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## **Return to the International Court of Justice: A Strategy to Break the Stalemate**

### Introduction

The International Association of Lawyers Against Nuclear Arms (IALANA) recommends that the UN General Assembly request the International Court of Justice to render an advisory opinion on the nuclear disarmament obligation. The opinion would clarify legal aspects of the obligation and assess whether states, especially states possessing nuclear arsenals, are complying with the obligation.

Draft requests for an opinion, in short and long versions, are attached as Appendices I and II. Operative provisions of the short version are:

*Having regard to the legal obligation, affirmed by the Court in its advisory opinion of 8 July 1996, to pursue in good faith and bring to a conclusion negotiations on nuclear disarmament in all its aspects under strict and effective international control,*

- 1) Does the obligation apply to all States, whether or not party to the Treaty on the Non-Proliferation of Nuclear Weapons?*
- 2) What general legal principles govern States' compliance in good faith with the obligation?*
- 3) Would compliance in good faith with the obligation have required the commencement of negotiations on complete nuclear disarmament at least in the period elapsed since 8 July 1996?*
- 4) Would a lack of compliance in good faith with the obligation be demonstrated by substantial failure to implement measures and principles agreed at the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and affirmed in subsequent United Nations General Assembly resolutions?*

The long version is the same except that it spells out in more detail the measures and principles under paragraph 4. It addresses the Comprehensive Nuclear-Test-Ban Treaty (CTBT); the Fissile Materials Cut-off Treaty; principles of verification,

irreversibility, and transparency; diminishing the role of nuclear weapons in security policies; reduction of operational status of nuclear forces; development of nuclear weapon systems with new military capabilities; and planning and preparing for security without nuclear weapons. The latter two points are taken from the June 2006 report of the Weapons of Mass Destruction Commission chaired by Hans Blix.<sup>1</sup>

It would be preferable for the Court to have given its opinion prior to the 2010 Nuclear Non-Proliferation Treaty (NPT) Review Conference. Accordingly, a UN General Assembly (UNGA) resolution would need to be adopted in the 2008 session. Briefings and a hearing could then be held in 2009, and the Court could issue its opinion in late 2009 or early 2010. In this schedule, new administrations in the United States and Russia would be in place during the briefings and hearing.

### The Urgency of the Present Situation

In its advisory opinion of 8 July 1996 the International Court of Justice unanimously concluded: “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.” In large part, the ICJ was interpreting NPT Article VI, which obligates each state party 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.”

More than a decade later, both NPT and non-NPT nuclear weapon states (NWS) are planning and preparing for maintenance of nuclear forces for decades to come and have made little progress on disarmament negotiations. Some NWS continue to oppose and block nuclear disarmament negotiations in any of the key international fora including the Conference on Disarmament, the General Assembly, and the NPT review process. No multilateral, plurilateral, or bilateral negotiations on any aspect of nuclear disarmament are now underway.

Contrary to commitments made at the 1995 and 2000 NPT Review Conferences, the CTBT has not been brought into force; no negotiations have begun on a fissile materials treaty; the principles of verification, transparency, and irreversibility have been abandoned in U.S.-Russian nuclear arms reductions; and large numbers of U.S. and Russian warheads, an estimated 3000 altogether, remain ready for nearly instantaneous launch. Nor have the NWS reduced the roles of nuclear weapons in their security doctrines as promised in 2000 and in order to reflect the general illegality of the threat or use of nuclear weapons as concluded by the Court in its 1996 opinion. On the contrary, several have expanded the situations in which use of the weapons might be threatened or carried out.

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<sup>1</sup> Weapons of Mass Destruction Commission, Final Report, *Weapons of Terror: Freeing the World of Nuclear, Chemical and Biological Arms* (Stockholm, June 1, 2006) (“*Weapons of Terror*”), Recommendations 23 and 30, pp. 99, 109.

The language used by the International Court of Justice, “bring to a conclusion negotiations leading to nuclear disarmament in all its aspects,” indicates that the obligation is one of *result* as well as *conduct*. Since states are presently not engaged in negotiations aimed at reaching the identified specific result, since some NWS are blocking the very beginning of such negotiations, and since the current conduct of the NWS runs counter to the very purpose of the disarmament obligation, revitalizing this legal obligation seems indispensable to overcoming the apparent lack of political will.

