Fifty-second session
Agenda item 71

GENERAL AND COMPLETE DISARMAMNT

Letter dated 31 October 1997 from the Chargé d'Affaires a.i. of the Permanent Mission of Costa Rica to the United Nations addressed to the Secretary-General

I have the honour to enclose herewith the Model Nuclear Weapons Convention which has been carefully drafted by an international consortium of lawyers, scientists and disarmament experts led by the Lawyers Committee on Nuclear Policy.

On 15 December 1994, the General Assembly adopted resolution 49/75 E, in which it requested the International Court of Justice to render its advisory opinion on the question: “Is the threat or use of nuclear weapons in any circumstance permitted under international law?”

On 8 July 1996, the International Court of Justice delivered its advisory opinion on the above question, in which it concluded unanimously 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” (see A/51/218, para. 105).

Moreover, on 10 December 1996, the General Assembly adopted resolution 51/45 M, entitled “Advisory opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons,” in which it:

- Underlined the unanimous conclusion of the Court 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;
- Called upon all States to fulfill that obligation immediately by commencing multilateral negotiations in 1997 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;
- Requested the Secretary-General to provide the necessary assistance to support the implementation of the present resolution". (paras. 4, 5, 6)

The Model Nuclear Weapons Convention is submitted as a work in progress setting forth the legal, technical and political issues that should be considered in order to obtain an actual nuclear-weapons convention.

The existence of nuclear weapons continues to endanger all peoples and nations. We believe that we should carry through with the tasks that non-governmental organizations have started, in order to create legal instruments to bring about the complete elimination of nuclear weapons.

We consider the Model Nuclear Weapons Convention an effective and helpful instrument in the deliberative process for the implementation of General Assembly resolution 51/45 M.

Therefore, I kindly request Your Excellency to have the draft nuclear weapons convention circulated as an official document of the General Assembly, under agenda item 71.

(Signed) Melvin SÁENZ-BÍOLLAY
Ambassador, Deputy Permanent Representative
Chargé d’Affaires a.i.
Adopted on 4 December 1998 as United Nations General Assembly Resolution 53/77 W.

Fifty-third session
First Committee
Agenda item 71 (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

Algeria, Bangladesh, Brazil, Brunei Darussalam, Burundi, Colombia,
Costa Rica, Ecuador, Egypt, El Salvador, Fiji, Ghana, Guyana,
Honduras, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Kenya,
Lao People's Democratic Republic, Lesotho, Malawi, Malaysia, Mexico,
Mongolia, Myanmar, Namibia, Niger, Nigeria, Panama, Papua New
Guinea, Paraguay, Peru, Philippines, Samoa, San Marino, Sierra
Leone, Singapore, Solomon Islands, Sri Lanka, Sudan, Suriname,
Thailand, United Arab Emirates, Uruguay, Viet Nam and Zimbabwe:
draft resolution

Follow-up to the advisory opinion of the International Court
of Justice on the Legality of the Threat or Use of Nuclear
Weapons

The General Assembly,

Recalling its resolutions 49/75 K of 15 December 1994, 51/45 M of 10 December
1996, and 52/38 O of 9 December 1997,

Convinced that the continuing existence of nuclear weapons poses a threat to all
humanity and that their use would have catastrophic consequences for 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 goal of the total
elimination of nuclear weapons and the creation of a nuclear-weapon-free world,

Mindful of the solemn obligations of States parties, undertaken in article VI of the
Treaty on the Non-Proliferation of Nuclear Weapons, 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, and in particular the objective of determined pursuit by the nuclear-weapon States of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons,

Recalling also 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 and the treaties of Tiatelolcò, Rarotonga, Bangkok and Pelindaba are gradually freeing the entire southern hemisphere and adjacent areas covered by those treaties from nuclear weapons,

Noting the efforts by the States possessing the largest inventories of nuclear weapons to reduce their stockpiles of such weapons through bilateral and unilateral agreements or arrangements, and calling for the intensification of such efforts to accelerate the significant reduction of nuclear-weapon arsenals,

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,

Reaffirming the central role of the Conference on Disarmament as the single multilateral disarmament negotiating forum, and regretting the lack of progress in disarmament negotiations, particularly nuclear disarmament, in the Conference on Disarmament during its 1998 session,

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,

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

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

Taking note of the relevant portions of the report of the Secretary-General (document A/53/208 dated 5 August 1998) relating to the objective on the implementation of resolution 52/38 O,

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 to immediately fulfill that obligation by commencing multilateral negotiations in 1999 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 on the implementation of the present resolution and nuclear disarmament, and requests the Secretary-General to apprise the General Assembly of that information at its fifty-fourth session;
4. **Decides** to include in the provisional agenda of its fifty-fourth 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".

VOTE ON RESOLUTION 53/77 W:

**In favour:** Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Costa Rica, Côte d’Ivoire, Cuba, Democratic People’s Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Indonesia, Iran, Ireland, Jamaica, Jordan, Kenya, Kuwait, Lao People’s Democratic Republic, Lebanon, Lesotho, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Rwanda, 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, Sweden, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

**Against:** Albania, Andorra, Belgium, Bulgaria, Canada, Czech Republic, France, Germany, Greece, Hungary, Israel, Italy, Luxembourg, Monaco, Netherlands, Poland, Portugal, Romania, Russian Federation, Slovakia, Slovenia, Spain, Turkey, United Kingdom, United States.

