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GENERAL AND COMPLETE DISARMAMENT

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 K, 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:

"Underline[d] 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;

"Call[ed] upon all States to fulfil 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;

"Request[ed] 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-BIOLLEY
Ambassador, Deputy Permanent Representative
Chargé d'affaires a.i.

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