



## General Assembly

Distr.  
GENERAL

A/44/773  
5 December 1989

ORIGINAL: ENGLISH

Forty-fourth session  
Agenda item 51

### AMENDMENT OF THE TREATY BANNING NUCLEAR WEAPON TESTS IN THE ATMOSPHERE, IN OUTER SPACE AND UNDER WATER

#### Report of the First Committee

Rapporteur: Mr. Dimitris PLATIS (Greece)

#### I. INTRODUCTION

1. The item entitled "Amendment of the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water" was included in the provisional agenda of the forty-fourth session in accordance with General Assembly resolution 43/63 B of 7 December 1988.
2. At its 3rd plenary meeting, on 22 September 1989, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the First Committee.
3. At its 2nd meeting, on 13 October, the First Committee decided to hold a general debate on the disarmament items allocated to it, namely, items 49 to 69 and 151. The deliberations on those items took place between the 3rd and the 25th meetings, from 16 October to 1 November (see A/C.1/44/PV.3-25). Consideration of and action on draft resolutions on those items took place between the 26th and 41st meetings, from 2 to 17 November (see A/C.1/44/PV.26-41).
4. In connection with item 51, the First Committee had before it the following documents:

(a) Letter dated 5 April 1989 from the representatives of Indonesia, Mexico, Peru, Sri Lanka, Venezuela and Yugoslavia to the United Nations addressed to the Secretary-General (A/44/211);

(b) Letter dated 23 June 1989 from the Permanent Representative of the Union of Soviet Socialist Republics to the United Nations addressed to the Secretary-General (A/44/347-S/20702);

(c) Letter dated 19 July 1989 from the Chargé d'affaires a.i. of the Permanent Mission of Zimbabwe to the United Nations addressed to the Secretary-General, transmitting the final documents of the Ministerial Meeting of the Co-ordinating Bureau of the Movement of Non-Aligned Countries, held at Harare, from 17 to 19 May 1989 (A/44/409-S/20743 and Corr. 1 and 2);

(d) Letter dated 22 September 1989 from the Permanent Representative of Yugoslavia to the United Nations addressed to the Secretary-General, transmitting the final documents of the Ninth Conference of Heads of State or Government of the Movement of Non-Aligned Countries, held at Belgrade, from 4 to 7 September 1989 (A/44/551-S/20870).

## II. CONSIDERATION OF DRAFT RESOLUTION A/C.1/44/L.25 AND REV. I

5. On 30 October 1989, the Bahamas, Bangladesh, Bolivia, Costa Rica, Cyprus, Democratic Yemen, the Dominican Republic, Ecuador, Egypt, Ghana, Guatemala, India, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Liberia, Malaysia, Mexico, Nepal, Nicaragua, Nigeria, Pakistan, Panama, Papua New Guinea, Peru, the Philippines, Romania, Singapore, Sri Lanka, the Sudan, the United Republic of Tanzania, Venezuela, Yugoslavia, Zaire and Zambia submitted a draft resolution entitled "Amendment of the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water" (A/C.1/44/L.25), which was later also sponsored by Afghanistan, Benin, Cape Verde, Colombia, El Salvador, Fiji, Gabon, the Gambia, Honduras, Lebanon, the Libyan Arab Jamahiriya, Madagascar, Mauritius, Mongolia, Suriname, Swaziland, Thailand, Togo, Uganda, Uruguay and Zimbabwe. The draft resolution was introduced by the representative of Mexico at the 26th meeting, on 2 November.

6. On 15 November, the sponsors submitted a revised draft resolution (A/C.1/44/L.25/Rev.1), which was introduced by the representative of Mexico at the 40th meeting, on 17 November. The revised draft resolution contained the following changes:

(a) An eighth preambular paragraph was added to the preamble and read as follows:

"Convinced that such a conference will serve to strengthen the Treaty, ";

(b) Operative paragraph 1, which had read:

"1. Recommends that a preparatory committee be established, open to all parties to the Treaty and that such a preparatory committee meet from 22 to 26 January 1990 to make arrangements for the amendment conference to be convened for an initial two-to-three-week session in May/June 1990;"

was replaced by a new paragraph reading:

