



Malaysia

Permanent Mission to the United Nations

(Please check against delivery)

STATEMENT BY MR. MOHD ISHRIN MOHD ISHAK, REPRESENTATIVE OF MALAYSIA TO THE UNITED NATIONS TO INTRODUCE THE 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*” SUBMITTED UNDER THE AGENDA ITEM: 98(X) AT THE FIRST COMMITTEE OF THE 66TH SESSION OF THE GENERAL ASSEMBLY, NEW YORK, 14 OCTOBER 2011

Mr. Chairman,

At the outset, let me on behalf of my delegation expresses our appreciation to the Secretary-General for his report on “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/66/132, submitted under agenda item 98 (x). We also extend our appreciation to the delegations that have submitted the information requested pursuant to resolution 65/76 of 8 December 2010.

Mr. Chairman,

2. Nuclear disarmament occupies a central role in the work of the United Nations. This is reflected by the fact that the very first resolution adopted by the General Assembly in 1946, which spoke, among others, of “*the elimination from national armaments of atomic weapons and of all major weapons adaptable to mass destruction*”. Twenty-two years later, the international community has the Nuclear Non-Proliferation Treaty, which was opened for signature in 1968. Yet despite the fact that 65 years have passed since 1946 and that the Cold War ended two decades ago, there remain over 20,000 nuclear weapons, which operational status is unclear.

3. Against such background, the Advisory Opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons* is a significant milestone in international efforts aimed at achieving nuclear disarmament by lending a powerful moral argument for the total elimination of nuclear weapons. In no uncertain terms, the world court declared that all States are obliged 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*”.

4. In this regard, Malaysia has since 1996 tabled a resolution on the “Follow-up to the Advisory Opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*” and will continue to do so, on behalf of the sponsors, this year. The Secretariat will assign the ‘L’ number, accordingly and the draft text, as tabled, will be circulated to all delegations. With a view of achieving the broadest support possible, important decisions of the ICJ have been retained in their existing form, specifically in operative paragraphs 1 and 2 of the draft resolution. References to some of the elements contained in

the action plan on nuclear disarmament that were consensually agreed to during the 2010 NPT Review Conference are also incorporated.

Mr. Chairman,

5. Among the major elements contained in this draft resolution is the Nuclear Weapons Convention that prohibits the development, production, testing, deployment, stockpiling, transfer, threat or use of nuclear weapons and provides for their elimination. Malaysia believes that the incremental-comprehensive approach that is encapsulated in this Convention will enable States to reach a balanced implementation of nuclear disarmament and nuclear non-proliferation that is crucial in ensuring the NPT remains as the cornerstone in the maintenance of international peace and security and achieving total elimination of nuclear weapons. To progress further on this issue, we require consensus on commencing the multilateral negotiations process. This in turn, requires good faith on the part of the States possessing nuclear weapons. We call upon the States concerned to demonstrate this good faith.

Mr. Chairman,

6. Support for this resolution is a reaffirmation of our commitment to the multilateral process in the field of nuclear disarmament and non-proliferation. We thank the co-sponsors of this draft resolution and we invite others to join in co-sponsoring it. We sincerely hope that the draft resolution will continue to receive the support by all delegations.

I thank you, Mr. Chairman.

66/_. Follow-up to the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*

The General Assembly,

Recalling its resolutions 49/75 K of 15 December 1994, 51/45 M of 10 December 1996, 52/38 O of 9 December 1997, 53/77 W of 4 December 1998, 54/54 Q of 1 December 1999, 55/33 X of 20 November 2000, 56/24 S of 29 November 2001, 57/85 of 22 November 2002, 58/46 of 8 December 2003, 59/83 of 3 December 2004, 60/76 of 8 December 2005, 61/83 of 6 December 2006, 62/39 of 5 December 2007, 63/49 of 2 December 2008, and 64/55 of 2 December 2009, **and 65/76 of 8 December 2010,**

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

Reaffirming the commitment of the international community to the realization of the goal of a nuclear-weapon-free world through the total elimination of nuclear weapons,

Mindful of the solemn obligations of States parties, undertaken in article VI of the Treaty on the Non-Proliferation of Nuclear Weapons,¹ particularly to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament,

Recalling the principles and objectives for nuclear non-proliferation and disarmament adopted at the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,² the unequivocal commitment of nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, agreed at the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,³ and the action points agreed at the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation on Nuclear Weapons as part of the conclusions and recommendations for follow-on actions on nuclear disarmament,⁴

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

¹ United Nations, *Treaty Series*, vol. 729, No. 10485.

² *1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document, Part I* (NPT/CONF.1995/32 (Part I) and Corr.2), annex, decision 2.

³ See *2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document*, vol. I (NPT/CONF.2000/28 (Parts I and II)), part I, section entitled “Article VI and eighth to twelfth preambular paragraphs”, para. 15.

⁴ See *2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document*, vols. I–III (NPT/CONF.2010/50 (Vols. I–III)), vol. I, part I.

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

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

Recalling the adoption of the Comprehensive Nuclear-Test-Ban Treaty in its resolution 50/245 of 10 September 1996, and expressing its satisfaction at the increasing number of States that have signed and ratified the Treaty,

Recognizing with satisfaction that the Antarctic Treaty,⁶ the treaties of Tlatelolco,⁷ Rarotonga,⁸ Bangkok⁹ and Pelindaba¹⁰ and the Treaty on a Nuclear-Weapon-Free Zone in Central Asia, as well as Mongolia's nuclear-weapon-free status, are gradually freeing the entire southern hemisphere and adjacent areas covered by those treaties from nuclear weapons,

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

Reaffirming the central role of the Conference on Disarmament as the sole multilateral disarmament negotiating forum,

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

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

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

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

⁵ Available from www.un.org/disarmament/WMD/Nuclear/sg5point.shtml.

⁶ United Nations, *Treaty Series*, vol. 402, No. 5778.

⁷ *Ibid.*, vol. 634, No. 9068.

⁸ See *The United Nations Disarmament Yearbook*, vol. 10: 1985 (United Nations publication, Sales No. E.86.IX.7), appendix VII.

⁹ United Nations, *Treaty Series*, vol. 1981, No. 33873.

¹⁰ A/50/426, annex.

¹¹ See A/62/650, annex.

Recalling the advisory opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons, issued on 8 July 1996,¹²

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

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

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

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

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¹² A/51/218, annex; see also *Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, I.C.J. Reports 1996*, p. 226.