The situation is made more urgent still by the necessity of preventing the acquisition of nuclear weapons by additional states, and also by terrorists. Two NWS have in recent years effectively maintained that alleged efforts to obtain nuclear weapons are a *casus belli*, regardless of the view of the Security Council on the matter. Among other things, this shows the seriousness of the perceived threat to world peace posed by nuclear proliferation. It underlines the importance of the NPT prohibition of non-nuclear weapon state (NNWS) acquisition of nuclear weapons, which prohibition is at the same time connected to the disarmament obligation laid down in Article VI. Holding NNWS accountable for their legal obligation never to acquire nuclear weapons may only be done in a credible and effective manner if the NWS actively pursue the results which they are legally obliged to achieve under the disarmament obligation. Further, success on both disarmament and non-proliferation is required if coming years and decades are not to see the present system of collective security and international law regarding war and peace centered on the UN Charter fatally undermined by the doctrine of preventive war and its execution.<sup>2</sup>

### Reasons That Return to the ICJ Is An Effective Strategy

1) **It would allow the Court to clarify what good faith negotiation of nuclear disarmament requires of governments.** The United States and Russia essentially say that gradual reductions in their arsenals suffice. Almost all governments support UNGA resolutions specifying a wide range of measures for implementation of the disarmament obligation, among them the CTBT; a fissile materials treaty; application of the principles of verification, transparency and irreversibility to reductions; diminishing the role of nuclear weapons in security postures; and reduction of the operational status of nuclear forces. Further, a large majority of governments say the adoption of a timebound framework, a nuclear weapons convention, or a framework of instruments on elimination, is required. Their express or implied contention is that the elimination of nuclear weapons should be accomplished within the foreseeable future. On the other hand, among the NWS, at least Russia, the United States, France, and Britain resist identification of a time frame or initiation of a process that would establish a time frame. The Court could help resolve these disputes about the content and timing of negotiations on nuclear disarmament.

2) In the course of clarifying what the nuclear disarmament obligation requires, **the Court would likely find or indicate that states possessing nuclear weapons have**

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<sup>2</sup> See Peter Weiss, “Six Reasons Why Nuclear Weapons Are More Dangerous Than Ever,” 22 American University International Law Review (No. 3, 2007) pp. 393 – 400, at p. 395.

**not been adequately fulfilling the obligation.** This is already a widely shared view. For example, the WMD Commission stated that, “It is easy to see that the nuclear-weapon parties to the NPT have ... failed to ‘pursue negotiations in good faith’ as required of them under the NPT,” and pointed to a “loss of confidence in the [NPT] as a result of the failure of the nuclear-weapon states to fulfill their disarmament obligations under the treaty and also to honour their additional commitments to disarmament made at the 1995 and 2000 Review Conferences.”<sup>3</sup>

**3) While IALANA is not recommending that the Court be asked directly to revisit the question of the legality of threat or use of nuclear weapons, an opinion on the disarmament obligation would likely deal indirectly with, and perhaps improve, the conclusions and reasoning of ICJ’s 1996 opinion on this question.** This could come up with respect to the 2000 NPT commitment to a diminishing role of nuclear weapons in security policies, and more generally because the illegitimacy of nuclear weapons, including the at least general illegality of their threat or use, clearly was a principal motivation for the Court’s statement of the disarmament obligation in its 1996 opinion. To the extent that international humanitarian law issues are argued, for example as background, there have been positive developments since 1996, notably the entry into force of the Rome Statute of the International Criminal Court and decisions of the ad hoc tribunals for Rwanda and the former Yugoslavia. International humanitarian law as codified in Protocol I to the Geneva Conventions and elsewhere generally becomes more entrenched as time goes on.

**4) The Court would likely confirm that the disarmament obligation applies to all states, including those outside the NPT, Israel, India, and Pakistan.** While the latter two states accept the obligation in their votes on UNGA resolutions,<sup>4</sup> it still would be useful to have an ICJ statement on this point. It could help point towards integration of those states into a disarmament/non-proliferation regime. It would also help dispel any perception that the proposed U.S.-India deal is certifying India as a member of a permanent nuclear weapons club. Since Israel does not officially acknowledge possessing nuclear weapons, it is in a different position than India and Pakistan. NPT Article VI applies to all NPT parties, not only those with nuclear arsenals. Thus an ICJ conclusion that the disarmament obligation founded upon Article VI applies universally would confirm that Israel is bound by the obligation regardless of how Israel is classified. It would support Israel’s joining the NPT as a NNWS or its participation in the creation of additional instruments to create a nuclear-weapon-free world.