**Abstain:** Armenia, Australia, Austria, Azerbaijan, Belarus, Croatia, Cyprus, Denmark, Estonia, Finland, Georgia, Iceland, Japan, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Norway, Republic of Korea, Republic of Moldova, Tajikistan, The former Yugoslav Republic of Macedonia, Turkmenistan, Uzbekistan.

**Absent:** Dominica, Federated States of Micronesia, Namibia, Palau.
Securing our Survival (SOS): The Case for a Nuclear Weapons Convention

The European Parliament,

having regard to its previous resolutions on non-proliferation,

A. whereas the first nuclear NPT Preparatory Committee (Prepcom) since the Treaty's indefinite extension in 1995 will meet on 7-18 April 1997 in New York,

B. recalling the active role played by the EU during the NPT Review Conference in May 1995,

C. whereas the NPT Conference in 1995 resulted in agreements on strengthening the review process of the Treaty, principles and objectives for nuclear non-proliferation and disarmament and an indefinite extension of the Treaty,

D. welcoming the conclusion of the negotiations for the Comprehensive Test Ban Treaty (CTBT) and its adoption by the UN General Assembly in September 1996 and the signature by all Member States of the Union, and believing early ratification to be essential,

E. believing moves towards nuclear disarmament by the nuclear weapons states to be an essential complement to non-proliferation measures taken under the Treaty and in other fora, according to their obligations under Article 6 of the NPT,

F. whereas the first Prepcom will establish a precedent for the future review of the NPT,

G. believing that the advisory opinion of the International Court of Justice (ICJ), the report of the Canberra Commission and the statement by former generals and admirals of 4 December 1996 on the obligation to pursue nuclear disarmament in good faith are important contributions to the implementation of Article 6 of the NPT,

H. welcoming resolution 51/45M of the UN General Assembly on the advisory opinion of the ICJ and calling for the commencement of negotiations leading to a nuclear weapons convention in 1997,

1. Calls on the Council to make sure the Prepcom is used to assess progress made on the 1995 principles and objectives and to make concrete recommendations to the next Prepcom and to the Review Conference in the year 2000;

2. Calls on the Council to focus on making the implementation of the Treaty as efficient as possible and to promote the universality of the Treaty;

3. Calls on the Council to adopt a common position aimed at promoting the review process and strengthening the NPT and further EU non-proliferation policy;

4. Calls on all Member States of the European Union to ratify the CTBT urgently, and to adopt a joint action under Article 1.1 TEU to promote signature and ratification by other states, to include all necessary assistance to these states to enable them to comply with the provisions of the Treaty;

5. Calls on the Member States to support the commencement of negotiations in 1997 leading to the conclusion of a convention for the abolition of nuclear weapons;

6. Instructs its President to forward this resolution to the Council, the Commission and the President of the first NPT Prepcom.
106TH CONGRESS
1ST SESSION

H. RES. 82

Recognizing the security interests of the United States in furthering complete nuclear disarmament.

IN THE HOUSE OF REPRESENTATIVES
FEBRUARY 24, 1999

Ms. WOOLSEY (for herself, Ms. RIVERS, Mr. GEORGE MILLER of California, Mr. HINCHLEY, Mr. MCGOVERN, Mr. STARK, Mr. FALEOMAVAEGA, Ms. MINE of Hawaii, Mr. MARKEY, Mr. TOWNS, Mr. FRANK of Massachusetts, Ms. KILPATRICK, Mr. DEFAZIO, Ms. ESHOO, Mr. WAXMAN, Mr. HILLIARD, Mr. FILNIR, Mr. RUSH, Mr. TIERNEY, Ms. SLAUGHTER, Ms. MCKINNEY, and Mr. BLUMENAUER) submitted the following resolution, which was referred to the Committee on International Relations

RESOLUTION

Recognizing the security interests of the United States in furthering complete nuclear disarmament.

Whereas on February 2, 1998, former President Jimmy Carter and more than 100 former or current heads of state and civilian leaders from 46 nations issued a statement that "the world is not condemned to live forever with threats of nuclear conflict, or the anxious fragile peace imposed by nuclear deterrence" and that "the sheer destructiveness of nuclear weapons invokes a moral imperative for their elimination";

Whereas on December 5, 1996, General Lee Butler (U.S. Air Force Ret.) and more than 60 other retired generals and
admirals from 17 countries issued a statement that “the continuing existence of nuclear weapons in the armories of nuclear powers, and the ever-present threat of acquisition of these weapons by others, constitute a peril to global peace and security and to the safety and survival of the people we are dedicated to protect,” and that “the creation of a nuclear-weapons-free world” is both “necessary” and “possible”;

Whereas the development and maintenance of nuclear arsenals are extraordinarily expensive;

Whereas the end of the Cold War and the current strategic environment provide an unprecedented opportunity to revise our national policies on nuclear weapons;

Whereas the United States has a vital security interest in promoting the nonproliferation and disarmament of nuclear weapons;

Whereas the only security from the threat of nuclear weapons is their elimination under strict and effective international control;

