



# General Assembly

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## Seventy-sixth session

Items 101 (b), (k) and (o) of the preliminary list\*

### General and complete disarmament

## **Nuclear disarmament; follow-up to the advisory opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons; reducing nuclear danger**

### **Report of the Secretary-General**

#### *Summary*

The present annual report refers to the efforts undertaken to facilitate the implementation of nuclear disarmament and non-proliferation agreements and contains a compilation of views submitted by Member States.

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\* [A/76/50](#).



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## I. Introduction

1. The present report is submitted pursuant to requests contained in General Assembly resolutions [75/57](#), [75/63](#) and [75/66](#).
2. In paragraph 3 of resolution [75/66](#), the General Assembly requested all States to inform the Secretary-General of the efforts and measures that they had taken with respect to the implementation of the resolution and nuclear disarmament, and requested the Secretary-General to apprise the Assembly of that information at its seventy-sixth session.
3. In paragraph 22 of resolution [75/63](#), the General Assembly requested the Secretary-General to submit to it at its seventy-sixth session a report on the implementation of the resolution.
4. In paragraph 5 of resolution [75/57](#), the General Assembly requested the Secretary-General to intensify efforts and support initiatives that would contribute to the full implementation of the seven recommendations identified in the report of the Advisory Board on Disarmament Matters that would significantly reduce the risk of nuclear war (see [A/56/400](#), para. 3), and also to continue to encourage Member States to consider the convening of an international conference, as proposed in the United Nations Millennium Declaration (resolution [55/2](#)), to identify ways of eliminating nuclear dangers, and to report thereon to the Assembly at its seventy-sixth session.
5. By note verbale dated 18 February 2021, Member States were invited to communicate their views on the issue. Replies received from Member States are included in section III below; any replies received after the deadline will be posted on the website of the Office for Disarmament Affairs ([www.un.org/disarmament](http://www.un.org/disarmament)), in the language of submission only. No addenda will be issued.

## II. Observations

6. Since the previous report ([A/75/138](#)), States have undertaken various efforts to facilitate the implementation of nuclear disarmament and non-proliferation agreements. In particular:

(a) A high-level plenary meeting of the General Assembly to commemorate and promote the International Day against Nuclear Tests was held in a virtual format on 26 August 2020. Opening statements were made by the President of the seventy-fourth session of the Assembly, Tijjani Muhammad-Bande (Nigeria), and the Under-Secretary-General and High Representative for Disarmament Affairs on behalf of the Secretary-General. Keynote addresses were delivered by the former President of Finland, Tarja Halonen; the Executive Secretary of the Provisional Technical Secretariat of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization; the Minister for Foreign Affairs of Kazakhstan, Mukhtar Tileuberdi; the anti-nuclear advocate Karina Lester, daughter of the late Yami Lester, who was blinded by nuclear testing in the 1950s; and the spokesperson for Reverse the Trend, a global youth advocacy network against nuclear weapons and climate change, Selina Nelrok Leem. Following the keynote addresses, a plenary debate was held to highlight the importance of achieving the entry into force of the Comprehensive Nuclear-Test-Ban Treaty to put a legal and verifiable end to the testing of nuclear weapons and other nuclear devices;

(b) Pursuant to the declaration, by the General Assembly, of 26 September as the International Day for the Total Elimination of Nuclear Weapons (resolution [68/32](#)), the meeting to commemorate that day was held on 2 October 2020. It was chaired by the President of the seventy-fifth session of the Assembly, Volkan Bozkır

(Turkey). The Secretary-General marked the International Day with a message in which he called upon the States that possess nuclear weapons to take the lead in their elimination, including by implementing the disarmament commitments that they have undertaken. As was the case in previous years, civil society also made an important contribution to the commemoration and promotion of the International Day;

(c) A series of informal virtual consultations was held, aimed at resolving organizational issues connected to the Disarmament Commission, with a view to convening the 2021 substantive session from 5 to 23 April pursuant to General Assembly decision 75/519 A. However, the Commission was unable to resolve a number of organizational issues, and the Assembly decided on 25 March to postpone the session to a later period, to be determined by the Assembly (decision 75/519 B);