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<sup>3</sup> *Weapons of Terror*, pp. 53, 94.

<sup>4</sup> *E.g.*, “Follow-up to the advisory opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons,” 2006 General Assembly resolution, A/RES/61/83, adopted by a vote of 125 to 27 with 29 abstentions. The first operative paragraph “[u]nderlines 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.” In a separate vote, that paragraph was approved by a vote of 168 to three, with five abstentions. India and Pakistan voted yes; Russia, the United States, and Israel voted no; Britain and France abstained.

5) **Return to the Court would allow non-nuclear weapon states to regain the initiative after the setbacks of this decade culminating in the failed 2005 NPT Review Conference.** Unlike other international settings, the ICJ is not subject to blockage by states possessing nuclear weapons. All members of the United Nations are equally entitled to appear before the ICJ. All members will be invited by the Court to actively participate in the Court proceedings once the UNGA has requested an advisory opinion. In the 1996 nuclear weapons case, forty-five states made written and/or verbal submissions, the largest number in the Court's history at that time.

6) **More than a decade after the 1996 opinion, a return to the Court would demonstrate that the 1996 opinion is not an anomaly, to be discarded in the dustbin of history, but rather a living reality.** It would revitalize the role of law in disarmament. It should be remembered that the Court's affirmation that South Africa was obligated to terminate its occupation of Namibia and the accompanying legal condemnation of apartheid came only after a series of cases were brought to the Court.<sup>5</sup> Thus the role of the Court in the disarmament process should be viewed as ongoing.

7) As the above points indicate, **IALANA is confident that an advisory opinion of the Court would generally be favorable to disarmament.** The Court almost certainly will treat the unanimously adopted conclusion in the 1996 opinion stating the disarmament obligation as a given. The Court is known for abiding by the law which has developed in its own cases. The Court also does not shy away from providing judgments or opinions as to matters that are heavily contested on the political level. As a part of the UN system, the Court will reflect the system's institutional and indeed constitutional commitment to disarmament. Though the composition of the Court has changed since 1996, it remains favorable.<sup>6</sup>

8) **An advisory opinion on compliance with the disarmament obligation would have positive effects on prospects for disarmament and would revitalize the movement for a world free of nuclear weapons.** It would inform deliberations within the UN system and the NPT. Further, while experience indicates that it would not be immediately acted upon by top-level officials in NWS, it nonetheless would become part of the environment for responsible officials and diplomats in those and other states and enter into public and professional discourse. For example, the United Kingdom continues to publicly defend its policies as consistent with the 1996 opinion. The opinion is part of the curriculum on the law of war at the U.S. Military Academy at West Point, and is covered in international law courses in U.S. law schools. Without a doubt, an opinion would stimulate and reinforce civil society support for disarmament by such groups and efforts as the Mayors for Peace (who have mounted a "good faith" campaign) and the International Campaign for the Abolition of Nuclear Weapons. In general, an opinion

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<sup>5</sup> See *Advisory Opinion on the Continued Presence of South Africa in Namibia (South West Africa)* 1971 ICJ Rep. 16.

<sup>6</sup> Information on this point supplied upon request.

could productively interact with other not presently foreseeable positive developments, as well as help to forestall negative ones.

### Concerns About A Return to the Court

In consulting on this strategy with governments and NGOs, IALANA has heard several concerns raised.

1) One is that a new opinion could undermine the strong statement of the disarmament obligation in the 1996 opinion. As noted above, the Court will treat that statement as a given. It is true that the Court might not on every point take the view of disarmament advocates. But it very likely would give great weight to NPT commitments made in 1995 and 2000 and affirmed in subsequent UNGA resolutions,<sup>7</sup> and to the UNGA resolutions following up on the 1996 opinion which call for early commencement of negotiations leading to a nuclear weapons convention. Regardless of whether advocates were pleased with every aspect of an opinion, on the whole it would likely give impetus to the disarmament process.

