

37/79. United Nations Conference on Prohibitions or Restrictions of Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

The General Assembly,

Recalling its resolutions 32/152 of 19 December 1977, 35/153 of 12 December 1980 and 36/93 of 9 December 1981,

Reaffirming its conviction that the suffering of civilian populations and of combatants would be significantly reduced if general agreement could be attained on the prohibition or restriction, for humanitarian reasons, of the use of specific conventional weapons, including any which may be deemed to be excessively injurious or to have indiscriminate effects,

Recalling with satisfaction the adoption, on 10 October 1980, of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, together with the Protocol on Non-Detectable Fragments (Protocol I), the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II) and the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III),⁴⁸

Taking note with satisfaction of the report of the Secretary-General,⁴⁹ in which indication was given that an increasing number of States had either signed or ratified the Convention, which was opened for signature in New York on 10 April 1981,

1. Urges those States that have not yet done so to exert their best endeavours to become parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects and the Protocols annexed thereto, as early as possible, so as to obtain their entry into force and, ultimately, their universal adherence;

2. Takes note of the fact that, under article 8 of the Convention, conferences may be convened to consider amendments to the Convention or any of the annexed Protocols, to consider additional protocols relating to other categories of conventional weapons not covered by the existing annexed Protocols, or to review the scope and operation of the Convention and the Protocols annexed thereto and to consider any proposal for amendments to the Convention or to the existing annexed Protocols and any proposals for additional protocols relating to other categories of conventional weapons not covered by the existing annexed Protocols;

3. Requests the Secretary-General, as the depositary of the Convention and its three annexed Protocols, to inform the General Assembly from time to time of the state of adherence to the said Convention and its Protocols;

4. Decides to include in the provisional agenda of its thirty-eighth session the item entitled "United Nations Conference on Prohibitions or Restrictions of Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects".

98th plenary meeting
9 December 1982

37/80. Conclusion of an international convention on the strengthening of the security of non-nuclear-weapon States against the use or threat of use of nuclear weapons

The General Assembly,

Convinced of the need to take effective measures for the strengthening of the security of States and prompted by the desire shared by all nations to eliminate war and prevent nuclear conflagration,

Taking into account the principle of non-use of force or threat of force enshrined in the Charter of the United Nations and reaffirmed in a number of United Nations declarations and resolutions,

Noting with satisfaction the desire of States in various regions to prevent nuclear weapons from being introduced into their territories, including through the establishment of nuclear-weapon-free zones, on the basis of arrangements freely arrived at among the States of the region concerned, and being anxious to contribute to the attainment of this objective,

Considering that, until nuclear disarmament is achieved on a universal basis, it is imperative for the international community to develop effective measures to ensure the security of non-nuclear-weapon States against the use or threat of use of nuclear weapons from any quarter,

Recognizing that effective measures to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons can constitute a positive contribution to the prevention of the spread of nuclear weapons,

Mindful of the statements made and views expressed by various States on the strengthening of the security of non-nuclear-weapon States,

Concerned at the continuing escalation of the arms race, in particular the nuclear-arms race, and the increased danger of recourse to use or threat of use of nuclear weapons,

Deeply concerned at the plans for further stationing of nuclear weapons on the territories of non-nuclear-weapon States that could directly affect the security of non-nuclear-weapon States,

Desirous of promoting the implementation of paragraph 59 of the Final Document of the Tenth Special Session of the General Assembly,⁵⁰ in which it urged the nuclear-weapon States to pursue efforts to conclude, as appropriate, effective arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons,

Recalling its resolutions 33/72 of 14 December 1978, 34/84 and 34/85 of 11 December 1979, 35/154 and 35/155 of 12 December 1980, the relevant provisions of its resolution 35/46 of 3 December 1980 and its resolutions 36/94 and 36/95 of 9 December 1981,

Noting that the Committee on Disarmament considered in 1982 the item entitled "Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons" and the work done by the *Ad Hoc* Working Group on this item,

Recalling the drafts of an international convention submitted on that item to the Committee on Disarmament in 1979 and noting with satisfaction that the idea of concluding such a convention has received widespread international support,

Taking note of the special report of the Committee on Disarmament,⁵¹ submitted to the General Assembly at its twelfth special session, including the report of the *Ad Hoc*

⁴⁸ See A/CONF.95/15 and Corr.2, annex I.

⁴⁹ A/37/199 and Corr.1.

⁵⁰ Resolution S-10/2.

