauched cruise missiles with nuclear warheads. Moreover, in fulfilment of their obligations in that respect, States Parties should obviously conclude a comprehensive nuclear test-ban treaty so as to halt the qualitative improvement and horizontal proliferation of increasingly sophisticated nuclear weapons. The Threshold Test-Ban Treaty and the Peaceful Nuclear Explosions Treaty concluded between the United States and the Soviet Union contained no binding provisions in that connection. The Swedish Government hoped that the Ad Hoc Committee on a Nuclear Test Ban would be reactivated at the beginning of the 1991 session of the Conference on Disarmament, since it had already been clearly demonstrated that the international community had at its disposal the scientific and technical means of verifying observance of a comprehensive nuclear test ban, and draft treaties on the subject were already on the table. In the meantime, the principal nuclear-weapon States should now declare a nuclear test moratorium. In that connection, Sweden shared Finland's serious concern about nuclear tests in the Arctic. It also considered that all production of new nuclear material which might be used to build weapons should be halted, and that any agreement reached in that connection should be verifiable, the prerequisite for any verification of that nature being separation, in nuclear-weapon States, of nuclear activities for peaceful and for military purposes. In addition, nuclear warheads should be dismantled and destroyed, all resultant transfers of fissionable material being monitored under IAEA safeguards.

MR. VILLARROEL, PHILLIPINNES (11th meeting) page 182, para 37

37. So far as article VI was concerned, a comprehensive test ban would be the most effective way to end the nuclear arms race. It would moreover be desirable for the Conference on Disarmament to receive the necessary support to achieve a comprehensive programme of disarmament.

MGR. TAURAN, HOLY SEE (11th meeting) page 183, para 43

43. It could be said that genuine progress had been made since the Third Review Conference. In 1987, the two super-Powers had signed the INF Agreement, which provided for the dismantling of all intermediate-range missiles and respective installations in the United States and the Soviet Union, and the START negotiations between the same two countries to achieve a 50 per cent reduction in strategic weapons raised the possibility of an even stricter limitation of nuclear weapons. Those factors, together with the current negotiations on conventional and chemical disarmament, represented a genuine peace dynamic. It was increasingly apparent that war was incapable of solving conflicts and that deterrence was merely an emergency solution. It was but one stage on the path towards disarmament, and other means of guaranteeing peace should be actively sought.

MR. SENE, SENEGAL (11th meeting) page 185, para 56

56. There were many lessons to be learned from an examination of the functioning of the NPT as far as article VII was concerned, in the light of the new international environment. The first meeting between President Gorbachev and President Reagan, at which they had agreed that a nuclear war could not be won and must never be fought, had marked the beginning of that process. The conclusion, in 1987, of the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, which should be followed by new agreements and by consideration of a reduction in strategic weapons, had been the continuation of that meeting. In addition, there was the imminent ratification by the two super-Powers of the protocols to the 1974 Threshold Test-Ban Treaty and the 1976 Peaceful Nuclear Explosions Treaty. The International Paris Conference on chemical weapons had, moreover, given a powerful impetus to negotiations aimed at the complete and universal elimination of chemical weapons in conjuction with a verification system. Lastly, mention should be made of the Stockholm Document on security and co-operation in Europe and the forthcoming conclusion in Vienna of an agreement on conventional forces in Europe and North America together with an agreement on confidence- and security-building measures, concluded in the spirit of the Final Act adopted in Helsinki in 1975. The Final Act, one of the legal milestones of the present era, had organized East-West co-operation in spheres ranging from economics to disarmament, including science and technology, environmental protection and respect for human rights, in order to usher in an era of détente in Europe capable of diminishing the risk of

MR. KATSIGAZI, UGANDA (11th meeting) page 189, para 74

74. Article VI of the Treaty, in which all parties undertook to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race and general and complete disarmament, had not been respected and the nuclear-weapon Powers had done nothing in the past 20 years to promote that objective. The quantitative reduction in nuclear arsenals was largely offset by the production of technologically advanced weapons that would allow each super-Power even if bilateral negotiations on arms reduction succeeded. to retain more than 9,000 nuclear weapons - three times more than they had had when the NPT had been signed in 1968.