"1. Recommends that a preparatory committee, open to all parties to the **Treaty Banning** Nuclear Weapon Tests in the Atmosphere, in Outer **Space** and **under** Water should be established to make arrangements for the amendment conference and that such preparatory **committee** should meet at United Nations **Headquarters** from 29 May to 1 June 1990, followed by a one-week session **of** the **conference** from 4 to 8 June 1990 and a second substantive session from 7 to 18 January 1991;"

(c) New operative paragraphs 2 and 4 were added and read as follows:

"2. Recommends also that the costs of the amendment conference and its preparatory committee should be shared among the States parties to the Treaty, on the basis of the present scale of assessments of the United Nations:"

"4. Invites the amendment conference to transmit to the General Assembly the documents it deems appropriate to keep the Assembly duly informed of its ongoing **work**;"

(d) **Original** operative paragraphs 2 and 3 **were** renumbered as new operative paragraphs 6 and 5.

7. At the 41st meeting, on 17 November, the Secretary of the Committee made a statement concerning the programme budget implications of the draft resolution (see **A/C.1/44/PV.41**).

8. At the same meeting, the Committee voted on draft resolution **A/C.1/44/L.25/Rev.1**, as follows:

(a) The third preambular paragraph was adopted **by** a recorded vote of 116 to 6, with 10 absentions.

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chile, Colombia, Congo, Costa Rica, **Côte d'Ivoire**, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Finland, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Mongolia, Morocco, Mozambique, **Myanmar**, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Samoa, Saudi Arabia,

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Senegal, Singapore, Somalia, Sri Lanka, **Sudan**, **Suriname**, Swaziland, Sweden, Syrian Arab **Republic**, Thailand, Togo, **Tunisia**, Uganda, Ukrainian Soviet Socialist Republic, **Union** of Soviet Socialist Republics, United **Arab** Emirates, **United** Republic of Tanzania, Uruguay, **Venezuela**, Viet Nam, Yemen, **Yugoslavia**, **Zaire**, Zambia, **Zimbabwe**.

Against: Canada, Germany, **Federal** Republic of, Japan, Turkey. United Kingdom of Great Britain and Northern Ireland, **United** States of America.

Abstaining: Belgium, Denmark, Iceland, Israel, Italy, Luxembourg, Netherlands, Norway, Portugal, Spain.

(b) The phrase "at United Nations Headquarters" in operative paragraph 1 was adopted by a recorded vote of 105 to 1, with 22 abstentions. The voting was as follows: 1/ ,

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, **Bahamas**, Bahrain, Bangladesh, Barbados, Benin, Bhutan, **Bolivia**, **Botswana**, Brazil, Brunei Darussalam, Bulgaria, Burkina **Faso**, Burundi, **Byelorussian** Soviet Socialist Republic, **Cameroon**, Central African Republic, Chile, Colombia, **Congo**, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic **Yemen**, Djibouti, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Gabon, Gambia, **German** Democratic Republic, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Liberia. Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Thailand, Togo, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay. Venezuela, Viet **Nam**, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: United Kingdom of Great Britain and Northern Ireland.

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1/ Subsequently, the delegation of the Syrian Arab Republic: informed the Chairman that, had it been present during the vote, it would have voted in favour of the phrase "at United Nations Headquarters" in operative paragraph 1.

Abstaining: Australia, Austria, Belgium, **Canada**, Denmark, Finland, Germany, Federal Republic of, Greece, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Poland, Portugal, Spain, Sweden, Turkey.

(c) Operative paragraph 1, as a whole, was adopted by a recorded vote of 106 to 10, with 13 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, **Bolivia**, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, **Cameroon**, Central African Republic, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic **Yemen**, Djibouti, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Nepal, Nicaragua, Niger, Nigeria; Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Singapore, **Somalia**, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet **Nam**, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Belgium, Canada, Germany, Federal Republic of, Israel, Italy, Luxembourg, Netherlands, Portugal, Spain, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Australia, Austria, Denmark, Finland, Greece, Iceland, Ireland, Japan, New Zealand, Norway, Sweden, Turkey, Union of Soviet Socialist Republics.