Whereas the United States has undertaken, under Article VI of the Nuclear Non-Proliferation Treaty, to pursue negotiations in good faith on effective measures relating to nuclear disarmament;

Whereas the long-term viability of the nonproliferation regime is at risk if the United States fails to implement the Article VI obligation;

Whereas the United States has successfully achieved nuclear arms reductions and other arms control measures through bilateral negotiations and reciprocal actions;

Whereas on July 8, 1996, the International Court of Justice, in response to a request for an advisory opinion from the
United Nations General Assembly, concluded that “the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict” and 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”;

Whereas on December 9, 1997, the United Nations General Assembly adopted by an overwhelming majority Resolution 52/38 O following up on the advisory opinion of the International Court of Justice and calling upon all states to fulfill their nuclear disarmament obligation by commencing multilateral negotiations in 1998 leading to the 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, and requesting all states to inform the Secretary-General of the United Nations of the efforts and measures they have taken on the implementation of the resolution and nuclear disarmament; and

Whereas on November 17, 1997, Costa Rica submitted to the Secretary-General of the United Nations a Model Nuclear Weapons Convention as a “work in progress setting forth the legal, technical, and political issues that should be considered in order to obtain an actual nuclear weapons convention,” and the Model Nuclear Weapons Convention subsequently was translated into the 6 official United Nations languages and circulated as a United Nations document (A/C. 1/52/7): Now, therefore, be it

1 Resolved, That the House of Representatives—
(1) welcomes the Model Nuclear Weapons Convention as a discussion document intended to further negotiations on complete nuclear disarmament;

(2) urges the President to initiate multilateral negotiations leading to the early conclusion of a nuclear weapons convention; and

(3) requests the President to inform the Secretary-General of the United Nations of the efforts and measures the United States has taken on the implementation of United Nations General Assembly Resolution 52/38 O and nuclear disarmament.
Abolition 2000 Statement

In April 1995, during the the Non-Proliferation Treaty Review and Extension Conference, activists from around the world recognized that the issue of nuclear abolition was not on the agenda. They joined to write the following statement that has become the founding document of the Abolition 2000 Network. Over 600 NGOs on six continents have now signed it and are participating in various working groups to accomplish the eleven points listed here. To sign onto this statement please send your contact name, organization name, address, fax, telephone and email to: David Krieger, Abolition 2000 Network, 1187 Coast Village Road #123, Santa Barbara, CA 93108, USA tel:+1 805-965-3443, fax: +1 805-568-0466, email: wagingpeace@napf.org.

To join the Abolition email list server, send a message to majordomo@nccapc.org.

Write: subscribe abortion-caucus [your email address here].

A secure and livable world for our children and grandchildren and all future generations requires that we achieve a world free of nuclear weapons and redress the environmental degradation and human suffering that is the legacy of fifty years of nuclear weapons testing and production.

Further, the inextricable link between the ‘peaceful’ and warlike uses of nuclear technologies and the threat to future generations inherent in the creation and use of long-lived radioactive materials must be recognized. We must move toward reliance on clean, safe, renewable forms of energy production that do not poison the environment for thousands of centuries. The true ‘inalienable’ right is not to nuclear energy, but to life, liberty and security of person in a world free of nuclear weapons.

We recognize that a nuclear weapons free world must be achieved carefully and in a step by step manner. We are convinced of its technological feasibility. Lack of political will, especially on the part of the nuclear weapons states, is the only true barrier. As chemical and biological weapons are prohibited, so must nuclear weapons be prohibited.

We call upon all states -- particularly the nuclear weapons states, declared and de facto -- to take the following steps to achieve nuclear weapons abolition. We further urge the stated parties to the NPT to demand binding commitments by the declared nuclear weapons states to implement these measures:

1. Initiate immediately and conclude by the year 2000 negotiations on a nuclear weapons abolition convention that requires the phased elimination of all nuclear weapons within a timebound framework, with provisions for effective verification and enforcement.

2. Immediately make an unconditional pledge not to use or threaten to use nuclear weapons.

3. Rapidly complete a truly comprehensive test ban treaty with a zero threshold and with the stated purpose of precluding nuclear weapons development by all states.

4. Cease to produce and deploy new and additional nuclear weapons systems, and commence to withdraw and disable deployed nuclear weapons systems.

5. Prohibit the military and commercial production and reprocessing of all weapons usable radioactive materials.

6. Subject all weapons usable radioactive materials and nuclear facilities in all states to international accounting, monitoring and safeguards, and establish a public international registry of all weapons usable radioactive materials.

7. Prohibit nuclear weapons research, design, development, and testing in laboratories experiments including but not limited to non-nuclear hydrodynamic explosions and computer simulations, subject all nuclear weapons laboratories to international monitoring, and close all nuclear test sites.

8. Create additional nuclear weapons free zones, such as those established by the treaties of Tlatelolco and Rarotonga.

9. Recognize and declare the illegality of the threat or use of nuclear weapons, publicly and before the World Court.

10. Establish an international energy agency to promote and support the development of sustainable and environmentally safe energy sources.

11. Create mechanisms to ensure the participation of citizens and NGOs in planning and monitoring the process of nuclear weapons abolition.

A world free of nuclear weapons is a shared aspiration of humanity. This goal cannot be achieved in a non-proliferation regime that authorizes the possession of nuclear weapons by a small group of states. Our common security requires the complete elimination of nuclear weapons. Our objective is the definite and unconditional abolition of nuclear weapons.