MR. MARKIDES, CYPRUS (12th meeting) page 193, para 9, and page 194, para 11

9. Despite the conclusion of a number of arms control treaties, including some important bilateral treaties between the United States and the Soviet Union, there had, unfortunately, been no significant and substantial progress towards the aims set out in article VI of the NPT. In that connection, he joined with other speakers who had welcomed the agreement between the United States and the Soviet Union for the elimination of intermediate and shorter-range missiles in Europe - the INF Treaty. That agreement was a first small, but positive, step towards achieving some of the objectives of the NPT. It was to be hoped that the recent favourable developments in international relations would make it possible for an agreement to be reached preventing an arms race in space and ending it on Earth. Such an agreement was essential not only as a necessary balancing element for the self-restraint shown by the non-nuclear-weapon States Parties under article II of the NPT but also as an encouragement to other States, whether nuclear-weapon States or non-nuclear-weapon States, to join the non-proliferation régime established by the Treaty.

11. As recognised in the preamble to the NPT, the conclusion of a comprehensive test ban treaty was essential in order to achieve nuclear disarmament. Negotiations in that direction should be resumed as soon as possible and such a treaty could perhaps be completed within a few years. The process could be hastened by a linkage between the comprehensive test ban and the NPT. The declaration adopted in September 1989 by the Non-Aligned Summit Conference stated, inter alia, that a comprehensive nuclear test-ban treaty was absolutely essential for the preservation of the non-proliferation régime embodied in the NPT. His delegation was in full agreement with the proposals put forward by other non-aligned countries with a view to preserving and strengthening the NPT. Those proposals included: (1) the declaration of a moratorium on all nuclear tests explosions till 1995; (2) a moratorium on the production of fissionable material; (3) the promotion of full-scope negotiations on a comprehensive test ban in the Ad hoc Committee established by the Conference on Disarmament; (4) a readiness to accept multilaterally binding legal instruments to guarantee all non-nuclear-weapon States against the use or threat of use of nuclear weapons; (5) support and recognition for existing nuclear-weapon-free zones and for those to be established in the future; (6) improved IAEA assistance to developing countries through financing institutions to promote the peaceful uses of nuclear energy.

MR. GUTTIEREZ, PERU (Committee I, meeting 2) page 226, para 13

13. Despite a de facto moratorium on the production of fissionable material on account of the huge stockpiles in the hands of the nuclear-weapon States, none of those States had voiced a decision to suspend production. Therefore, negotiations must be initiated on an agreement for international verificaion of a complete end to such production; such a measure would accord fully with bilateral understandings on the reduction of intermediate-range and strategic nuclear weapons and therefore be consonant with article VI of the NPT.

MR. KRALIK, CZECH AND SLOVAK FEDERAL REPUBLIC (Committee I, meeting 2) page 229, para 26 and page 230, para 28

26. The review of article VI focused particularly on nuclear-weapon States. Although implementation of its provisions was still not fully satisfactory, there had been more progress since the previous Review Conference than in all the preceding years; that dynamic atmosphere was propitious for the step-by-step solution exemplified by the signing of the INF Treaty in 1978, something which had shown that even highly complex problems could be solved given the political will, and by the fact that negotiations for START II had already led to the elaboration of 12 verification methods. Such sound progress augured well for further strengthening of the Treaty.

28. Nuclear disarmament was inseparable from the disarmament process as a whole, and the comprehensive banning of nuclear-weapon tests was inseparable from the issue of non-proliferation. The committee for that purpose in the Conference on Disarmament had been re-established, and a Partial Test Ban Treaty Amendment Conference would be convened in January 1991. A complete global ban on nuclear tests was a key factor for strengthening the NPT and achieving nuclear arms reduction and disarmament.

MR. REESE, AUSTRALIA (Committee I, meeting 2) page 232, paras 38 and 39

38. Article VI and preambular paragraphs 8 to 12 related essentially to the other half of the bargain struck in acceding to the NPT: the commitment to nuclear disarmament. In that context, Australia welcomed the improved political climate and the resultant enhanced prospects for nuclear and conventional disarmament. It supported the range of arms control negotiations, especially START, between the United States and the Soviet Union and looked forward to the conclusion of an agreement which would drastically reduce their arsenals. However, as the Australian Foreign Minister had pointed out during the general debate the number of nuclear weapons in the world would still be unacceptably high. His delegation therefore reiterated its conviction that nuclear disarmament must be pursued, actively and in good faith, pursuant to article VI, while recognizing that the process would be slow and complex and that, as noted at the previous Review Conference, stability was important.

39. A comprehensive nuclear test-ban treaty remained an urgent priority, since the limits it would impose on proliferation, vertical and horizontal, made it an integral part of the nuclear disarmament process and thus of full implementation of the NPT. Although the agreements signed, since the previous Review Conference, by the United States and the Soviet Union on the Verification Protocol of the 1974 Threshold Test-Ban Treaty and the 1976 Peaceful Nuclear Explosions Treaty were welcome and should be acknowledged in the Final Document, a comprehensive test ban was some way off. It was gratifying to see the recent re-establishment, in the Conference on Disarmament, of the Ad Hoc Committee on a Nuclear Test Ban, for it was time for the international community to begin work towards the early conclusion of a comprehensive test-ban treaty. Although Australia had doubts about the Partial Test-Ban Treaty Amendment Conference, it would participate in it constructively. Whatever the Conference's findings with regard to testing, the NPT remained essential.