(d) Operative paragraph 2 was adopted by a **recorded** vote of 105 to 9, with 14 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina **Faso**, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic **Yemen**, Djibouti, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, **Haiti**, Hungary, India, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's

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Democratic Republic, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

**Against:** Belgium, Germany, Federal Republic of, Israel, Italy, Luxembourg, Netherlands, Portugal, Spain, United Kingdom of Great Britain and Northern Ireland

**Abstaining:** Australia, Austria, Canada, Denmark, Finland, Greece, Iceland, Ireland, Japan, New Zealand, Norway, Sweden, Turkey, Union of Soviet Socialist Republics.

(e) Draft resolution A/C.1/44/L.25/Rev.1, as a whole, was adopted by a recorded vote of 108 to 2, with 21 abstentions (see para. 9) The voting was as follows:

**In favour:** Afghanistan, Albania, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, **Burundi**, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, **Mauritius**, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Samoa, Saudi Arabia, Senegal, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, **Venezuela**, Viet Nam, **Yemen**, Yugoslavia, Zaire, Zambia, Zimbabwe.

**Against:** United Kingdom of Great Britain and Northern Ireland, United States of America.

**Abstaining:** Australia, Austria, Belgium, Canada, Denmark, Finland, Germany, Federal Republic of, Greece, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Turkey.

### III. RECOMMENDATION OF THE FIRST COMMITTEE

9. The First Committee recommends to the General Assembly the adoption of the following draft resolution:

Amendment of the Treaty Banning Nuclear Weapon Tests in  
the Atmosphere, in Outer Space and under Water

The General Assembly,

Reiterating its conviction that a comprehensive nuclear-test-ban treaty is the highest priority step towards nuclear disarmament,

Recalling its resolution 1910 (XVIII) of 27 November 1963, in which it noted with approval the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water 2/ signed on 5 August 1963, and requested the Conference of the Eighteen-Nation Committee on Disarmament 3/ to continue with a sense of urgency its negotiations to achieve the objectives set forth in the preamble to the Treaty,

Convinced that, pending the conclusion of a comprehensive nuclear-test-ban treaty, the nuclear-weapon States should suspend all nuclear test explosions through an agreed moratorium or unilateral moratoria,

Noting that article II of the Treaty provides a procedure for convening a conference of the parties to the Treaty to consider amendments to the Treaty,

Noting also that, in its resolution 42/26 B of 30 November 1987, it recommended that the non-nuclear-weapon States parties to the Treaty formally submit an amendment proposal to the Depositary Governments with a view to convening a conference at the earliest possible date to consider amendments to the Treaty that would convert it into a comprehensive nuclear-test-ban treaty and that, by its resolution 43/63 B of 7 December 1988, it welcomed the submission of such an amendment proposal,

2/ United Nations, Treaty Series, vol. 480, No. 6964.

3/ The Committee on Disarmament was redesignated the Conference on Disarmament as from 7 February 1984.

Noting further that the Ninth Conference of Heads of State or Government of the Movement of Non-Aligned Countries, held at Belgrade, ~~from 4~~ to 7 September 1989, supported the initiative to convene, as soon as possible in 1990, an amendment conference to convert the Treaty into a comprehensive nuclear-test-ban treaty, 4/

Considering that more than one third of the parties have requested the convening of a conference to consider such an amendment, ~~and~~ that Depositary Governments have announced their intention to comply with ~~their~~ obligations under the Treaty,

Convinced that such a conference will serve to strengthen the Treaty,

1. Recommends that a preparatory committee, open to all parties to the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water should be established to make arrangements for ~~the~~ amendment conference and that such preparatory committee should meet at United Nations Headquarters from 29 May to 1 June 1990, followed by a one-week session of the conference from 4 to 8 June 1990 and a second substantive session from 7 to 18 January 1991:

2. Recommends also that the costs of the amendment conference and its preparatory committee should be shared among the States parties to the Treaty, on the basis of the present scale of assessments of the United Nations;

3. Reauests the Secretary-General to render the necessary assistance and provide such services, ~~including~~ summary records, as may be required for the amendment conference and its preparation:

4. Invites the amendment conference to transmit to the General Assembly the documents it ~~deems~~ appropriate to keep the Assembly duly informed of its ongoing work:

5. Decides to include in the provisional agenda of its Forty-fifth session the item entitled "Amendment of the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water".

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4/ See A/44/551-5/20870, annex.