* The convention should mandate irreversible disarmament measures, including but not limited to the following: withdraw and disable all deployed nuclear weapons systems; disable and dismantle warheads; place warheads and weapons usable radioactive materials under International safeguards; destroy ballistic missiles and other delivery systems. The convention could also incorporate the measures listed above which should be implemented independently without delay. When fully implemented, the convention would replace the NPT.
SUMMARY OF PROPOSAL FOR AN INTERNATIONAL SUSTAINABLE ENERGY AGENCY (ISEA)

OBJECTIVES: The International Sustainable Energy Agency (“ISEA”) would seek to accelerate and enlarge the contribution worldwide of sustainable energy strategies, technologies, and applications for the purpose of achieving a sustainable quality of life for all, including

- equitable access to sustainable energy resources and development: to ensure equitable, decentralized availability and development of sustainable energy strategies and technologies, in order to drastically reduce and ultimately eliminate dependence on unsustainable forms of energy, such as costly and polluting imported fuels;
- poverty eradication: to provide sustainable energy resources to benefit development and the goal of poverty eradication in low-income areas in the world that currently lack adequate energy, especially in developing countries and countries with economies in transition;
- global security: to promote clean, safe, sustainable energies as a substitute for the world’s precarious global reliance upon foreign sources of oil and other fossil fuels and the costly protections they require, and to eliminate nuclear proliferation, which is inextricably linked to the process of nuclear power generation and waste production;
- climate protection: to drastically reduce emissions of greenhouse gases and increasing existing international commitments or targets for same;
- environmental and social protection: to drastically reduce non-greenhouse energy-related pollutants affecting air, water, and land, and concurrently, the health of affected peoples;
- technological innovation and dissemination: to promote the accelerated development and dissemination of sustainable energy industries and businesses for the 21st century.

FUNCTIONS: The United Nations General Assembly would authorize ISEA to:

1. assist member states in identifying, phasing out and ending all government production subsidies and all government consumption subsidies, except for those targeted for low-income persons, of unsustainable forms of energy, and redirecting subsidies toward support of sustainable forms of energy, including 20% of such subsidies to support an International Sustainable Energy Fund;
2. assist member states in achieving the institutionalization of public participation by all major groups of civil society, as well as transparency, and information access, in all governmental energy policy decision-making and implementation;
3. assist intergovernmental entities in achieving the institutionalization of public participation by all major groups of civil society, as well as transparency and information access, in all intergovernmental energy policy decision-making and implementation;
4. assist member states and intergovernmental entities in identifying and utilizing national and international sustainable resources to promote energy conservation and diversification into sustainable forms of energy, for long-term energy security and social needs and economic development while protecting the environment locally, regionally, and globally; and specifically, to:
5. assist member states to meet targets for greenhouse gas reductions and energy conservation and efficiency goals in the Protocols to the Framework Convention on Climate Change and other international and regional agreements, as well those in national plans;

6. assist member states to conduct and stimulate research, development and deployment of sustainable energy strategies, technologies, and applications;

7. assist member states to integrate external costs, such as those of health, society and the environment, into energy policy and pricing decisions and regulations, and to compile and compare national energy policy and data among member states for energy policy and planning purposes;

8. assist member states to increase the commercial market penetration of sustainable energy technologies by integrating sustainable energy considerations into policy-making in major energy-consuming sectors of the economies of member states, such as transport, agriculture, industry, housing, etc.; and by addressing regulatory issues so as to allow markets to function in accordance with sustainable development objectives;

9. assist member states to facilitate the transfer of sustainable energy strategies, technologies and applications and increase capacity-building and the dissemination and exchange of information and expertise, by acting as a forum and clearinghouse for same;

10. assist member states to promote sustainable energy education and training at every level and in all sectors, and especially primary, secondary, university, adult, and consumer education programs; and create a pool of skilled sustainable energy managers and technologists through education and training programs in sustainable energy management;

11. assist member states to standardize norms for the manufacture of sustainable energy technologies and evaluate their efficiency and performance; and provide for the application of such norms to operations of the Fund as well as to member states under any bilateral or multi-lateral arrangements;

12. assist member states and intergovernmental entities to monitor sustainable energy projects and provide implementation reports based on the social, economic and environmental standards of sustainability; and serve as a repository for same; and

13. assist the further establishment of national and local Agenda 21s, including targets and timeframes, to serve as guiding documents in planning and implementing these functions;

14. create and administer a special ISEF sub-fund comprising 50% of the income of ISEF, to support sustainable energy projects and incentives in low-income areas in developing countries and countries with economies in transition, and assist in identifying additional sources of public and private funding to attract investment to such areas; and

15. take additional actions to enhance regional and international cooperation in promotion of the objectives and functions described herein.
That this House:

* recognises that the only security from the threat of nuclear weapons is their global elimination under strict and effective international control;

* welcomes the fact that the United Kingdom has undertaken, under Article VI of the Nuclear Non-Proliferation Treaty, to pursue negotiations in good faith on effective measures relating to nuclear disarmament; endorses the view that the long-term viability of the non-proliferation regime requires the continued support of the United Kingdom;

* endorses the unanimous opinion 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;

* welcomes the Model Nuclear Weapons Convention submitted by Costa Rica to the Secretary General of the United Nations on 17th November 1997 as a work in progress setting forth the legal, technical and political issues that should be considered in order to obtain an actual nuclear weapons convention; and

* urges Her Majesty’s Government to initiate multilateral negotiations leading to the early conclusion of a nuclear weapons convention.