2) A second concern is that the Court may have difficulty dealing with the complexities of implementation of disarmament, and may therefore refuse to do so or do so inadequately. For example, the United States can now say that in the Conference on Disarmament it is prepared to negotiate a fissile materials cut-off treaty, albeit non-verified, and to discuss nuclear disarmament and reinforcing negative security assurances. Another example is that determining whether the role of nuclear weapons in security policies has expanded or contracted requires assessment of the status of national security doctrines, operational practices, etc. In the worst case, it could be feared that the Court would give too much credence to claims of the NWS that they are complying with the disarmament obligation, by reducing arsenals, claiming to be ready to negotiate a fissile materials treaty, reducing (so the United States says) the role of nuclear weapons by fielding missile defenses and non-nuclear weapon delivery systems, etc. However, in the draft proposed by IALANA there are questions that would elicit clear-cut answers: What are the general legal principles guiding good-faith negotiations? Is the failure to commence negotiations on complete nuclear disarmament a breach of the disarmament obligation? Beyond that, based on the Court's record, there is good reason to have confidence in the ability of the Court to identify the legal aspects of complex policy questions and to provide legal advice regarding those aspects.

2) A third concern is that the Court could issue an opinion that would subsequently be ignored, to the detriment of the Court's institutional standing and international law generally. Some would say undermining of the Court's stature has been an outcome of the 1996 opinion on nuclear weapons as well as the 2004 opinion on the Israeli wall built in Palestinian territory. However, the Court issues judgments and

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<sup>7</sup> See Peter Weiss, John Burroughs, and Michael Spies, Lawyers' Committee on Nuclear Policy, "The Thirteen Practical Steps: Legal or Political?" (May 2005). Online at <http://www.lcnp.org/disarmament/npt/13stepspaper.htm>.

opinions on many matters. In most, there is clear-cut compliance.<sup>8</sup> That the Court occasionally grapples with difficult, politically charged, and prominent issues adds to its visibility and does not limit its utility in other settings. Regarding the erosion of international law, that is already taking place; the question is how to reverse it. Generally, in IALANA's opinion, in view of the serious challenges facing the world in multiple sectors, we must act as if international law and institutions will be central to meeting those challenges, because that is what is needed. Further, in the words of U.S. Chief Justice Marshall in the landmark 1803 opinion, *Marbury v. Madison*,<sup>9</sup> words which have shaped the evolution of constitutional law in the United States: "It is emphatically the province and duty of the judicial department to say what the law is."

### Conclusion

Return to the International Court of Justice on questions of compliance with the nuclear disarmament obligation is a feasible project within the control of non-nuclear weapon states. It most probably would make a significant contribution to advancing the disarmament process. The risks of undermining existing law on disarmament and nuclear weapons are negligible. IALANA urges non-nuclear weapon states to start preparing now for a UNGA resolution to be adopted in the 2008 session.

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<sup>8</sup> A major study concludes that while there have been some notable exceptions, the compliance record for ICJ decisions is very positive. Constanze Schultze, *Compliance with Decisions of the International Court of Justice*, Oxford University Press, 2004. C.G. Weeramantry, a former ICJ judge, has said that 90% of the ICJ's decisions are implemented. Judge C.G. Weeramantry, "Illegality of deployment of nuclear weapons within Nuclear Weapon Free Zones: Principles placed before the New Zealand Select Committee on Foreign Affairs, Defence and Trade," August 2003. The reasons for the high implementation rate include, *inter alia*: a) the political, economic, and legal benefits for states to be seen to be in compliance with international law, b) the political and legal weight ICJ opinions give to domestic constituencies desiring progress on the issue at hand, and c) the political and legal weight ICJ opinions give to international actors (states, international organizations) calling for progress on the issue.

<sup>9</sup> 5 U.S. 137, 177 (1803).

