

38. The responsibility of the Security Council in the maintenance of international peace and security

Initial proceedings

Decision of 14 May 1998 (3881st meeting): statement by the President

At its 3881st meeting, held on 14 May 1998 in accordance with the understanding reached in its prior consultations, the Council included in its agenda the item “The responsibility of the Security Council in the maintenance of international peace and security”.

At the same meeting, the President (Kenya), made the following statement on behalf of the Council:¹

The Security Council strongly deplores the three underground nuclear tests that India conducted on 11 May 1998, and the two further tests conducted on 13 May 1998 despite overwhelming international concern and protests. The Council strongly urges India to refrain from any further tests. It is of the view that such testing is contrary to the de facto moratorium on the testing of nuclear weapons or other nuclear explosive devices and to global efforts towards nuclear non-proliferation and nuclear disarmament. The Council also expresses its concern at the effects of this development on peace and stability in the region.

The Council affirms the crucial importance of the Treaty on the Non-Proliferation of Nuclear Weapons and the Comprehensive Nuclear-Test-Ban Treaty. The Council appeals to India, and all other States which have not yet done so, to become parties to the Treaty on the Non-Proliferation of Nuclear Weapons and to the Comprehensive Nuclear-Test-Ban Treaty without delay and without conditions. The Council also encourages India to participate, in a positive spirit, in the proposed negotiations with other States for a fissile-material cut-off treaty in Geneva with a view to reaching early agreement.

With a view to preventing an escalation in the arms race, in particular with regard to nuclear weapons and their delivery systems, and to preserving peace in the region, the Council urges States to exercise maximum restraint. The Council underlines the fact that the sources of tension in South Asia should be eliminated only through dialogue and not by military build-up.

The Council reiterates the statement by its President of 31 January 1992, in which it was stated, *inter alia*, that the proliferation of all weapons of mass destruction constituted a threat to international peace and security.

¹ S/PRST/1998/12.

Decision of 29 May 1998 (3888th meeting): statement by the President

At its 3888th meeting, held on 29 May 1998 in accordance with the understanding reached in its prior consultations, the President (Kenya) made the following statement on behalf of the Council:²

The Security Council strongly deplores the underground nuclear tests that Pakistan conducted on 28 May 1998, despite overwhelming international concern and calls for restraint. Reaffirming the statement by its President of 14 May 1998, on Indian nuclear tests of 11 and 13 May, the Council strongly urges India and Pakistan to refrain from any further tests. It is of the view that testing by India and then by Pakistan is contrary to the de facto moratorium on the testing of nuclear weapons or other nuclear explosive devices, and to global efforts towards nuclear non-proliferation and nuclear disarmament. The Council also expresses its concern at the effects of this development on peace and stability in the region.

The Council reaffirms the crucial importance of the Treaty on the Non-Proliferation of Nuclear Weapons and the Comprehensive Nuclear-Test-Ban Treaty. The Council appeals to India and Pakistan, and all other States which have not yet done so, to become parties to the Treaty on the Non-Proliferation of Nuclear Weapons and to the Comprehensive Nuclear-Test-Ban Treaty, without delay and without conditions. The Council also encourages India and Pakistan to participate, in a positive spirit, in the proposed negotiations with other States for a fissile-material cut-off treaty in Geneva with a view to reaching early agreement.

The Council calls upon all parties to exercise maximum restraint and to take immediate steps to reduce and remove tensions between them. The Council reaffirms that the sources of tension in South Asia should be reduced and eliminated only through peaceful dialogue and not by the use of force or other military means.

The Council urges India and Pakistan to resume the dialogue between them on all outstanding issues, including all those that the parties have already discussed, especially matters concerning peace and security, in order to remove the tensions between them and to enhance their economic and political cooperation. The Council calls upon India and Pakistan to avoid any steps or statements that could lead to further instability or impede their bilateral dialogue.

The Council will remain seized of the matter.

² S/PRST/1998/17.