The signatories are:

Program of Action agreed at the 2000 Non-Proliferation Treaty Review Conference

The Conference agrees on the following practical steps for the systematic and progressive efforts to implement Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraphs 3 and 4 (c) of the 1995 Decision on “Principles and Objectives for Nuclear Non-Proliferation and Disarmament”:

1. The importance and urgency of signatures and ratifications, without delay and without conditions and in accordance with constitutional processes, to achieve the early entry into force of the Comprehensive Test Ban Treaty.

2. A moratorium on nuclear weapon test explosions or any other nuclear explosions pending entry into force of that Treaty.

3. The necessity of negotiations in the Conference on Disarmament on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices in accordance with the statement of the Special Coordinator in 1995 and the mandate contained therein, taking into consideration both nuclear disarmament and nuclear non-proliferation objectives. The Conference on Disarmament is urged to agree on a programme of work which includes the immediate commencement of negotiations on such a treaty with a view to their conclusion within five years.

4. The necessity of establishing in the Conference on Disarmament an appropriate subsidiary body with a mandate to deal with nuclear disarmament. The Conference on Disarmament is urged to agree on a programme of work which includes the immediate establishment of such a body.

5. The principle of irreversibility to apply to nuclear disarmament, nuclear and other related arms control and reduction measures.

6. An unequivocal undertaking by the nuclear weapon states to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament to which all States parties are committed under Article VI.

7. The early entry into force and full implementation of START II and the conclusion of START III as soon as possible while preserving and strengthening the ABM Treaty as a cornerstone of strategic stability and as a basis for further reductions of strategic offensive weapons, in accordance with its provisions.

8. The completion and implementation of the Trilateral Initiative between the United States of America, the Russian Federation and the International Atomic Energy Agency.

9. Steps by all the nuclear weapon States leading to nuclear disarmament in a way that promotes international stability, and based on the principle of undiminished security for all:
   - Further efforts by the nuclear weapon States to reduce their nuclear arsenals unilaterally.
   - Increased transparency by the nuclear weapon States with regard to their nuclear weapons capabilities and the implementation of agreements pursuant to Article VI and as a voluntary confidence-building measure to support further progress on nuclear disarmament.
   - The further reduction of non-strategic nuclear weapons, based on unilateral initiatives and as an integral part of the nuclear arms reduction and disarmament process.
   - Concrete agreed measures to further reduce the operational status of nuclear weapons systems.
   - A diminishing role for nuclear weapons in security policies to minimise the risk that these weapons ever be used and to facilitate the process of their total elimination.

10. Arrangements by all nuclear weapon States to place, as soon as practicable, fissile material designated by each of them as no longer required for military purposes under IAEA or other relevant international verification and arrangements for the disposition of such material for peaceful purposes, to ensure that such material remains permanently outside of military programmes.

11. Reaffirmation that the ultimate objective of the efforts of States in the disarmament process is general and complete disarmament under effective international control.

12. Regular reports, within the framework of the NPT strengthened review process, by all States parties on the implementation of Article VI and paragraph 4 (c) of the 1995 Decision on “Principles and Objectives for Nuclear Non-Proliferation and Disarmament”, and recalling the Advisory Opinion of the International Court of Justice of 8 July 1996.

13. The further development of the verification capabilities that will be required to provide assurance of compliance with nuclear disarmament agreements for the achievement and maintenance of a nuclear weapon free world.
Follow-up to the Advisory Opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*: Legal, technical and political elements required for the establishment and maintenance of a nuclear weapon-free world

Working Paper submitted by Malaysia, Costa Rica, Bolivia, Democratic Republic of Timor-Leste, Nicaragua, and Yemen

Introduction

1. The purpose of this paper is to:

   1.1. build on the Working paper submitted by Malaysia and Costa Rica to the 2000 NPT Review Conference “Follow-Up to the International Court of Justice Advisory Opinion on the *Legality of the Threat or Use of Nuclear Weapons*” (NPT/CONF.2000/MC.1/SB.1/WP.4);

   1.2. re-affirm the obligation of States parties to the NPT to pursue negotiations leading to complete nuclear disarmament, and the unequivocal undertaking by nuclear-weapon States to accomplish the total elimination of their nuclear arsenals, made in 2000, to implement this obligation;

   1.3. urge the fulfilment of this obligation through the commencement of negotiations which would lead to the conclusion of a nuclear weapons convention — or a framework of mutually reinforcing instruments — prohibiting the development, testing, production, stockpiling, transfer, use and threat of use of nuclear weapons and providing for their elimination under strict and effective international control; and

   1.4. continue to explore the legal, technical and political elements required for a nuclear weapons convention or framework of instruments, and integrate this exploration into the development of a programme for action at the 2005 NPT Review Conference, encompassing and extending the practical steps agreed in 2000 for systematic and progressive efforts to implement Article VI of the Treaty.