⁵¹ Official Records of the General Assembly, Twelfth Special Session, Supplement No. 2 (A/S-12/2)

Working Group to Consider, and Negotiate on, Effective International Arrangements to Assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons,⁵² as well as the report of the Committee on Disarmament,⁵³

Wishing to promote an early and successful completion of the negotiations on the elaboration of a convention on the strengthening of the security of non-nuclear-weapon States against the use or threat of use of nuclear weapons,

Noting that the idea of interim arrangements as a first step towards the conclusion of such a convention has also been considered in the Committee on Disarmament, particularly in the form of a Security Council resolution on this subject, and reaffirming the call made in that respect by the General Assembly in paragraph 6 of its resolution 35/154 and in paragraph 5 of its resolution 36/94,

Taking note of the recommendation contained in the special report of the Committee on Disarmament that ways and means should be explored by the Committee to overcome the difficulties encountered in the negotiations of the above-mentioned Working Group with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons,⁵⁴

Convinced that abandoning policies of first use of nuclear weapons would, *inter alia*, constitute a substantive contribution to the efforts to achieve progress towards effective strengthening of the security guarantees for non-nuclear-weapon States,

Welcoming the solemn declarations concerning the non-first-use of nuclear weapons, in particular the obligation of nuclear-weapon States not to be the first to use nuclear weapons, assumed at the highest political level or confirmed at the twelfth special session of the General Assembly,

Convinced further that, if all nuclear-weapon States were to assume obligations not to be the first to use nuclear weapons, that would be tantamount, in practice, to banning the use of nuclear weapons against all States, including all non-nuclear-weapon States,

Bearing in mind that, in the search for a solution of the problem of security assurances, priority should be given to the legitimate security concerns of the non-nuclear-weapon States, which, by virtue of their forgoing the nuclear option and of not allowing nuclear weapons to be stationed on their territories, have every right to expect to be most effectively guaranteed against the use or threat of use of nuclear weapons,

1. *Welcomes once again* the conclusion of the Committee on Disarmament that there is continuing recognition of the urgent need to reach agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons;

2. *Notes with satisfaction* that in the Committee on Disarmament there is once again no objection, in principle, to the idea of an international convention on this subject;

3. *Requests* the Committee on Disarmament to continue the negotiations on the question of the strengthening of the security guarantees for non-nuclear-weapon States during its session in 1983;

4. *Calls once again upon* all States participating in these negotiations to make efforts to elaborate and conclude an international instrument of a legally binding character, such as an international convention, on this matter;

⁵² *Ibid.*, para. 63.

⁵³ *Ibid.*, Thirty-seventh Session, Supplement No. 27 (A/37/27 and Corr.1).

⁵⁴ *Ibid.*, Twelfth Special Session, Supplement No. 2 (A/S-12/2), para. 63, part IV.

5. *Calls once again upon* all nuclear-weapon States to make solemn declarations, identical in substance, concerning the non-use of nuclear weapons against non-nuclear-weapon States having no such weapons on their territories, as a first step towards the conclusion of an international convention, and recommends that the Security Council should examine such declarations and, if they all meet the above-mentioned objective, should adopt an appropriate resolution approving them;

6. *Decides* to include in the provisional agenda of its thirty-eighth session the item entitled "Conclusion of an international convention on the strengthening of the security of non-nuclear-weapon States against the use or threat of use of nuclear weapons".

98th plenary meeting
9 December 1982

37/81. Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons

The General Assembly,

Bearing in mind the need to allay the legitimate concern of the States of the world with regard to ensuring lasting security for their peoples,

Convinced that nuclear weapons pose the greatest threat to mankind and to the survival of civilization,

Deeply concerned at the continuing escalation of the arms race, in particular the nuclear-arms race,

Convinced that nuclear disarmament and the complete elimination of nuclear weapons are essential to remove the danger of nuclear war,

Taking into account the principle of the non-use of force or threat of force enshrined in the Charter of the United Nations,

Deeply concerned about the possibility of the use or threat of use of nuclear weapons,

Recognizing that the independence, territorial integrity and sovereignty of non-nuclear-weapon States need to be safeguarded against the use or threat of use of force, including the use or threat of use of nuclear weapons,

Considering that, until nuclear disarmament is achieved on a universal basis, it is imperative for the international community to develop effective measures to ensure the security of non-nuclear-weapon States against the use or threat of use of nuclear weapons from any quarter,

Recognizing that effective measures to assure the non-nuclear-weapon States against the use or threat of use of nuclear weapons can constitute a positive contribution to the prevention of the spread of nuclear weapons,

Recalling its resolution 3261 G (XXIX) of 9 December 1974,

Recalling also its resolution 31/189 C of 21 December 1976,

Bearing in mind paragraph 59 of the Final Document of the Tenth Special Session of the General Assembly,⁵⁰ in which it urged the nuclear-weapon States to pursue efforts to conclude, as appropriate, effective arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons,

Desirous of promoting the implementation of the relevant provisions of the Final Document of the Tenth Special Session,