**Decision of 6 June 1998 (3890th meeting):
resolution 1172 (1998)**

At its 3890th meeting, held on 6 June 1998 in accordance with the understanding reached in its prior consultations, the President (Portugal), with the consent of the Council, invited the representatives of Argentina, Australia, Canada, Egypt, the Islamic Republic of Iran, Mexico, New Zealand, Norway, Pakistan, the Republic of Korea, Ukraine and the United Arab Emirates, at their request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a draft resolution submitted by Costa Rica, Japan, Slovenia and Sweden.³

At the same meeting, the President also drew the attention of the Council to a letter dated 1 June 1998 from the representative of the United Arab Emirates addressed to the Secretary-General;⁴ a letter dated 2 June 1998 from the representative of the United Kingdom addressed to the Secretary-General;⁵ a letter dated 2 June 1998 from the representative of the Philippines addressed to the Secretary-General;⁶ a letter dated 3 June 1998 from the representative of Belarus addressed to the Secretary-General;⁷ and a letter dated 5 June 1998 from the representatives of China, France, the Russian Federation, the United Kingdom and the United States addressed to the President of the Security Council.⁸

At the same meeting, the President further drew attention to a letter dated 4 June 1998 from the representative of India addressed to the President of the Council,⁹ stating that the tests conducted by India were not directed against any country, nor had India broken any treaty obligation by conducting the tests. By that letter, the representative of India also asked several questions regarding the draft resolution, including, inter alia, on what basis the Council reserved its readiness to consider further action, contingent on the implementation of the resolution, when no Charter provision or treaty obligation had been breached by those to whom it was addressed. The letter also stated that the tests conducted by India were not directed against any country and were a defensive measure and noted that the right to take measures in self-defence was an inherent right of Member States under the Charter.

The representative of Japan stated that there was a serious danger that the tensions in South Asia could heighten further and escalate to a nuclear confrontation. There was also a danger that the nuclear non-proliferation regime itself was being threatened and that the international community could drift into an uncontrollable world of nuclear proliferation. He stressed that the Council, which was entrusted with the primary responsibility to maintain international peace and security, was duty-bound to take action to fulfil its responsibility under the Charter. He maintained that the international regime for nuclear non-proliferation, with the Treaty on the Non-Proliferation of Nuclear Weapons and the Comprehensive Nuclear-Test-Ban Treaty regimes, needed to be maintained at all costs, for that was the only guarantee that could prevent nuclear weapons from spreading on the globe. It was out of that conviction that Japan had lodged strong protests with both India and Pakistan and had frozen its economic assistance for new projects. The representative of Japan further stated that his delegation was firmly convinced that through the draft resolution the Council needed to demonstrate its grave concern about the challenge that the nuclear tests conducted by India and Pakistan constituted to international efforts aimed at strengthening the global regime of the non-proliferation of nuclear weapons,

weapons and to put a hold on provocative statements (S/1998/473).

⁹ S/1998/464.

³ S/1998/476.

⁴ Letter transmitting a statement by the Ministry of Foreign Affairs of the United Arab Emirates concerning the underground nuclear tests recently conducted by India and Pakistan (S/1998/450).

⁵ Letter transmitting a statement by the Presidency of the European Union concerning the nuclear tests conducted by Pakistan, which urged both India and Pakistan to sign the Comprehensive Nuclear-Test-Ban Treaty (S/1998/458).

⁶ Letter transmitting a statement issued by the Chairman of the Association of South-East Asian Nations Regional Forum, concerning the recent nuclear tests conducted by India (S/1998/463).

⁷ Letter transmitting a statement issued 1 June by the Ministry of Foreign Affairs in connection with the nuclear tests conducted by India and Pakistan in May 1998 (S/1998/468).

⁸ Letter transmitting a joint communiqué adopted during the meeting of their respective Ministers for Foreign Affairs, which condemned the nuclear tests that were carried out by India and Pakistan and asked the parties to refrain from further testing and deployment of nuclear

and needed to urge them to become parties to the Nuclear Non-Proliferation Treaty and the Comprehensive Nuclear-Test-Ban Treaty without delay or conditions. It was also the considered view of Japan that in parallel with efforts to promote the international regime for non-proliferation, steady progress for nuclear disarmament was essential for a safer world.¹⁰

The Russian Federation informed the Council of the results of the meeting of the Ministers for Foreign Affairs of the United Kingdom, China, the Russian Federation, the United States and France, held in Geneva on 4 June, which had then been endorsed by the Council. Having condemned the nuclear tests carried out by India and Pakistan, the five permanent members of the Council had firmly stated that no threat to stability should come out of South Asia and the conflict between India and Pakistan should not develop into a nuclear scenario. The five Ministers had called on both countries to refrain from carrying out new nuclear tests, from the deployment of nuclear weapons and nuclear-capable missiles and from the production of fissile material. They had also appealed to Delhi and Islamabad to adhere to the Comprehensive Nuclear-Test-Ban Treaty and to the Nuclear Non-Proliferation Treaty, based on the fact that India and Pakistan, in accordance with those treaties, did not have the status of nuclear-weapon States. Stating that the Russian Federation was convinced that points of contact could be found in the approaches of Delhi and Islamabad to resolve their conflicts, the representative of the Russian Federation noted that his country viewed the adoption of any type of sanctions against those States as unjustified from the international legal, political and humanitarian points of view.¹¹

