



# Werkgroep Eurobom

PENN/Netherlands MPI/Netherlands

## FACTS AND REPORTS

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Oktober 2002 – No. 15a – Supplement bij no. 15

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### FIRST COMMITTEE VERENIGDE NATIES

#### INLEIDING

24 oktober 2002

De resoluties van de Nieuwe Agenda Coalitie zijn sedert het maken van F&R nr. 15 verandert, omdat er over de inhoud werd onderhandeld door de vertegenwoordigers in het First Committee. Hieronder vindt u de wijzigingen in de algemene resolutie van de Nieuwe Agenda Coalitie (NAC) en de volledige geamendeerde tekst van de resolutie over niet--strategische kernwapens. Over deze twee resoluties wordt op vrijdag 25 oktober of het begin van de volgende week gestemd. Over een reeks andere kernwapengerelateerde resoluties werd al gestemd: de uitslag van die stemmingen vindt u ook hieronder, plus het stemgedrag van Nederland. Na voltooiing van de behandeling in het First Committee gaan de resoluties naar de Algemene Vergadering, die er weer over stemt over ongeveer een maand. Het stemgedrag daar kan in principe afwijken van dat in de First Committee, maar dat gebeurt zelden.

Volgens onze informatie zal de VS beide NAC resoluties afwijzen, waardoor de NAVO lidstaten, inclusief Nederland, zich vermoedelijk zullen onthouden van stemming.

Redactie F&R

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#### Voorgestelde resoluties en stemmingen

A/C/57/L.2/Rev.1

(Nieuwe versie, ter vervanging van F&R-15, pp. 3-4)

#### Reductions of non-strategic nuclear weapons

*The General Assembly,*

*Recalling* its resolution 55/33 D of 20 November 2000,

*Stressing* the unequivocal undertaking by the nuclear-weapon States in the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, a goal to which all States parties to the Treaty are committed under Article VI of the Treaty,

*Recognising* that disarmament and non-proliferation are essential for the maintenance of international peace and security,

*Reaffirming* the necessity of strict compliance by all parties with their obligations under the Treaty on the Non-Proliferation of Nuclear Weapons and the necessity of upholding their commitments in associated decisions and final documents agreed at the 2000 and 1995 Review Conference,

*Noting* 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,

*Noting* the importance attached to the issue of reducing non-strategic nuclear weapons by the Secretary-General of the United Nations in his report to the Millennium Assembly,

*Stressing* the commitment made in the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to the further reduction of non-strategic nuclear weapons,

*Concerned* that the total number of nuclear weapons deployed and in stockpile still amounts to many thousands,

*Reiterating* the particular responsibility of the nuclear-weapon States for transparent, verifiable and irreversible reductions in nuclear weapons leading to nuclear disarmament,

*Emphasising* that further reductions of non-strategic nuclear weapons should be accorded priority and carried out in a comprehensive manner,

1. *Agrees* that reductions and elimination of non-strategic nuclear weapons should be included as an integral part of the nuclear-arms reduction and disarmament process;

2. *Agrees further* that the reduction of non-strategic nuclear weapons should be carried out in a transparent and irreversible manner;

3. *Agrees* on the importance of preserving, reaffirming, implementing and building upon the 1991 and 1992 Presidential Nuclear Initiatives of the United States of America and the Union of Soviet Socialist Republics/Russian Federation on non-strategic nuclear weapons;

4. *Calls upon* the Russian Federation and the United States of America to formalise their Presidential Nuclear Initiatives into legal instruments and to initiate negotiations on further effectively verifiable reductions of their non-strategic nuclear weapons;

5. *Stresses* the importance of special security and physical protection measures for the transport and storage of non-strategic nuclear weapons, and calls upon all nuclear-weapon States in possession of such weapons to take the necessary steps in this regard;

6. *Calls* for further confidence-building and transparency measures to reduce the threats posed by non-strategic nuclear weapons;

7. *Calls also* for concrete agreed measures to further reduce the operational status of non-strategic nuclear weapons systems;

8. *Decides* to include in the provisional agenda of its fifty-eighth session an item entitled "Reduction of non-strategic nuclear weapons".