(d) Successive Presidents of the Conference on Disarmament worked on several versions of a draft programme of work for the 2021 session, which included the establishment of subsidiary bodies for the session, but no consensus was achieved among the States members of the Conference. Owing to the lockdown measures imposed during the coronavirus disease (COVID-19) pandemic, the 2021 session of the Conference began its work in a fully virtual manner. Hybrid meetings with remote and limited in-person participation resumed during the second part from 22 June. As at 11 June, the Conference had hosted a record number of 55 high-level speakers;

(e) The two nuclear-weapon States with the largest arsenals continued to implement the reductions agreed to in the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms. According to information provided by the parties, the United States and the Russian Federation met the central limits on strategic arms of the Treaty. As at 1 March, according to data provided by the parties on their aggregate holdings of strategic offensive arms, the Russian Federation possessed 517 deployed intercontinental ballistic missiles, submarine-launched ballistic missiles and heavy bombers and 1,456 warheads on those systems, and the United States possessed 651 deployed intercontinental ballistic missiles, submarine-launched ballistic missiles and heavy bombers and 1,357 warheads on those systems. On 3 February, the parties exchanged documents to extend the Treaty by five years, until 4 February 2026. The Treaty will remain in force until that date unless it is superseded earlier by a subsequent agreement on the reduction and limitation of strategic offensive arms.

7. In addition to the efforts discussed above, the following other multilateral initiatives have been pursued that could contribute to the achievement of a world without nuclear weapons:

(a) On 28 October, owing to the COVID-19 pandemic, States parties to the Treaty on the Non-Proliferation of Nuclear Weapons decided to further postpone the 2020 Review Conference of Parties to the Treaty to a later date, no later than August 2021. The Review Conference had originally been scheduled to be held from 27 April to 22 May 2020 and had been postponed once before. During the hiatus created by the postponements, the President-designate of the Review Conference held a number of informal consultations on matters of substance and procedure with States parties by videoconference. Together with partner organizations, the Office for Disarmament Affairs held a series of webinars on topics of relevance to the Treaty and its Review Conference. The Office continued to implement a project financed by the European Union pursuant to Council Decision (CFSP) 2019/615 of 15 April 2019 on European Union support for activities leading up to the 2020 Review Conference. However, as a result of the pandemic, neither of the two remaining regional meetings planned under the project could take place;

(b) The Treaty on the Prohibition of Nuclear Weapons entered into force on 22 January 2021, following the deposit with the Secretary-General of the fiftieth instrument of ratification or accession of the Treaty, on 24 October 2020. As at 1 July 2021, 86 States had signed the Treaty, 52 had ratified it and 2 had acceded to it;

(c) In a video message released on 1 October 2020 by the Friends of the Comprehensive Nuclear-Test-Ban Treaty, the Ministers for Foreign Affairs of Australia, Canada, Finland, Germany, Japan and the Netherlands called for the entry into force of the Treaty. Owing to the pandemic, the group was unable to hold its biannual ministerial meetings in the margins of the general debate of the General Assembly;

(d) From 2018, the Office for Disarmament Affairs implemented a three-year project financed by the European Union pursuant to Council Decision (EU) 2017/2284 to provide support to States in the African, Asia-Pacific and Latin America and Caribbean regions for participation in the high-level fissile material cut-off treaty expert preparatory group consultative process. In 2020, project activities were significantly affected by the pandemic. In particular, five national round tables were in the process of being organized, but could not take place as initially planned owing to the sanitary situation. However, informed by the various project activities, an occasional paper entitled “Advancing the process to negotiate a fissile material cut-off treaty: the role of States in the African, Asia-Pacific and Latin American and Caribbean regions” was prepared and published by the Office in 2021, thus marking the conclusion of the project;

(e) The second session of the Conference on the Establishment of a Middle East Zone Free of Nuclear Weapons and Other Weapons of Mass Destruction, originally planned to be held from 16 to 20 November 2020, was postponed in the light of the pandemic (decision A/CONF.236/DEC.5) and is scheduled to take place from 29 November to 3 December 2021. During the intersessional period, the Office for Disarmament Affairs has continued to support participating States in their implementation of the outcomes of the first session of the Conference by organizing, in collaboration with those States, two virtual informal workshops on good practices and lessons learned with respect to existing nuclear-weapon-free zones, held in July 2020 and February 2021, respectively;

