



Malaysia

Permanent Mission to the United Nations

STATEMENT BY

**H.E. AMBASSADOR RADZI RAHMAN
ALTERNATE PERMANENT REPRESENTATIVE OF
MALAYSIA TO THE UNITED NATIONS IN NEW YORK**

**ON AGENDA ITEM 65(P)
GENERAL AND COMPLETE DISARMAMENT:
"FOLLOW-UP TO THE ADVISORY OPINION OF THE
INTERNATIONAL COURT OF JUSTICE ON THE LEGALITY
OF THE THREAT OR USE OF NUCLEAR WEAPONS"**

**AT THE FIRST COMMITTEE OF
THE 59TH SESSION OF THE GENERAL ASSEMBLY**

MONDAY, 18 OCTOBER 2004

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Mr. Chairman,

It is an honour for my delegation to introduce to the Committee a draft resolution entitled, "Follow-up to the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*", as contained in document A/C.1/59/L.39.

2. The draft resolution is sponsored by the following delegations, namely, Algeria, Bangladesh, Bolivia, Brunei Darussalam, Burkina Faso, Cambodia, Costa Rica, Cuba, Dominican Republic, Egypt, Fiji, Ghana, India, Indonesia, Islamic Republic of Iran, Jamaica, Jordan, Kenya, Lao People's Democratic Republic, Malawi, Malaysia, Mexico, Mongolia, Myanmar, Nepal, Nigeria, Pakistan, Peru, Philippines, Saudi Arabia, Sierra Leone, Singapore, Sri Lanka, Sudan, Viet Nam, Yemen and Zambia. My delegation expresses its gratitude to all the sponsors, as well as to those delegations that may decide to sponsor or support the draft resolution.

3. The Advisory Opinion on the *Legality of the Threat or Use of Nuclear Weapons* rendered by the International Court of Justice (ICJ) on 8 July 1996 remains a historic and resolute decision in the field of nuclear disarmament. The decision of the Court constitutes and remains an authoritative legal call to rid the world of nuclear weapons. The Court's unanimous conclusion that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective control, continues to be replicated in operative paragraph 1 of the draft resolution. Operative paragraph 2 underlines the obligation of all States to conduct and successfully conclude negotiations leading to nuclear disarmament. The unanimous decision is also consistent with the solemn obligation of States parties under Article VI of the Treaty on Non-Proliferation of Nuclear Weapons (NPT). The sponsors of this draft resolution consider that the decision by the ICJ must be followed up by concrete action by all Member States of the United Nations.

Mr. Chairman,

4. Developments in the field of nuclear disarmament over the past year can be described as rather disheartening. In his report on the work of the Organisation, as contained in document A/59/1, the Secretary-General has observed that "the slow pace of disarmament, violations of non-proliferation commitments, evidence of a clandestine nuclear network and the threat of terrorism" are some of the several challenges which, if left unchecked, could undermine international peace and security as well as may increase the risk of new instances of unilateral or pre-emptive use of force. My delegation and the sponsors of this draft resolution concur with him. It is crucial that favourable conditions be created for the further advancement of the global nuclear disarmament process.

5. Large stocks of nuclear weapons remain in the arsenals of the nuclear-weapon States. Furthermore, nuclear-weapon States are continuing with plans to develop new nuclear weapons, as well as plans for their possible use in future military conflicts. The sponsors feel compelled to recapitulate that the Final Document of the SSOD-I underscores that general and complete disarmament under effective international control is the ultimate goal of multilateral disarmament efforts. This goal is far from being achieved. Member States of the United Nations had agreed at SSOD-I that nuclear weapons posed the greatest danger to mankind and to the survival of human civilization. Today, all States remain in full agreement with that conclusion made almost three decades ago. In this connection, we call on all Member States to implement, without further delay, in good faith the provisions of the draft resolution upon its adoption, in accordance with the resolve expressed by our leaders at the Millennium Summit, as well as our Treaty obligations, namely to strive for the elimination of nuclear weapons.

6. The challenge facing the international community in trying to realize a nuclear-weapon-free world has become more formidable than ever, requiring our full and unqualified commitment to the goals we set ourselves. The world has promulgated legal treaties banning the use, threat and production of other weapons of mass destruction. Yet, the final goal of eliminating nuclear weapons has been elusive. However, we must not falter. We must work towards the elimination of nuclear weapons but with a clear target — one that is foreseeable, realistic and attainable. We cannot allow the indefinite perpetuation of the possession of such weapons. Towards this end, therefore, nuclear disarmament must remain a high priority issue on the global agenda, and not be sidelined or marginalized. Governments must support multilateral efforts that seek to bring all countries together in a multilateral effort to create a nuclear-free world. The vitality of multilateralism and multilaterally agreed solutions in addressing disarmament and international security issues must be preserved and strengthened.

7. In submitting this draft resolution for the consideration of Member States for the ninth consecutive year, my delegation and the sponsors are confident that it will continue to receive the support of a large majority of Member States. We are confident that States that support multilateral negotiations will heed the views of the overwhelming majority inside and outside this Assembly and seek to join us in our collective endeavour towards the global elimination of nuclear weapons. Once again, my delegation expresses its sincere appreciation to the sponsors, as well as to delegations that will vote in favour of the draft resolution.

I thank you, Mr. Chairman.