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A/C.1/57/L.3/Rev. 1

## **General and complete disarmament: towards a nuclear-weapon-free world: the need for a new agenda**

(wijzigingen ten opzichte van F&R-15, pp. 4-7)

A summary of the changes and rationale.

### *1. Pre-ambular paragraph (pp) 5.*

Previous language: "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, Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, I.C.J. Reports 1996, p. 226. and its unanimous conclusion that "there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control",

New language: "Noting 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, Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, I.C.J. Reports 1996,

Reason: Some Western countries had criticized the ICJ follow-up resolution (A/C.1/57/L.53) because it focused on only one of the ICJ's conclusions, i.e. the disarmament obligation, rather than on the ICJ opinion as a whole (Belgium, on behalf of the Benelux and NATO countries, made such a comment in their explanation of vote on L.53). The revised text reflects this by referring to the ICJ opinion as a whole without isolating any parts of it.

## *2. Pre-ambular paragraph (pp) 17*

Previous language : "Expressing its deep concern about emerging approaches to the broader role of nuclear weapons as part of security strategies, including the development of new types, and rationalizations for the use, of nuclear weapons,"

New language: "Expressing its deep concern that emerging approaches to the broader role of nuclear weapons as part of security strategies, could lead to the development of new types, and rationalizations for the use, of nuclear weapons,"

Reason: Some countries are not convinced that new nuclear doctrines, including pre-emptive use of nuclear weapons, have officially been adopted, or that new types of nuclear weapons are definitely being developed. However, they are prepared to agree that such doctrines and weapons systems, if developed, would be cause for great concern.

## *3. Operative paragraph 1*

Previous language: "Reaffirms that the growing possibility that nuclear weapons could be used represents a continued risk for humanity",

New language: "Reaffirms that any possibility that nuclear weapons could be used represents a continued risk for humanity",

Reason: Some countries do not accept that there is a growing threat of use of nuclear weapons. Some countries also see the original language as directed against the US (even though it could as easily refer to the possibility of nuclear war in South Asia). The new language is thus less provocative.

## *4. Operative paragraph 11*

Previous language: "Reaffirms that the entry into force of the Comprehensive Nuclear-Test- Ban Treaty is particularly urgent since the process of the installation of an international system to monitor nuclear-weapons tests under the Comprehensive Nuclear-Test-Ban Treaty is more advanced than the real prospects of entry into force of the Treaty, a situation which is not consistent with a universal and comprehensive test-ban treaty";

New language: "Underlines the urgency of entry into force of the Comprehensive Nuclear-Test- Ban Treaty in the context of the progress in implementing the international system to monitor nuclear-weapons tests under the Treaty.",

Reason: The previous language was ambiguous and could have been seen to be critical of the installation of the international system prior to EIF of the CTBT.

The revised draft also includes preambular paragraphs

- a) welcoming Cuba's announcement to accede to the NPT and ratify the Treaty of Tlatelolco and
- b) welcoming the establishment of a nuclear-weapon-free zone in Central Asia.

Finally, in preambular paragraph 18 the revised draft replaces "strategic missile defences" with "missile defences" in order to adjust to the reality that there is no longer a distinction between strategic and non-strategic missile defences. This may make it difficult for those countries which support Theatre Missile Defences, but their concerns can be offset by emphasizing that the paragraph expresses only that such defences could impact on nuclear disarmament and non-proliferation, thus allowing for regional considerations.

## **National legislation on transfer of arms, military equipment and dual use goods and technology**

*The General Assembly,*

*Recognizing* that disarmament, arms control and non-proliferation are essential for the maintenance of international peace and security and that an effective national control over the transfer of arms, military equipment and dual use goods and technology is an important tool in achieving these objectives,

*Considering* that the exchange of national legislation, regulations and procedures on the transfer of arms, military equipment and dual use goods and technology contributes to mutual understanding and confidence among Member States,

*Convinced* that such an exchange would be beneficial to Member States that are in the process of developing such legislation,

1. *Invites* Member States to enact or improve national legislation, regulations and procedures to exercise effective control over the transfer of arms, military equipment and dual use goods and technology, taking into account commitments under international treaties;
2. *Encourages* Member States to provide information to the Secretary-General on their national legislation, regulations and procedures on the transfer of arms, military equipment and dual use goods and technology, as well as the changes therein, and requests the Secretary-General to make this information accessible for Member States;
3. *Decides* to include in the provisional agenda of its fifty-eighth session the item entitled "National legislation on transfer of arms, military equipment and dual use goods and technology".