(f) In its resolution [74/50](#), the General Assembly requested the Secretary-General to seek the substantive views of Member States on the report of the Group of Governmental Experts on Nuclear Disarmament Verification that met in 2018 and 2019 ([A/74/90](#)). His report on nuclear disarmament verification containing those views was before the Assembly at its seventy-fifth session ([A/75/126](#)). The Assembly also requested the Secretary-General to establish a new group of governmental experts to further consider nuclear disarmament verification issues, including the concept of a Group of Scientific and Technical Experts, building on the report of the previous Group of Governmental Experts and the views of Member States on that report as contained in the report of the Secretary-General. The Secretary-General invited the Governments of the following countries to nominate an expert to participate in the work of the Group in their personal capacity: Algeria, Argentina, Australia, Brazil, Canada, Chile, China, Egypt, France, Germany, Hungary, India, Japan, Jordan, Kazakhstan, Mexico, Nigeria, Norway, Pakistan, Romania, Russian Federation, South Africa, Sweden, United Kingdom of Great Britain and Northern Ireland and United States. The Group is expected to meet in Geneva for four sessions of one week each, in 2021 and 2022.

8. Despite some progress in implementing nuclear disarmament and non-proliferation agreements and pursuing new initiatives to support those goals,

setbacks and growing impatience with the slow pace of progress have persisted. In particular:

(a) Despite substantive discussions at the 2021 session, the Conference on Disarmament has not resumed negotiations;

(b) While efforts towards reducing existing stockpiles are acknowledged, the estimated total number of nuclear weapons, deployed and non-deployed, still amounts to over 10,000. Moreover, States continue to rely on nuclear weapons in defence and security policies, and those possessing nuclear weapons are undertaking programmes to modernize their weapons, delivery systems and related infrastructure;

(c) In 2020, no further progress was made in either inter-Korean talks or talks between the Democratic People's Republic of Korea and the United States. The United States has maintained its openness to further discussions but has had no response from the Democratic People's Republic of Korea since the summit held in Hanoi in 2019. The Democratic People's Republic of Korea continued to test short-range ballistic missiles and artillery rockets, conducting launches on four occasions. On 10 October 2020, the country held its first military parade since 2018, in which several new weapons were unveiled, including an atypically large road-mobile liquid-fuelled intercontinental ballistic missile and a solid-fuelled submarine-launched ballistic missile.

9. Pursuant to the Secretary-General's agenda for disarmament, entitled "Securing our Common Future", launched on 24 May 2018 in Geneva, the Secretary-General and the High Representative for Disarmament Affairs will continue to strengthen their efforts to facilitate dialogue among Member States, through engagement in formal and informal settings, in order to help Member States to return to a common vision and path leading to the total elimination of nuclear weapons.

### III. Information received from Governments

#### Cuba

[Original: Spanish]  
[20 May 2021]

Cuba reaffirms the importance of the conclusion of the International Court of Justice regarding the 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.

We welcome the entry into force on 22 January 2021 of the Treaty on the Prohibition of Nuclear Weapons. This instrument reinforces the unlawful character of nuclear weapons, establishes a new norm of international law that prohibits them in all circumstances, and provides a solid and legally binding framework for the destruction and total elimination of these weapons in a transparent, irreversible and verifiable manner. Cuba is proud to have been a signatory to the treaty since 20 September 2017, the day when it was opened for signature at United Nations Headquarters. Cuba is also proud to have been the fifth country to ratify the treaty.

It is unfortunate that almost 25 years since the International Court of Justice, in its advisory opinion on the legality of the threat or use of nuclear weapons, declared the use of nuclear weapons unlawful, nuclear-weapon States have made very little progress towards the elimination of their arsenals. On the contrary, nuclear deterrence continues to be a core element of the military defence and security doctrines of some States, which are even considering the use of nuclear weapons in response to so-called non-nuclear strategic threats.

It is troubling and shameful that nuclear-weapon States and others protected by the so-called nuclear umbrella are continuing to violate their legal obligations under article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and refuse to accede to the Treaty on the Prohibition of Nuclear Weapons. The enhancement and modernization of nuclear arsenals are unacceptable actions that are inconsistent with the norms and principles of international law and the advisory opinion of the International Court of Justice.