MR. GORDON, UNITED STATES OF AMERICA (Committee I, meeting 2) page 233, para 45

45. Article VI applied not just to nuclear-weapon States but to all countries, and involved non-nuclear as well as nuclear arms control negotiations. The United States had an impressive record of arms control negotiations and activities, nuclear and non-nuclear, which spoke for itself and testified to article VI's viability, yet it was time for the international community to demand that all Parties should make commensurate efforts to achieve arms control measures that could ease regional tensions and abate regional arms competition. The Conference should send a strong message to all States Parties accordingly. Fulfilment of article VI's objectives should not be judged solely in terms of the agreements concluded, for the article dealt with a process which was, in and of itself, of the utmost importance. It was also essential to recognize that changing political relationships affected arms control and disarmament measures and vice versa, and that particular arms control measures themselves, such as deep cuts in arsenals, required very careful attention in regard to the type and reliability of the weapons remaining. To avoid instability, reductions must be designed to maintain balanced defensive capability at every phase. Again, at every stage of reduction, the ability to test was essential. It must be recognized that nuclear arsenal reductions of the type sought in the START negotiations depended on awareness that the remaining weapons could be stored, deployed or transported safely and would perform as designed - which meant the ability to test. The United States was committed to an eventual complete ban on testing, on a step-by-step basis. The conditions it imposed were based on the conviction that disregard for the relationship between the types of weapons remaining at any time, or their reliability, would be a seriously destabilizing factor.

MR. HARUN-UR RASHID, BANGLADESH (Committee I, meeting 2) page 235, para 51

51. The wording of article VI made its purpose very clear: cessation of the nuclear arms race, as well as nuclear and comprehensive disarmament. In that regard, his delegation welcomed the many recent positive steps such as the progress in the various arms control negotiations and measures undertaken by the Soviet Union and the United States, and the re-establishment, in the Conference on Disarmament, of the Ad Hoc Committee on a Nuclear Test Ban. A comprehensive test ban was crucial to fulfilment of the Treaty obligations; it was not in itself a substantive disarmament measure but only a prelude. In that connection, all aspects of disarmament, particularly nuclear disarmament pursuant to the terms of article VI, were contained in draft resolution NPT/CONF.IV/L.1.

MR. PALIHAKKARA, SRI LANKA (Committee I, meeting 2) page 236, para 58

58. Mr. PALIHAKKARA (Sri Lanka), referring to article VI, said that he welcomed the recent progress in bilateral negotiations, which contrasted with the overall lack of progress prior to the previous Review Conference. Nevertheless, it was disappointing that no effective limitations had been agreed upon in connection with the qualitative development of nuclear weapons systems, despite specific calls voiced at the previous Review. It was a matter for concern that, despite the deep cuts in strategic arsenals foreseen in the START negotiations, 20 per cent more nuclear weapons would be deployed than had been the case in 1970. As shown in the recent comprehensive study by the United Nations Group of Experts, continued modernization would lead to the deployment of new types of weapons systems, contrary to the purposes of article VII of the NPT.

MR. FLYNN, IRELAND (Main Committee I, 5th meeting) page 258, para 5

5. The past five years had witnessed some positive and encouraging developments: the improvement in East-West relations had provided a framework for significant progress in some areas of arms control; the INF Treaty had been signed and was being implemented; and a strategic arms reduction treaty (START) should soon be signed, an event that would strengthen the implementation of Article VI and result in reducing the vertical proliferation of nuclear weapons.

MR. BOLIATKO, UNION OF SOVIET SOCIALIST REPUBLICS (Main Committee I, 5th meeting) page 260, paras 14 and 19

14. The Soviet-United States treaty on the elimination of intermediate and short-range missiles had marked the beginning of nuclear disarmament in Europe and throughout the world.

19. The unilateral reduction of armed forces, defence budgets and military programmes by the Soviet Union and other countries and the reduction in the manufacture for nuclear armament purposes of certain products such as fissile materials was also contributing to the implementation of the eighth to twelfth preambular paragraphs and of Article VI of the NPT.

