



MALAYSIA

PERMANENT MISSION TO THE UNITED NATIONS



CANDIDATE
to the
UNITED NATIONS
SECURITY COUNCIL
for the term 2015-2016

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**STATEMENT BY
H.E. AMBASSADOR HUSSEIN HANIFF
PERMANENT REPRESENTATIVE OF MALAYSIA**

**TO INTRODUCE DRAFT RESOLUTION (A/C.1/69/L.23)
“FOLLOW-UP TO THE ADVISORY OPINION OF THE INTERNATIONAL COURT OF
JUSTICE ON THE LEGALITY OF THE THREAT OR USE OF NUCLEAR WEAPONS”**

**UNDER AGENDA ITEM 96(z) OF THE FIRST COMMITTEE
69TH SESSION OF THE GENERAL ASSEMBLY**

NEW YORK, 20 OCTOBER 2014

Mr. Chairman,

1. My delegation has the honour to introduce to the First Committee, the draft resolution A/C.1/69/L.23 entitled “Follow-up to the Advisory Opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons”.

2. This draft resolution has also been co-sponsored by 53 delegations thus far, namely: Algeria, Angola, Bangladesh, Belize, Benin, Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Chile, Costa Rica, Cote d'Ivoire, Cuba, Dominican Republic, Ecuador, Egypt, Eritrea, Guatemala, Guyana, Honduras, India, Indonesia, Iran, Iraq, Jamaica, Kenya, Laos, Lesotho, Libya, Madagascar, Malawi, Malaysia, Mexico, Morocco, Myanmar, Nepal, Nicaragua, Niger, Nigeria, Paraguay, Peru, Philippines, Saint Vincent & the Grenadines, Senegal, Singapore, Syria, Thailand, Timor-Leste, Trinidad & Tobago, Uruguay, Venezuela, Vietnam and Zimbabwe.

3. Malaysia and the co-sponsors of this resolution extend our collective appreciation to the Secretary-General for his report on the Follow-up to the Advisory Opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons, as contained in document A/69/131. We also take this opportunity to thank the member States which had submitted the information requested pursuant to resolution 68/42.

Mr. Chairman,

4. Malaysia recalls that, by way of Resolution 49/75K adopted on 15 December 1994, the General Assembly, pursuant to Article 96 paragraph 1 of the United Nations Charter, requested the International Court of Justice (ICJ) to urgently render its advisory

opinion on the question: "Is the threat or use of nuclear weapons in any circumstance permitted under international law?"

5. On 8 July 1996, the Court recognised, for the first time in history, that the threat or use of nuclear weapons is generally contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law. The Court further declared, unanimously, that "there exists a legal obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control".

6. This Opinion constitutes a significant milestone in the international efforts aimed at nuclear disarmament, by lending a moral argument for the total elimination of such devastating weapons. The pronouncements by the highest international legal authority are of historic importance, and cannot be dismissed. With this opinion, the Court has now set legal parameters whereby the use of nuclear weapons indeed ignores customary international law and international treaties.

Mr Chairman,

7. The draft resolution on "Follow-up to the Advisory Opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons" underscores the concerns of Malaysia and other member States of the threat that nuclear weapons pose to mankind. Important decisions of the ICJ have been reflected specifically in Operative Paragraphs 1 and 2 in the draft resolution.

8. Operative Paragraph 1 reflects the resolute and authoritative legal call for nuclear disarmament as contained in the advisory opinion. The draft resolution calls once again upon all States to fulfil their obligations by conducting, and successfully concluding negotiations leading to the conclusion of a nuclear weapons convention, as reflected in Operative Paragraph 2.

9. With a view to achieving the broadest support possible, my delegation has retained the substantive paragraphs in their existing form, and the necessary technical updates have been revised.

Mr. Chairman,

10. The ICJ's Advisory Opinion remains a significant contribution to the field of nuclear disarmament. Its humanitarian context gives weight to a moral argument in calling for the total elimination of nuclear weapons. This particular point is all the more relevant today, given the growing increase in the humanitarian impact of nuclear weapons.

11. In co-sponsoring and supporting this resolution, member States would share our conviction that the Court's Opinion is an important and positive development in nuclear disarmament through the multilateral process, and should be built on. Malaysia thanks

the co-sponsors of this draft resolution, and would also like to take this opportunity to invite other delegations to join in co-sponsoring it.

12. My delegation also wishes to reaffirm our continued appreciation to the tireless efforts of civil society in their efforts towards the goal of nuclear disarmament, including by assisting us to move this resolution forward, from its adoption in 1996 until the present day.

Thank you Mr. Chairman.