



**Permanent Mission of**  
**Malaysia**  
**to the United Nations**

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**Statement by H.E. Mr. Hamidon Ali**  
**Permanent Representative of Malaysia to the United Nations**  
**on Agenda Item 90(u): Follow-up to the Advisory Opinion of the International Court**  
**of Justice on the *Legality Of The Threat Or Use Of Nuclear Weapons***  
**at the First Committee of the 61<sup>st</sup> Session of the General Assembly**  
**New York, 10 October 2006**

Madam Chairperson,

My delegation has the honour to introduce to the Committee, as it has done in past sessions, a draft resolution entitled "Follow-up to the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*".

2. My delegation expresses its appreciation to the Secretary-General for his Report, as contained in document 61/127, submitted under agenda item 90(u) of the 61<sup>st</sup> Session of the General Assembly. My delegation expresses its appreciation to Member States that have submitted information pursuant to resolution 60/76.

3. The Advisory Opinion on the *Legality of the Threat or Use of Nuclear Weapons* rendered by the International Court of Justice (ICJ) on 8 July 1996 remains a historic and resolute decision in the field of nuclear disarmament. The decision of the Court constitutes and remains an authoritative legal call to rid the world of nuclear weapons. The Court's 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 control, is reflected in operative paragraph 1 of the draft resolution. The unanimous decision of the ICJ, while being consistent with the solemn obligation of States parties under Article VI of the Treaty on Non-Proliferation of Nuclear Weapons (NPT), does not confine itself only to States parties to the NPT, but rather significantly as a universal declaration.

4. Operative paragraph 2 of the text underlines the obligation of all States to conduct and successfully conclude negotiations leading to nuclear disarmament. The decision by the ICJ must be followed up by concrete action by all Member States. Aside from retaining these important pronouncements, the text has the necessary modifications for technical updating.

5. The global disarmament and non-proliferation framework remains in a flux. Nuclear-weapon States continue to modernize existing nuclear weapons, and large stockpile of nuclear weapons remain in their arsenals. Several nuclear-weapon States have chosen disengagement, retrogression and unilateral measures, rather than multilateralism and multilaterally agreed solutions. These are some of the several fundamental challenges, which, if left unchecked, could destabilize international peace and security and increase the risk of new instances of unilateral or pre-emptive use of force.

6. The Final Document of the SSOD-I, which underscores the primacy of nuclear disarmament, remains valid today. Member States had agreed at SSOD-I that nuclear weapons posed the greatest danger to mankind and to the survival of human civilization. The goal of nuclear disarmament remains elusive. We must remain committed to achieving this goal. We cannot allow the indefinite perpetuation of the possession of such weapons, nor can we allow the possessive obsession of such weapons to further undermine our goal.

7. In that connection, my delegation calls on all Member States to commence negotiations leading to complete nuclear disarmament, and the unequivocal undertaking by nuclear-weapon States to accomplish the total elimination of their nuclear weapons. The forthcoming sessions of SSOD-IV will provide us with the opportunity to renew, revitalise and create a new milieu for the further advancement of the global nuclear disarmament process. The challenges facing the international community in trying to realize a nuclear-weapon-free world has become more formidable than ever, requiring our full and unqualified commitment to the goals we set ourselves. Recent events are clear testimony to current realities.

8. My delegation is confident that this draft resolution will continue to receive the support of a large majority of Member States. Furthermore, my delegation is confident that States that support multilateral negotiations will heed the views of the overwhelming majority inside and outside this Committee and the General Assembly, and would join us towards achieving the global elimination of nuclear weapons.

9. Having presented this draft resolution, let me now express my Government's response to the nuclear test conducted by the Democratic People's Republic of Korea, which reads as follows:

*"Malaysia deplores the nuclear test which the Democratic People's Republic of Korea claimed it had conducted on 9 October 2006. Malaysia believes that the test is a serious setback to efforts aimed at keeping the region and the world free from nuclear weapons. It could also trigger an arms race in the region. Therefore, Malaysia calls on the DPRK to cease developing its capability to produce nuclear weapons and return to the moratorium on nuclear testing."*

*"Malaysia strongly believes that the continued existence of nuclear weapons presents a grave threat to humanity, particularly by increasing the risk of proliferation. Malaysia, therefore, reiterates the importance of achieving the universal goal of complete and general disarmament."*

*"Malaysia urges all countries in the region to exercise maximum restraint and refrain from actions that could further heighten tension in the region. In this context, Malaysia further urges all parties concerned to return to the Six-Party Talks and resume negotiations with a view to resolve all outstanding issues amicably."*

10. Nuclear disarmament must remain a high priority on the global agenda. We must address the issues and challenges confronting nuclear disarmament in a comprehensive, constructive and balanced manner. We must seek the consensus and political will to move forward. Member States must support multilateral efforts that seek to bring all countries together in a multilateral effort to create a nuclear-free world. The vitality of multilateralism and multilaterally agreed solutions in addressing disarmament and international security issues must be preserved and strengthened.

Thank you, Madam Chairperson.