

**India's EOV's on Cluster1: Nuclear weapons: 28 October 2008**

Mr. Chairman,

India has requested the floor to convey its position on the following resolutions:

**Resolution contained in document L.2, entitled "The risk of nuclear proliferation in the Middle East."**

India has abstained on L.2 as a whole, and has voted against its PP 6, as we believe that the focus of this resolution should be limited to the region that it intends to address.

India's position on the NPT is well known. The 1969 Vienna Convention on the Law of Treaties, which codified the prevailing customary international law, provides that States are bound by a treaty based on the principle of free consent. The call to those States remaining outside the NPT to accede to it and to accept IAEA safeguards on all their nuclear activities is at variance with this principle and does not reflect current realities.

**Resolution contained in L5 entitled "Decreasing the operational readiness of nuclear weapons systems,"**

India has been sponsoring a resolution entitled "Reducing Nuclear Danger" which has been adopted by this Committee by a large majority for a decade now. Last year, when this resolution on decreasing operational readiness was introduced for the first time, India extended support given the common objectives and congruence in content of the two resolutions. India's approach is to assess resolutions by an objective standard and on its merits. Unlike some of the sponsors of this resolution, India will not use another standard and will therefore cast a positive vote again.

**Resolution contained in L28: Mongolia's international security and nuclear weapon -free status**

As a country that maintains the most friendly and fraternal ties with Mongolia, India welcomes the adoption, without a vote, of the resolution contained in document L28 on Mongolia's international security and nuclear weapon free status.

We note the many steps Mongolia has taken to reinforce such a status and that Mongolia has received support and security assurances for such a status from Member states, particularly those that possess nuclear weapons. India fully respects the choice made by Mongolia and is willing to respond whenever required, with every possible support and commitment to Mongolia's nuclear weapon-free status.

**Resolution contained in L38: The Hague Code of conduct against Ballistic Missiles**

India is fully committed to non-proliferation of weapons of mass destruction and their means of delivery, including ballistic missiles. The proliferation of ballistic missiles in our region has adversely impacted on India's security.

There is no legal regime governing the possession and use of Missiles. The complexity of this issue arises mainly due to the untenable claims made by some states for the exclusive rights for the possession of advanced weapon systems and their continued modernization. Any initiative to address these concerns in a sustainable and comprehensive manner should be through an inclusive process based on the principle of equal and legitimate security.

We welcome the fact that the GGE on Missiles in all its aspects emphasized in its report (A/63/176) the important role of the United Nations in providing a more structured and effective mechanism to build a consensus.

India has abstained on this resolution as it does not adequately recognize the need for a more inclusive approach, such as the one recommended in the GGE report. Furthermore, it is noteworthy that several of the sponsors of this resolution had their experts on the GGE on Missiles which had adopted its report by consensus.

**Resolution contained in L.40: "Nuclear Weapon Free Southern Hemisphere and Adjacent Areas"**

India has voted against OP6 and abstained on the resolution as a whole. We believe that the call in OP6 for a NWFZ in South Asia contravenes the well-established principle that nuclear weapon free zones must be established on the basis of arrangements freely arrived at among the States of the region concerned. This specific proposal has no greater validity than the establishment of nuclear weapon free zones in other parts of the world such as

in East Asia, Western Europe or North America where also nuclear weapons exist and are deployed.

**Resolution contained in L58 on “Renewed determination towards the total elimination of nuclear weapons”**

India remains committed to the goal of complete elimination of nuclear weapons. India has consistently held the view that nuclear disarmament and nuclear non-proliferation are mutually reinforcing. We continue to support a credible time-bound programme for global, verifiable and non-discriminatory nuclear disarmament.

India cannot accept the call to accede to the Treaty on the Non-Proliferation of Nuclear Weapons as a non-nuclear-weapon State. As India supports commencement of negotiations on an FMCT in the Conference on Disarmament, the question of a moratorium on the production of fissile material for nuclear weapons does not arise.

Our negative vote on this resolution must not be seen as casting a shadow on India's readiness to working with others to achieve global disarmament and non-proliferation objectives.