## APPENDIX I

### Elements for a United Nations General Assembly resolution requesting an advisory opinion from the International Court of Justice on compliance with nuclear disarmament obligations

International Association of Lawyers Against Nuclear Arms

#### VERSION 1 - SHORT

January 2007

#### A. Operative paragraphs

[The United Nations General Assembly] *Decides*, pursuant to Article 96 of the Charter of the United Nations, to request the International Court of Justice, pursuant to Article 65 of the Statute of the Court, to urgently render an advisory opinion on the following questions:

Having regard to the legal obligation, affirmed by the Court in its advisory opinion of 8 July 1996, to pursue in good faith and bring to a conclusion negotiations on nuclear disarmament in all its aspects under strict and effective international control,

- 1) Does the obligation apply to all States, whether or not party to the Treaty on the Non-Proliferation of Nuclear Weapons?
- 2) What general legal principles govern States' compliance in good faith with the obligation?
- 3) Would compliance in good faith with the obligation have required the commencement of negotiations on complete nuclear disarmament at least in the period elapsed since 8 July 1996?
- 4) Would a lack of compliance in good faith with the obligation be demonstrated by substantial failure to implement measures and principles agreed at the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and affirmed in subsequent United Nations General Assembly resolutions?

#### B: Draft Title and Preamble

##### Compliance with nuclear non-proliferation and disarmament obligations: request for an advisory opinion from the International Court of Justice

*The General Assembly*

*Expressing its grave concern* at the threats posed to humanity by the possession and proliferation of nuclear weapons and the development of doctrines for their potential use;



*Affirming* the obligations of Non-Nuclear Weapon States Parties to the Non-Proliferation Treaty not to acquire nuclear weapons and the obligations of all States Parties to negotiate in good faith for their elimination;

*Recalling* the International Court of Justice Advisory Opinion on the legality of the threat or use of nuclear weapons delivered on 6 July 1996 which concluded, *inter alia*, 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';

*Welcoming* the unequivocal undertaking given at the NPT Review Conference in 2000 by the Nuclear Weapon States to accomplish the total elimination of their nuclear arsenals;

*Welcoming* also the practical steps agreed in 2000 by States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons for the systematic and progressive efforts to implement Article VI of the Treaty, including, *inter alia*, entry-into-force of a Comprehensive Test Ban Treaty, negotiations for a fissile material cut-off treaty, reducing nuclear arsenals, reducing the operational status of nuclear weapons, diminishing the role for nuclear weapons in security policies, applying the principle of irreversibility to nuclear disarmament and arms reduction measures, and developing verification capabilities for nuclear disarmament;

*Greatly alarmed* by the lack of implementation of these steps, the reversal of some commitments made at the 2000 NPT Review Conference and the failure of the 2005 NPT Review Conference to reaffirm the 2000 commitments;

*Recognising* the interests of all Member States in respecting and fully implementing the obligations arising from treaties to which they are parties and from other sources of international law;

*Stressing* that the failure by States to comply with nuclear nonproliferation and disarmament obligations threatens the security of all States and undermines the norms and regulations of international law and the mechanisms for its observance;

*Noting* the views expressed in GA resolutions 60/55,<sup>10</sup> 60/56<sup>11</sup> and 60/72<sup>12</sup> of 8 December 2005 on the requirements for compliance with nuclear nonproliferation and disarmament obligations;

*Noting also* resolutions 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

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<sup>10</sup> *Compliance with non-proliferation, arms limitation and disarmament agreements* – sponsored by the USA

<sup>11</sup> *Towards a nuclear-weapon-free world: accelerating the implementation of nuclear disarmament commitments* – sponsored by the New Agenda Coalition

<sup>12</sup> *Follow-up to nuclear disarmament obligations agreed in the 1995 and 2000 Review Conferences of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons* – sponsored by Iran

2000, 56/24 S of 29 November 2001, 57/85 of 22 November 2002 and 58/46 of 8 December 2003, 59/83 of 3 December 2004 and 60/76 of 8 December 2005,<sup>13</sup> and *expressing disappointment* at the lack of implementation of the disarmament obligations affirmed in these resolutions;

*Believing* that the resolution of conflicting views on the requirements for compliance with nuclear nonproliferation and disarmament obligations would assist in maintaining international peace and security, and would assist in the prompt and full implementation of such obligations;

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<sup>13</sup> Follow-up to the International Court of Justice Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons - sponsored by Malaysia

## APPENDIX II

### Elements for a United Nations General Assembly resolution requesting an advisory opinion from the International Court of Justice on compliance with nuclear disarmament obligations