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United Nations General Assembly - A/C.1/57/L.23

10 October 2002

Fifty-seventh session - First Committee

Agenda item 66 - General and complete disarmament

Russian Federation and the United States of America: draft resolution

## **Bilateral strategic nuclear arms reductions and the new strategic framework**

*The General Assembly,*

*Recalling* its resolution 53/77 Z of 4 December 1998 and other relevant resolutions,

*Welcoming* the completion of strategic arms reductions codified in the Treaty on the Reduction and Limitation of Strategic Offensive Arms ("START") by Belarus, Kazakhstan, the Russian Federation, Ukraine and the United States of America,

*Agreeing* that new global challenges and threats require the building of a qualitatively new foundation for strategic relations between the United States of America and the Russian Federation,

*Noting with satisfaction* the building of the new strategic relationship between the United States of America and the Russian Federation based on the principles of mutual security, trust, openness, cooperation and predictability,

*Appreciating* the joint determination of the two countries to work together and with other nations and international organizations to promote security, economic well-being and a peaceful, prosperous free world,

*Applauding* the agreement whereby each country will reduce its strategic nuclear warheads to a number that does not exceed 1,700 to 2,200, as specified in the Treaty on Strategic Offensive Reductions (the "Moscow Treaty"), by 31 December 2012,

*Believing* that the agreed strategic reductions advance the commitment of both the United States of America and the Russian Federation under article VI of the Treaty on the Non-Proliferation of Nuclear Weapons,

*Appreciating* that the United States of America and the Russian Federation will continue to work closely together, including through cooperative programmes, to ensure the security of weapons of mass destruction and missile technologies, information, expertise and material,

1. *Welcomes* the commitment of the two countries to strategic nuclear warhead reductions in the Treaty on Strategic Offensive Reductions (Moscow Treaty), signed on 24 May 2002, which is an important result of this

new bilateral strategic relationship, and which will help to establish more favourable conditions for actively promoting security and cooperation and enhancing international stability;

2. *Looks forward* to the entry into force of the Moscow Treaty at the earliest possible date;

3. *Notes with satisfaction* the Joint Declaration signed by the United States of America and the Russian Federation, in Moscow on 24 May 2002, which, inter alia, created the Consultative Group for Strategic Security, chaired by Foreign and Defence Ministers, through which the United States of America and the Russian Federation will strengthen mutual confidence, expand transparency, share information and plans and discuss strategic issues of mutual interest;

4. *Recognizes* that the Group of Eight Global Partnership Against the Spread of Weapons and Materials of Mass Destruction, launched by leaders at the Kananaskis Summit, held at Kananaskis, Canada, on 26 and 27 June 2002, will enhance international security and safety by supporting specific cooperation projects, initially in the Russian Federation to address non-proliferation, disarmament, counter-terrorism and nuclear safety issues;

5. *Calls upon* all countries to join the Group of Eight commitment to the non-proliferation principles endorsed by the Group of Eight leaders at the Kananaskis Summit aimed at preventing terrorists, or those that harbour them, from acquiring or developing nuclear, chemical, radiological and biological weapons, missiles, and related materials, equipment and technology;

6. *Invites* the United States of America and the Russian Federation to keep other States Members of the United Nations duly informed of their strategic offensive reductions;

7. *Decides* to include in the provisional agenda of its fifty-eighth session an item entitled "Bilateral strategic nuclear arms reductions and the new strategic framework."