The representative of the United States stated that nuclear tests conducted by India and Pakistan represented a profound blow not only to the stability and security of the region but also to the international non-proliferation regime. Referring to the meeting of China, France, the Russian Federation, the United Kingdom and the United States on 4 June 1998, he noted that all five States would be engaging additional concerned States in a shared effort to bring peace and stability in South Asia, and that adoption of the draft resolution was an important step along the path. He

informed the Council that the United States had called upon India and Pakistan to take steps to avert an arms race and reduce tensions. Both nations needed to sign and ratify the Comprehensive Nuclear-Test-Ban Treaty immediately and without conditions; refrain from deploying missiles of all types; cease production of fissile material and enter into negotiations on a fissile material cut-off treaty; formalize their pledge not to export dangerous weapons and technologies; and refrain from missile testing of any sort. He also stressed that India and Pakistan needed to understand that their tests and subsequent declarations did not make them nuclear-weapon States. The United States would not support amendment of the Nuclear Non-Proliferation Treaty to permit their accession as nuclear-weapon States, because to do so would completely undermine its very purpose and the international non-proliferation regime. He noted that the Kashmir region had the potential to be the spark that ignited a conflict no one might be able to stop. He also expressed the belief that there were a number of steps they could take to reduce the chances that a miscalculation or misunderstanding would lead to a situation neither side wanted. These steps included avoiding threatening movements near the line of control, any crossing of the line by military or security forces, cross-border infiltrations or other provocative acts in the area.¹²

The representative of the Gambia stated that continued adherence to the international regime on the non-proliferation of nuclear weapons would depend to a large extent on the equal treatment of all States. Having one set of rules for some and another for others could not be justified and was therefore unhelpful and untenable.¹³

The representative of France condemned the tests and stressed that it was a matter of priority to preserve and strengthen the non-proliferation regime established under the Nuclear Non-Proliferation Treaty. France called on India and Pakistan as well as the other States that had not yet done so, to accede to the Nuclear Non-Proliferation Treaty without delay or conditions. Noting that the disputes between the two countries, particularly on Kashmir, were at the root of the problems, he stated that it was essential that a solution

¹⁰ S/PV.3890, pp. 2-4.

¹¹ *Ibid.*, p. 5.

¹² *Ibid.*, pp. 8-9.

¹³ *Ibid.*, p. 10.

be sought through direct bilateral dialogue, as well as through the establishment of confidence-building measures. He stated if they were to attain all those objectives, France felt that it would be desirable to continue to promote dialogue and cooperation with India and Pakistan and to avoid coercive measures. However, those two countries needed to display restraint and demonstrate, by acting in accordance with the requests of the Council, their willingness to commit themselves to that path.¹⁴

The representative of Gabon stated that in similar circumstances, the ideal would be for the Council to adopt a consistent attitude of firmness and disapproval, regardless of who stood accused. He noted that in certain cases, however, the Council's assessments were subject to equivocation and some subjectivism, which was why Gabon would have preferred, *inter alia*, that paragraph 1 of the draft resolution under consideration be worded in the same terms as the statements adopted by the Council in similar circumstances.¹⁵

The representative of China stated that the serious development of events had posed grave challenges to international peace and security in the post-cold-war era and had aroused the concern of the whole international community. He noted that to prevent an arms race in South Asia, halt the further escalation of tensions in the region and safeguard the international non-proliferation regime, the Ministers for Foreign Affairs of the five permanent members of the Council had issued a joint communiqué on 4 June. In order to defuse the tensions in the region, China called upon India and Pakistan to be calm and restrained, to resume talks between them, to halt any statements or movements that might further escalate the tensions and to refrain from engaging in an arms race. In Kashmir, they needed to respect and adhere to the control line, and should under no circumstances step across the control line or seek to change the state of affairs in the region unilaterally. In conclusion, he noted that in the light of the nature of the dispute in the subcontinent, the Council needed to play a major and pivotal role.¹⁶