Cuba has participated actively in the main multilateral forums at which the topic is considered, including the high-level meetings to commemorate and promote the International Day for the Total Elimination of Nuclear Weapons. As a State party to the Non-Proliferation Treaty, the Treaty on the Prohibition of Nuclear Weapons and the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, which created the first nuclear-weapon-free zone in a densely populated area, Cuba has called upon nuclear-weapon States to take part in multilateral negotiations on nuclear disarmament in all its aspects. It will not relent in that call.

At a time when unilateral and interfering policies are rife, Cuba reiterates its full support for the Proclamation of Latin America and the Caribbean as a Zone of Peace, signed by the Heads of State and Government of the Community of Latin American and Caribbean States at their second Summit, held in Havana in 2014.

We reiterate our defence of the inalienable right of all States to the peaceful use of nuclear energy, without discrimination, taking into consideration its contribution to the socioeconomic development of countries. We reaffirm our political will to strengthen and consolidate multilateralism and to comply with international treaties on disarmament, including nuclear disarmament. We maintain our principled position that the only effective guarantee against the use or threat of use of nuclear weapons is their total elimination, in a transparent, verifiable and irreversible manner, within a clearly defined time frame.

## **Guyana**

[Original: English]  
[31 May 2021]

### **International legal framework**

The international legal framework of Guyana for nuclear weapons consists of the following instruments:

- Treaty on the Prohibition of Nuclear Weapons
- Treaty on the Non-Proliferation of Nuclear Weapons
- Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean
- Convention on the Physical Protection of Nuclear and Material Facilities
- Comprehensive safeguards agreement between Guyana and the International Atomic Energy Agency (IAEA)
- Small quantities protocol

### **National law**

In addition to international instruments, the following national laws address some aspects of nuclear weapons and disarmament:

- The Anti-Terrorism and Terrorism-Related Activities Act, No. 15, of 2015 criminalizes terrorism, the use of nuclear weapons and devices and the supply of nuclear weapons for terrorism purposes. In addition, the Act creates other nuclear-related criminal offences. Furthermore, there are specific provisions in the anti-terrorism legislation that explicitly prohibit aspects relating to the manufacture, acquisition, possession, development, transportation, transfer or use of nuclear weapons or devices. This law also contains a comprehensive suite of provisions that criminalize a range of facilitation offences such as assisting, supporting and financing terrorism activities and/or groups. The anti-terrorism legislation also contains investigation and enforcement provisions, as well as significant penalties for those convicted of offences (see sects. 3–16 and 20). In addition, sections 23 to 25 deal with radioactive material and nuclear facilities and create specific criminal offences. For example, handling and using radioactive and nuclear devices with the intent to cause harm to a person or damage to property is an offence.
- The Anti-Money-Laundering and Countering the Financing of Terrorism Act, chapter 10:11, provides for the freezing of funds or other assets related to a listed person or entity engaged in proliferation financing. This is pursuant to Security Council resolutions [1718 \(2006\)](#) and [2231 \(2015\)](#) and their successor resolutions. The applicable provision is section 68 E of the Act. In addition, section 68 I of the Act provides for the names of persons or entities involved in proliferation financing to be proposed to the Security Council Committee established pursuant to resolution [1718 \(2006\)](#). This is to facilitate their designation by the Committee.
- The Criminal Law (Offences) Act, chapter 8:01, in section 309 A, criminalizes acts of terrorism. This section also addresses a range of facilitation offences. In particular, the provision is aimed at offenders who advocate, aid and abet, advise, incite or knowingly facilitate the commission of a terrorist act. In addition, that section criminalizes attempts to commit a terrorist attack and acts preparatory to such an act. These facilitation offences are punishable as though the offender were guilty of the principal offence that he or she had attempted.

### **Work on a legal framework**

At present, the Government of Guyana, through the Ministry of Health, is coordinating with IAEA to develop a comprehensive legal framework to address nuclear and radioactive materials. IAEA has pledged legislative drafting and capacity-building support to the Government. This initiative will see laws developed to provide for the use of radiotherapy while at the same time addressing nuclear safety, security and safeguards.

## **Mexico**

[Original: Spanish]  
[31 May 2021]

In the light of the advisory opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons, wherein the Court recognized that States have 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, Mexico participates actively and vigorously in the various multilateral and regional forums for nuclear disarmament negotiations and discussions.