Stemming in First Committee: Aangenomen zonder stemming

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United Nations General Assembly - A/C.1/57/L.27

10 October 2002

Fifty-seventh session - First Committee

Agenda item 69 - The risk of nuclear proliferation in the Middle East

Egypt, On behalf of the States Members of the United Nations that are members of the League of Arab States.: draft resolution

### **The risk of nuclear proliferation in the Middle East**

*The General Assembly,*

*Bearing in mind* its relevant resolutions,

*Taking note* of the relevant resolutions adopted by the General Conference of the International Atomic Energy Agency, the latest of which is resolution GC(46)/RES/16, adopted on 22 September 2002,<sup>1</sup>

*Cognizant* that the proliferation of nuclear weapons in the region of the Middle East would pose a serious threat to international peace and security,

*Mindful* of the immediate need for placing all nuclear facilities in the region of the Middle East under full-scope safeguards of the International Atomic Energy Agency,

*Recalling* the decision on principles and objectives for nuclear non-proliferation and disarmament adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons on 11 May 1995,<sup>2</sup> in which the Conference urged universal adherence to the Treaty as an urgent priority and called upon all States not yet parties to the Treaty to accede to it at the earliest date, particularly those States that operate unsafeguarded nuclear facilities,

*Recognizing with satisfaction* that, in the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,<sup>3</sup> the Conference undertook to make determined efforts towards the achievement of the goal of universality of the Treaty on the Non-Proliferation of Nuclear Weapons,<sup>4</sup> and called upon those remaining States not parties to the Treaty to accede to it, thereby accepting an international legally binding commitment not to acquire nuclear weapons or nuclear explosive devices and to accept International Atomic Energy Agency safeguards on all their nuclear activities, and underlined the necessity of universal adherence to the Treaty and of strict compliance by all parties with their obligations under the Treaty,

*Recalling* the resolution on the Middle East adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons on 11 May 1995,<sup>5</sup> in which the Conference noted with concern the continued existence in the Middle East of unsafeguarded nuclear facilities, reaffirmed the importance of the early realization of universal adherence to the Treaty and called upon all States in the Middle East that had not yet done so, without exception, to accede to the Treaty as soon as possible and to place all their nuclear facilities under full-scope International Atomic Energy Agency safeguards,

*Noting* that Israel remains the only State in the Middle East that has not yet become party to the Treaty on the Non-Proliferation of Nuclear Weapons,

*Concerned* about the threats posed by the proliferation of nuclear weapons to the security and stability of the Middle East region,

*Stressing* the importance of taking confidence-building measures, in particular the establishment of a nuclear-weapon-free zone in the Middle East, in order to enhance peace and security in the region and to consolidate the global non-proliferation regime,

*Emphasizing* the need for all parties directly concerned to consider seriously taking the practical and urgent steps required for the implementation of the proposal to establish a nuclear-weapon-free zone in the region of the Middle East in accordance with the relevant resolutions of the General Assembly and, as a means of promoting this objective, inviting the countries concerned to adhere to the Treaty on the Non-Proliferation of Nuclear Weapons and, pending the establishment of the zone, to agree to place all their nuclear activities under International Atomic Energy Agency safeguards,

*Noting* that one hundred and sixty-six States have signed the Comprehensive Nuclear-Test-Ban Treaty,<sup>6</sup> including a number of States in the region,

1. *Welcomes* the conclusions on the Middle East of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons;<sup>7</sup>
2. *Reaffirms* the importance of Israel's accession to the Treaty on the Non-Proliferation of Nuclear Weapons<sup>4</sup> and placement of all its nuclear facilities under comprehensive International Atomic Energy Agency safeguards, in realizing the goal of universal adherence to the Treaty in the Middle East;
3. *Calls upon* that State to accede to the Treaty on the Non-Proliferation of Nuclear Weapons without further delay and not to develop, produce, test or otherwise acquire nuclear weapons, and to renounce possession of nuclear weapons, and to place all its unsafeguarded nuclear facilities under full-scope International Atomic Energy Agency safeguards as an important confidence-building measure among all States of the region and as a step towards enhancing peace and security;
4. *Requests* the Secretary-General to report to the General Assembly at its fifty-eighth session on the implementation of the present resolution;
5. *Decides* to include in the provisional agenda of its fifty-eighth session the item entitled "The risk of nuclear proliferation in the Middle East".

\* On behalf of the States Members of the United Nations that are members of the League of Arab States.

<sup>1</sup> See International Atomic Energy Agency, *Resolutions and Other Decisions of the General Conference, Forty-sixth Regular Session, 16-20 September 2002* (GC(46)/RES/DEC(2002)).

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

<sup>3</sup> *2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document, vols. I-III* (NPT/CONF.2000/28 (Parts I-IV)).