MR. GORDON, UNITED STATES OF AMERICA (Main Committee I, 5th meeting) page 262, para 28

28. In the first place, he hoped that the Committee would not engage in academic or legalistic debates about what measures should be considered in reviewing Article VI and preambular paragraphs 8 to 12 of the NPT. If the conclusion of a single treaty providing for general and complete disarmament was regarded as the literal objective test, it was clear that that objective had not been accomplished. However, that would not amount to a fair assessment of the progress made in the last five years. Article VI should rather be considered in terms of all the accomplishments which had contributed to achievement of the long-term objective - INF, strategic arms reductions and other disarmament measures in both nuclear and non-nuclear areas.

MR. WEMBOU, CAMEROON (Committee I, meeting 5) page 266, para 47

47. He noted that in the period since the year 1985 vertical proliferation had continued, nuclear weapons had continued to be improved in qualitative terms and progress in the bilateral field had not always been accompanied by similar progress in multilateral negotiations. Despite the considerable progress made, much still remained to be done, therefore, before general disarmament could be achieved. In other words, strict and comprehensive implementation of the provisions of Article VI have not yet been accomplished.

MRS. MASON, CANADA (Main Committee I, 5th meeting) page 267, para 52

52. Mrs. MASON (Canada) said that the Final Document should refer to the unprecedented progress made since 1985, particularly during the past 18 months, involving developments all of which were consistent with the aims of Article VI of the NPT. Developments of particular importance were the INF Treaty and the progress which had been made in negotiating a START treaty. The negotiations on a comprehensive test ban were more difficult, but progress had nevertheless been made with the re-establishment of an Ad Hoc Committee on nuclear testing in the Conference on Disarmament and the conclusion, in June 1990, of the Protocols on verification of the 1974 and 1976 bilateral Treaties.

MR. PALIHAKKARA, SRI LANKA (Committee I, meeting 5) page 267, para 56

56. While the conclusion of the INF Treaty and the progress being made in the negotiation of a START treaty were cause for satisfaction, he pointed out that nothing had been done to limit the modernization of nuclear armaments. It was necessary also to bear in mind that, even if the nuclear arsenals were halved, they would still exceed by 20 per cent their level at the start of the 1970s. He also drew attention to the fact that space weapon programmes had not been abandoned and he joined the representative of New Zealand in stressing the urgent need for a comprehensive nuclear test ban. The cessation of tests was an essential measure to combat the proliferation of nuclear weapons. In that connection, he regretted that the Conference on Disarmament had not been able to give a negotiating mandate to the ad hoc group on nuclear tests. The Conference should strongly encourage continuation of the comprehensive nuclear test-ban process, particularly in view of the forthcoming conference to amend the Partial Test-Ban Treaty.

MRS. SOLESBY, UNITED KINGDOM (Main Committee, 5th meeting) page 268, para 58

58. Since the 1985 Review Conference substantial unexpected results had been achieved in the field of nuclear disarmament. Examples were the bilateral agreements concluded between the United States and the USSR, the progress made towards conclusion of a START treaty and the signing of the INF Treaty. Even before the latter treaty had been concluded, NATO had unilaterally decided to destroy 2,400 of its nuclear warheads deployed in Europe, so that, currently, NATO had fewer nuclear warheads in Europe than at the time of the conclusion of the NPT. Furthermore, NATO had proposed the initiation of negotiations on elimination of short-range nuclear forces and of nuclear shells, once the treaty on conventional forces in Europe had been concluded.

MR. HILALE, MOROCCO (Committee I, meeting 5) page 269, para 65

65. Mr. HILALE (Morocco) said that when the NPT had been signed in 1968, the primary objective had been that the nuclear Powers should undertake to negotiate with a view to securing general disarmament under international control. That had been a counterpart, as it were, for the non-nuclear-weapon States, which had sovereignly renounced the nuclear option by acceding to the Treaty. Unlike the 1985 Review Conference, the Fourth Conference was taking place in a most favourable climate, as substantial disarmament agreements had been concluded and other agreements were being negotiated. An INF Treaty had been concluded, negotiations were in progress with the aim of reducing strategic armaments by 30 to 50 per cent, and other negotiations had been initated between the two alliances on the question of reduction of conventional weapons. Those new developments were certainly encouraging and should permit fulfilment of the desire of the international community for general and complete disarmament. The Conference, in its Final Document, should devote considerable attention to the progress made towards disarmament. It was necessary to be realistic, however, without being negative, and to point out that the results achieved did not fully meet the hopes aroused by the undertaking given in 1968 by the three nuclear-weapon Powers which were the Depositaries of the Treaty. The nuclear-weapon Powers should therefore further be urged to redouble their efforts in the interest of the entire world community.