05-34817 (E) 190505

*O534817*
Background

2. Obligation to achieve the elimination of nuclear weapons:
   
   2.1. At the 1995 Review and Extension Conference, Parties to the NPT agreed to pursue systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons.
   
   2.2. On 8 July 1996, the International Court of Justice delivered an Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons, in which it concluded unanimously, inter alia, that “the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law” and 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”.
   
   2.3. It is significant that the ICJ opinion affirmed that the obligation to negotiate for nuclear disarmament requires the following:
       
       • negotiations on complete nuclear disarmament, i.e. the complete abolition and elimination of nuclear weapons.
       • negotiations to be not only pursued, but to be brought to a conclusion.
       • international control of the disarmament process.
   
   2.4. It is also significant that the ICJ did not confine the disarmament obligation only to States parties to the NPT, but rather that this is a universal obligation.
   
   2.5. The 2000 NPT Review Conference affirmed “an unequivocal undertaking by the nuclear weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament to which all States Parties are committed under Article VI”.
   
   2.6. The 2000 NPT Review Conference also called for “The engagement as soon as appropriate of all the nuclear weapons States in the process leading to the total elimination of their nuclear weapons,” and began the process of considering some of the requirements for “the achievement and maintenance of a nuclear weapon free world,” in particular the “development of the verification capabilities that will be required to provide assurance of compliance”.

3. Proposal for a nuclear weapons convention or framework of mutually reinforcing instruments:

2004 entitled “Follow-up to the advisory opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons”).

3.2. The United Nations General Assembly has also adopted resolutions affirming that “The maintenance of a world free of nuclear weapons will require the underpinnings of a universal and multilaterally negotiated legally binding instrument or a framework encompassing a mutually reinforcing set of instruments (A/53/77 Y adopted 4 December 1998 and A/57/59 adopted 22 November 2003, entitled “Towards a nuclear-weapon-free world: the need for a new agenda”).

4. The Non-Aligned Movement, at its XIII Summit from 20-25 February 2003, “emphasized the necessity to start negotiations on a phased programme for the complete elimination of nuclear weapons with a specified framework of time, including a Nuclear Weapons Convention”.

Model Nuclear Weapons Convention

5. In 1997 Costa Rica submitted to the Secretary-General of the United Nations a Model Nuclear Weapons Convention drafted by an international consortium of lawyers, scientists and disarmament experts, setting forth the legal, technical and political issues that should be considered in order to obtain an actual nuclear weapons convention.

6. The Model Nuclear Weapons Convention was circulated as United Nations document A/C.1/52/7, along with the recommendation of Costa Rica that this be used to assist the deliberative process for the implementation of United Nations General Assembly resolutions entitled “Follow-up to the advisory opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons”.

2000 Review Conference of the Parties to the NPT


8. The Working paper:

8.1. underlined 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;

8.2. called on States Parties to commence multilateral negotiations leading to the conclusion of a nuclear weapons convention and to invite those States that have not acceded to the NPT to join in such negotiations; and

8.3. called on States Parties to agree to give consideration to the legal, technical and political elements required for a nuclear weapons convention or framework convention.
9. The practical steps agreed by States Parties in 2000 for systematic and progressive efforts to implement Article VI of the Treaty included a number of legal, technical and political steps which could provide a basis for some of the elements required for a nuclear weapons free world.

10. These include steps 1: entry into force of the Comprehensive Test Ban Treaty, 3: negotiations culminating in a fissile-material cut-off treaty, 5: application of the principle of irreversibility to nuclear arms control and disarmament measures, 9: steps by all the nuclear weapon states leading to nuclear disarmament in a way that promotes international stability, and based on the principle of undiminished security for all, including unilateral reductions, transparency, reducing operational status and a diminishing role for nuclear weapons in security doctrines, 12: regular reports on implementation of Article VI, and 13: development of the verification capabilities that will be required to provide assurance of compliance with nuclear disarmament agreements for the achievement and maintenance of a nuclear weapons free world.

11. In addition, a number of working papers submitted to Preparatory Committee Meetings for the 2005 Review Conference provide a deeper exploration of specific steps agreed in 2000 and other steps relevant to the achievement and maintenance of a nuclear weapons-free world. These include, inter alia, papers submitted on security assurances reductions of non-strategic nuclear weapons, compliance mechanisms, overcoming the institutional deficit of the NPT, verification, and comprehensive programmes for nuclear disarmament.

12. A comprehensive overview of the legal, technical and political requirements for a nuclear weapons-free world would be able to affirm such elements which already exist, assess those which are currently being developed, evaluate and link those which have been proposed, and identify additional elements which would also be required.

The path towards nuclear disarmament: step-by-step, comprehensive or incremental-comprehensive

13. There are three general approaches towards achieving nuclear disarmament. The first step, a step-by-step approach, entails negotiations on a limited number of initial steps towards nuclear disarmament, with additional steps being considered once the first steps are achieved. The step-by-step approach has achieved a number of concrete disarmament agreements. However, these have been limited in scope, have failed to illuminate the requirements necessary for the complete elimination of nuclear weapons, and have not brought the world much closer to the final goal of nuclear disarmament than when the NPT was adopted in 1970.