<sup>4</sup> United Nations, *Treaty Series*, vol. 729, No. 10485.

<sup>5</sup> See *1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document, Part I* (NPT/CONF.1995/32 (Part I) and Corr.2), annex.

<sup>6</sup> See resolution 50/245.

<sup>7</sup> See *2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document, vol. I* (NPT/CONF.2000/28 (Parts I and II)), part I, art. VII, para. 16.

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United Nations General Assembly - A/C.1/57/L.54

10 October 2002

Fifty-seventh session - First Committee

Agenda item 66 - General and complete disarmament

United States of America: draft resolution

## **Compliance with arms limitation and disarmament and non-proliferation agreements**

*The General Assembly,*

*Recalling* its resolution 52/30 of 9 December 1997 and other relevant resolutions on the question,

*Recognizing* the abiding concern of all Member States for maintaining respect for rights and obligations arising from treaties to which they are parties and other sources of international law,

*Convinced* that observance by Member States of the Charter of the United Nations, treaties to which they are parties and other sources of international law is important for the strengthening of international security,

*Mindful* of the fundamental importance of full implementation and strict observance of agreements and other agreed obligations on arms limitation and disarmament and non-proliferation by States parties if individual nations and the international community are to derive enhanced security from them,

*Stressing* that any violation of such agreements and other agreed obligations by States parties not only adversely affects the security of States parties but can also create security risks for other States relying on the constraints and commitments stipulated in those agreements and other agreed obligations,

*Stressing also* that any weakening of confidence in such agreements and other agreed obligations diminishes their contribution to global or regional security, and undermines their credibility and effectiveness,

*Recognizing*, in this context, that full compliance by States parties with all provisions of existing agreements and the resolving of compliance concerns effectively by means consistent with such agreements and international law can, inter alia, contribute to better relations among States and the strengthening of world peace and stability,

*Believing* that compliance with all provisions of arms limitation and disarmament and non-proliferation agreements by States parties is a matter of interest and concern to all members of the international community, and noting the role the United Nations has played and should continue to play in that regard,

*Welcoming* the contribution to international peace and regional security that full compliance by States parties with verification provisions of arms limitation and disarmament and non-proliferation agreements provides,

*Also welcoming* the universal recognition of the critical importance of the question of compliance and verification of arms limitation and disarmament and non-proliferation agreements, and other agreed obligations,

*Recognizing*, in the light of the threat of international terrorism, that it is especially important that States parties comply with arms limitation and disarmament and non-proliferation obligations and commitments,

1. *Urges* all States parties to arms limitation and disarmament and non-proliferation agreements to implement and comply with the entirety of all provisions of such agreements;

2. *Calls upon* all Member States to give serious consideration to the implications that non-compliance by States parties with any provisions of agreements in the fields of arms limitation and disarmament and non-proliferation have for international security and stability, as well as for the prospects for progress in those fields;

3. *Also calls upon* Member States to support efforts aimed at the resolution of compliance questions by means consistent with such agreements and international law, with a view to encouraging strict observance by all States parties of the provisions of arms limitation and disarmament and non-proliferation agreements and maintaining or restoring the integrity of such agreements;

4. *Welcomes* the role that the United Nations has played and continues to play in restoring the integrity of, and fostering negotiations on, certain arms limitation and disarmament and non-proliferation agreements and in the removal of threats to peace;

5. *Encourages* efforts by all States parties to pursue additional areas of cooperation, as appropriate, that can increase confidence in compliance with existing arms limitation and disarmament and non-proliferation agreements and reduce the possibility of misinterpretation and misunderstanding;

6. *Notes* the contribution that effective verification procedures for arms limitation and disarmament and non-proliferation agreements frequently can make in enhancing confidence in the compliance with those agreements;

7. *Decides* to include in the provisional agenda of its fifty-ninth session an item entitled "Compliance with arms limitation and disarmament and non-proliferation agreements".

Stemming in First Committee: Aangenomen zonder stemming

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Stemming over A/C.1/57/L.4 – Comprehensive Nuclear Test Ban Treaty (zie F&R-15, p. 7):

Voor – 125 (incl. Nederland) , Tegen – 1 (Verenigde Staten), Onthouding – 4 (Colombia, India, Mauritius, Syrië)