International Association of Lawyers Against Nuclear Arms

#### VERSION 2 - LONG

January 2007

#### A. Operative paragraphs

[The United Nations General Assembly] *Decides*, pursuant to Article 96 of the Charter of the United Nations, to request the International Court of Justice, pursuant to Article 65 of the Statute of the Court, to urgently render an advisory opinion on the following questions:

Having regard to the legal obligation, affirmed by the Court in its advisory opinion of 8 July 1996, to pursue in good faith and bring to a conclusion negotiations on nuclear disarmament in all its aspects under strict and effective international control,

- 1) Does the obligation apply to all States, whether or not party to the Treaty on the Non-Proliferation of Nuclear Weapons?
- 2) What general legal principles govern States' compliance in good faith with the obligation?
- 3) Would compliance in good faith with the obligation have required the commencement of negotiations on complete nuclear disarmament at least in the period elapsed since 8 July 1996?
- 4) Would a lack of compliance in good faith with the obligation be demonstrated by one or more of the following acts or omissions?
  - a. failure to sign and ratify the Comprehensive Nuclear-Test-Ban Treaty or to observe the moratorium on nuclear-weapon-test explosions or any other nuclear explosions pending its entry into force;
  - b. failure to commence and conclude negotiations on a Fissile Materials Cut-off Treaty;
  - c. failure to apply the principles of verification, irreversibility, and transparency to the reduction and elimination of nuclear weapons;

- d. expansion of, or failure to diminish, the role of nuclear weapons in security policies;
- e. failure to reduce the operational status of existing nuclear weapon systems;
- f. development of nuclear weapons systems with new military capabilities or for new missions;
- g. failure to plan and prepare for security without nuclear weapons;

## **B: Draft Title and Preamble**

### Compliance with nuclear non-proliferation and disarmament obligations: request for an advisory opinion from the International Court of Justice

#### *The General Assembly*

*Expressing its grave concern* at the threats posed to humanity by the possession and proliferation of nuclear weapons and the development of doctrines for their potential use;

*Affirming* the obligations of Non-Nuclear Weapon States Parties to the Non-Proliferation Treaty not to acquire nuclear weapons and the obligations of all States Parties to negotiate in good faith for their elimination;

*Recalling* the International Court of Justice Advisory Opinion on the legality of the threat or use of nuclear weapons delivered on 6 July 1996 which concluded, *inter alia*, 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*’;

*Welcoming* the unequivocal undertaking given at the NPT Review Conference in 2000 by the Nuclear Weapon States to accomplish the total elimination of their nuclear arsenals;

*Welcoming* also the practical steps agreed by States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons for the systematic and progressive efforts to implement Article VI of the Treaty;

*Greatly alarmed* by the lack of implementation of these steps, the reversal of some commitments made at the 2000 Conference and the failure of the 2005 NPT Review Conference to reaffirm the 2000 commitments;

*Recognising* the interests of all Member States in respecting and fully implementing the obligations arising from treaties to which they are parties and from other sources of international law;

*Stressing* that the failure by States to comply with nuclear nonproliferation and disarmament obligations threatens the security of all States and undermines the norms and regulations of international law and the mechanisms for its observance;

*Noting* the views expressed in GA resolutions 60/55,<sup>14</sup> 60/56<sup>15</sup> and 60/72<sup>16</sup> of 8 December 2005 on the requirements for compliance with nuclear nonproliferation and disarmament obligations;

*Noting also* resolutions 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 and 58/46 of 8 December 2003, 59/83 of 3 December 2004 and 60/76 of 8 December 2005,<sup>17</sup> and *expressing disappointment* at the lack of implementation of the disarmament obligations affirmed in these resolutions;

*Believing* that the resolution of conflicting views on the requirements for compliance with nuclear nonproliferation and disarmament obligations would assist in maintaining international peace and security, and would assist in the prompt and full implementation of such obligations;

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<sup>14</sup> *Compliance with non-proliferation, arms limitation and disarmament agreements* – sponsored by the USA

<sup>15</sup> *Towards a nuclear-weapon-free world: accelerating the implementation of nuclear disarmament commitments* – sponsored by the New Agenda Coalition

<sup>16</sup> *Follow-up to nuclear disarmament obligations agreed in the 1995 and 2000 Review Conferences of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons* – sponsored by Iran

<sup>17</sup> *Follow-up to the International Court of Justice Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons* - sponsored by Malaysia