In keeping with the principles of its foreign policy, Mexico played an active and vigorous role in driving and enabling the adoption of the Treaty on the Prohibition of Nuclear Weapons on 7 July 2017, and has remained an active proponent of the signature and ratification of or accession to the Treaty. The Treaty on the Prohibition of Nuclear Weapons is a historic milestone and its adoption and recent entry into force on 22 January 2021 represent an important step forward regarding nuclear disarmament by prohibiting the production, possession, use and transfer of nuclear weapons by the States that are already parties to the treaty and those that may eventually accede to it. This international instrument is consistent with the obligation contained in article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, is complementary to that treaty and contributes to its effective implementation.

Mexico will participate in the first meeting of the States parties to the Treaty on the Prohibition of Nuclear Weapons, to be held in January 2022. It will also participate at the highest possible level in the Tenth Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons, which had been postponed but would now be held at a date yet to be determined.

In the Assembly of States Parties to the Rome Statute of the International Criminal Court, Mexico has been proposing, since 2009, an amendment for the use of nuclear weapons during an international armed conflict to be characterized as a war crime.

At the seventy-fifth session of the General Assembly, Mexico, in its national capacity and with the support of other States, was the co-author or main sponsor of the following resolutions on nuclear disarmament issues adopted by the First Committee:

- (a) Resolution 75/39: Humanitarian consequences of nuclear weapons;
- (b) Resolution 75/40: Treaty on the Prohibition of Nuclear Weapons;
- (c) Resolution 75/61: Education for Disarmament and Non-Proliferation;
- (d) Resolution 75/65: Towards a nuclear-weapon-free world: accelerating the implementation of nuclear disarmament commitments;
- (e) Resolution 75/73: Ethical imperatives for a nuclear-weapon-free world;
- (f) Resolution 75/80: United Nations Programme on Nuclear Disarmament Information;
- (g) Resolution 75/87: Comprehensive Nuclear-Test-Ban Treaty.

## Venezuela (Bolivarian Republic of)

[Original: Spanish]  
[13 May 2021]

Further to paragraph 3 of General Assembly resolution 75/66, entitled “Follow-up to the advisory opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons”, in which the General Assembly requested all States to inform the Secretary-General of the efforts and measures which they have taken with respect to the implementation of that resolution and nuclear disarmament, the Government of the Bolivarian Republic of Venezuela wishes to convey the following:

- On 19 February 2021, the Government of the Bolivarian Republic of Venezuela signed the Declaration on Ownership, Possession or Control of Nuclear Weapons or Explosive Nuclear Devices and Nuclear Weapons Programmes in the Territory of the Republic, in complying with its obligations under article 2

of the Treaty on the Prohibition of Nuclear Weapons, bearing in mind the fact that the treaty would enter into force on 22 January 2021.

- At the high-level segment of the Conference on Disarmament, held on 22 February 2021, it ratified the commitment to the international disarmament, non-proliferation and arms control regime. It also stressed the importance of activating the Conference on Disarmament, a multilateral space that offers the world a privileged platform for negotiation and confidence-building, as a guarantee of peace and security against the multifaceted threats that countries face, considering that nuclear disarmament is the highest priority on the international security agenda. It also requested a comprehensive review of compliance with the Treaty on the Non-Proliferation of Nuclear Weapons, across its three pillars, in order to ensure substantial progress towards the goal of building a world free of nuclear weapons, through their total elimination in an irreversible, verifiable and non-discriminatory manner.
- Fully agreeing with the content of resolution [75/66](#), the Government of the Bolivarian Republic of Venezuela urged Member States to resume the dialogue and consultation in the Conference on Disarmament, to enable it to resume its substantive work as the sole multilateral negotiating body on disarmament, in accordance with the mandate conferred upon it, and to reassert its mission and avoid its politicization. In that connection, the Government of the Bolivarian Republic of Venezuela denounced the impact of the growing tendency of some States to make nuclear disarmament conditional on geopolitical considerations and non-consensual subjective categorizations on the international security environment, and rejected the repositioning of nuclear weapons as the central focus of new national security doctrines, as in the case of the revision of the nuclear posture of the United States of America in February 2018.

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