14. A divergent perspective calls for comprehensive negotiations on the complete prohibition and elimination of nuclear weapons. Most States are ready for such comprehensive negotiations, as evidenced by strong support for United Nations resolutions calling on the Conference on Disarmament to “commence negotiations on a phased programme of nuclear disarmament leading to the eventual elimination of nuclear weapons”. (United Nations General Assembly resolution 58/56 adopted 3 December 2003). However, there is some opinion that a comprehensive approach could prevent progress due to the myriad of issues and disarmament requirements that would have to be addressed before any agreement could be reached. In addition, the fact that some States possessing nuclear weapons do not yet accept
comprehensive negotiations precludes the possibility of such an approach in the near future.

15. An alternative path forward, which combines the advantages of the first two approaches, has been described as incremental-comprehensive. Such an approach incorporates step-by-step measures within a comprehensive framework. This is an approach suggested — but not fully developed — by the programme of action agreed at the 2000 NPT Review Conference.

16. While it is important to concentrate international attention on concrete steps towards nuclear disarmament which are achievable in the short term, it is also important to simultaneously consider the requirements for a comprehensive nuclear disarmament regime in order to develop an international understanding of the final destination of nuclear disarmament steps. It can be difficult to construct a path to nuclear disarmament if we do not know more precisely what will be the end goal. Considering the elements of a nuclear disarmament regime at this stage could help give direction to intermediate steps and to overcome some of the roadblocks in the current disarmament forums.

17. Thus, the further development of an incremental-comprehensive approach would assist in the implementation of the programme of action agreed at the 2000 NPT Review Conference, and lead more quickly to the complete elimination of nuclear weapons. This can be best done by further exploration of the legal, technical and political elements required for the establishment and maintenance of a nuclear weapons-free world, and by the commencement of negotiations towards that end.

**Consideration of the legal, technical and political elements required for a nuclear weapons convention or framework of instruments**

18. Consideration should be given at the 2005 NPT Review Conference to the legal, technical and political elements required for the establishment and maintenance of a nuclear weapons-free world, with the aim to integrate such thinking into the development of a programme for action at the 2005 NPT Review Conference based on the practical steps agreed in 2000 for systematic and progressive efforts to implement Article VI of the Treaty. These elements may include:

18.1 Non-discriminatory general obligations, applicable to States and non-State actors, prohibiting the acquisition, development, testing, production, stockpiling, transfer, use and threat of use of nuclear weapons;

18.2 Interim control, protection and accounting of nuclear weapons and fissile material holdings;

18.3 Phases and steps for the systematic and progressive destruction of all nuclear warheads and their delivery vehicles;

18.4 Mechanisms for verifying the destruction of all nuclear weapons, including, inter alia:

- Agreements on data sharing with States and existing agencies;
• An international monitoring system comprising facilities and systems for monitoring by photography, radionuclide sampling, on-site and off-site sensors and other data collection systems;
• Consultation and clarification procedures;
• On-site inspections;
• A registry including information gained from State declarations, the international monitoring system, national technical means, inspections, other international organizations, non-governmental organizations and publicly available sources.

18.5 Mechanisms for ensuring compliance including, inter alia:
• Technical assistance in destruction of nuclear weapons, delivery systems and facilities;
• Procedures for national implementation;
• Dispute resolution procedures;
• Penalties for non-compliance;

18.6 An international organization to coordinate verification, implementation and enforcement under strict and effective international control; and

18.7 Disarmament and non-proliferation education to ensure that key sectors of society understand the importance of achieving and maintaining a nuclear weapons free world and how they can contribute to this goal.

19. As noted above, some of these elements may already be in existence, albeit in an underdeveloped form or with limited application. This includes, for example, disarmament measures applied to a limited number of weapons, or fissile material controls and delivery system controls applied only to certain countries. Examples include mechanisms and controls established by the nuclear-weapon-free-zone treaties, International Atomic Energy Agency (IAEA), Preparatory Commission for the Comprehensive Nuclear Test Ban Treaty Organization (CTBTO), Intermediate Nuclear Forces Treaty (INF) and Strategic Arms Reduction Treaty (START). Other elements have been proposed or are being developed, but again mostly on a limited basis relating more to non-proliferation and disarmament steps but not to complete abolition. Consideration of the elements required for the complete prohibition and elimination of nuclear weapons would enable gaps to be identified, preparatory work undertaken and further steps completed.

**Negotiations towards a Nuclear Weapons Convention or a framework of instruments for the complete abolition and elimination of nuclear weapons**

20. For nuclear disarmament to occur, security for all will need to be maintained and enhanced. Thus, there are a number of political issues, in addition to those outlined above, that will need to be addressed. These include, inter alia, building confidence in each of the phased disarmament steps in order to proceed to the next steps, how to diminish the role of nuclear weapons in security doctrines pending nuclear abolition, building regional and international security without nuclear
deterrence, development of security assurances, achieving a balance between transparency and protection of sensitive information, the role of societal verification, how to build individual responsibility and protection into the disarmament process while respecting State sovereignty, and how to deal with delivery systems and dual-use materials — particularly plutonium and highly enriched uranium.

21. In addition there are a number of economic and environmental issues which will need to be addressed including the possible need for financial assistance for disarmament and the harmonizing of environmental standards for destroying weapons systems and disposing of fissile materials.

22. The best way to address these issues and to make progress towards complete nuclear disarmament is to commence negotiations within an incremental-comprehensive framework. Such an approach would allow for all relevant issues to be raised and addressed, and would also facilitate the completion of disarmament steps in areas where agreement can be reached within a short to medium timeframe. More difficult issues requiring more complex arrangements would be resolved through continuing negotiations and achieved in subsequent steps. This is what is envisaged in the call for the commencement of negotiations leading to the conclusion of a nuclear weapons convention or a framework of instruments for the complete abolition and elimination of nuclear weapons.

Conclusion

23. States Parties meeting at the NPT 2005 Review Conference are encouraged to develop programmes of action based on the programme agreed at the 2000 NPT Review Conference and the legal, technical and political elements outlined in this paper required for the establishment and maintenance of a nuclear-weapons-free world.

Recommendations

(a) States Parties agree to give further consideration to the legal, technical and political elements required for a nuclear weapons convention or a framework of instruments; and

(b) States Parties agree to commence multilateral negotiations leading to the conclusion of a nuclear weapons convention and invite those States that have not acceded to the Treaty on the Non-Proliferation of Nuclear Weapons to join in such negotiations.
109TH CONGRESS
2D SESSION

H. RES. ______

Calling for the abolition of all nuclear weapons.

IN THE HOUSE OF REPRESENTATIVES

Mr. KUCINICH submitted the following resolution; which was referred to the Committee on ______

RESOLUTION

Calling for the abolition of all nuclear weapons.

Whereas the use of nuclear weapons threatens the future of mass publics, cities, nations, civilization itself, and, indeed, all life on Earth;

Whereas nuclear weapons in the arsenal of any country undermine the security of all countries, including the United States;

Whereas under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), all nuclear weapons states are committed to good faith negotiations to achieve nuclear disarmament;
Whereas on June 6, 2006, the Chair and Vice Chair of the National Commission on Terrorist Attacks Upon the United States (commonly known as the “9/11 Commission”) cited as their number one concern for the security of the United States the availability of nuclear weapons materials for an attack against the American people;

Whereas the 2006 Report of the Weapons of Mass Destruction Commission concludes: “So long as any state has nuclear weapons, others will want them. So long as any such weapons remain, there is a risk that they will one day be used, by design or accident. Any such use would be catastrophic.”; and

Whereas the Model Nuclear Weapons Convention, circulated by the United Nations, demonstrates the feasibility of achieving the global elimination of nuclear weapons: Now, therefore, be it

1. Resolved, That the House of Representatives calls
2. upon the President to initiate multilateral negotiations for
3. the abolition of nuclear weapons.
General Assembly

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Sixty-first session
First Committee
Agenda item 90 (u)
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

Algeria, Brunei Darussalam, Cuba, Dominican Republic, Egypt, Guatemala,
India, Indonesia, Iran (Islamic Republic of), Kuwait, Libyan Arab Jamahiriya,
Madagascar, Malaysia, Malawi, Mexico, Myanmar, Nepal, Pakistan, Peru,
Philippines, Saudi Arabia, Thailand and Viet Nam: draft resolution

Follow-up to the advisory opinion of the International Court of
Justice on the Legality of the Threat or Use of Nuclear Weapons

The General Assembly,

Recalling its resolutions 49/75 K of 15 December 1994, 51/45 M of
54/54 Q of 1 December 1999, 55/33 X of 20 November 2000, 56/24 S of
of 3 December 2004 and 60/76 of 8 December 2005,

Convinced that the continuing existence of nuclear weapons poses a threat to
all humanity and that their use would have catastrophic consequences for 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 goal of the
total elimination of nuclear weapons and the creation of a nuclear-weapon-free
world,

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

Emphasizing the unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, adopted at the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,³

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 Treaty⁴ and the treaties of Tlatelolco,⁵ Rarotonga,⁶ Bangkok,⁷ Pelindaba⁸ and Semipalatinsk, 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,

Stressing the importance of strengthening all existing nuclear-related disarmament and arms control and reduction measures,

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,

Reaffirming the central role of the Conference on Disarmament as the sole multilateral disarmament negotiating forum, and regretting the lack of progress in disarmament negotiations, particularly nuclear disarmament, in the Conference during its 2006 session,

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,

Expressing its regret over the failure of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to reach agreement on any substantive issues,

Expressing its deep concern at the lack of progress in the implementation of the thirteen steps to implement article VI of the Treaty on the Non-Proliferation of Nuclear Weapons adopted on 12 August 2000,

⁵ Ibid., vol. 634, No. 9068.
⁶ See The United Nations Disarmament Yearbook, vol. 10: 1985 (United Nations publication, Sales No. E.86.IX.7), appendix VII.
⁷ Treaty on the South-East Asia Nuclear-Weapon-Free Zone.
⁸ A/50/426, annex.
Nuclear Weapons agreed to at the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,9

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

Recalling the advisory opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons, issued on 8 July 1996,10

Taking note of the relevant portions of the report of the Secretary-General relating to the implementation of resolution 60/76,11

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 on 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-second session;

4. Decides to include in the provisional agenda of its sixty-second 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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10 A/51/218, annex; see also Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, I.C.J. Reports, 1996, p. 226.

11 A/61/127.