A number of other speakers made statements condemning the nuclear tests by India and Pakistan and

maintaining that the proliferation of weapons of mass destruction was a threat to international peace and security. Speakers expressed strong support for the Comprehensive Nuclear-Test-Ban Treaty and the Nuclear Non-Proliferation Treaty. Many speakers stressed that the acquisition of nuclear weapons would not give them the status of nuclear-weapon States. A number of representatives called on India and Pakistan to exercise restraint and to refrain from carrying out further tests.¹⁷ Canada, New Zealand and Ukraine drew attention to the fact that United Nations Member States that were not members of the Council had not been given the option of expressing their positions in the open debate before the resolution had been adopted.¹⁸ Several speakers also called for the establishment of a nuclear-weapon-free zone in the Middle East or called on Israel to accede to the Nuclear Non-Proliferation Treaty and rid itself of nuclear weapons.¹⁹

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1172 (1998), which reads:

The Security Council,

Reaffirming the statements by its President of 14 May and 29 May 1998,

Reiterating the statement by its President of 31 January 1992, in which it was stated, *inter alia*, that the proliferation of all weapons of mass destruction constituted a threat to international peace and security,

Gravely concerned at the challenge that the nuclear tests conducted by India and then by Pakistan constitute to international efforts aimed at strengthening the global regime of non-proliferation of nuclear weapons, and also gravely concerned at the danger to peace and stability in the region,

Deeply concerned at the risk of a nuclear arms race in South Asia, and determined to prevent such a race,

Reaffirming the crucial importance of the Treaty on the Non-Proliferation of Nuclear Weapons and the Comprehensive

¹⁷ *Ibid.*, p. 4 (Sweden); pp. 5-6 (Slovenia); pp. 6-7 (Costa Rica); pp. 7-8 (Kenya); and pp. 9-10 (Brazil); after the vote: pp. 12-13 (the Secretary-General); pp. 17-18 (Republic of Korea); pp. 18-19 (Canada); p. 23 (New Zealand); pp. 24-25 (Mexico); pp. 25-26 (Ukraine); pp. 26-27 (Argentina); p. 27 (Norway); and p. 28 (Kazakhstan).

¹⁸ *Ibid.*, pp. 18-19 (Canada); p. 23 (New Zealand); and pp. 25-26 (Ukraine).

¹⁹ *Ibid.*, p. 11 (Bahrain); and pp. 22-23 (United Arab Emirates).

¹⁴ *Ibid.*, pp. 10-11.

¹⁵ *Ibid.*, p. 11.

¹⁶ *Ibid.*, pp. 11-12.

Nuclear-Test-Ban Treaty for global efforts towards nuclear non-proliferation and nuclear disarmament,

Recalling the principles and objectives for nuclear non-proliferation and disarmament adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, and the successful outcome of the Conference,

Affirming the need to continue to move with determination towards the full realization and effective implementation of all the provisions of the Treaty on the Non-Proliferation of Nuclear Weapons, and welcoming the determination of the five nuclear-weapon States to fulfil their commitments relating to nuclear disarmament under article VI of the Treaty,

Mindful of its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security,

1. *Condemns* the nuclear tests conducted by India on 11 and 13 May 1998 and by Pakistan on 28 and 30 May 1998;

2. *Endorses* the joint communique issued by the Ministers for Foreign Affairs of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America at their meeting in Geneva on 4 June 1998;

3. *Demands* that India and Pakistan refrain from further nuclear tests, and in this context calls upon all States not to carry out any nuclear weapon test explosion or any other nuclear explosion in accordance with the provisions of the Comprehensive Nuclear-Test-Ban Treaty;

4. *Urges* India and Pakistan to exercise maximum restraint and to avoid threatening military movements, cross-border violations, or other provocations in order to prevent an aggravation of the situation;

5. *Also urges* India and Pakistan to resume the dialogue between them on all outstanding issues, particularly on all matters pertaining to peace and security, in order to remove the tensions between them, and encourages them to find mutually acceptable solutions that address the root causes of those tensions, including Kashmir;

6. *Welcomes* the efforts of the Secretary-General to encourage India and Pakistan to enter into dialogue;

7. *Calls upon* India and Pakistan immediately to stop their nuclear weapon development programmes, to refrain from weaponization or from the deployment of nuclear weapons, to cease development of ballistic missiles capable of delivering nuclear weapons and any further production of fissile material for nuclear weapons, to confirm their policies not to export equipment, materials or technology that could contribute to weapons of mass destruction or missiles capable of delivering them and to undertake appropriate commitments in that regard;

8. *Encourages* all States to prevent the export of equipment, materials or technology that could in any way assist programmes in India or Pakistan for nuclear weapons or for ballistic missiles capable of delivering such weapons, and welcomes national policies adopted and declared in this respect;

9. *Expresses its grave concern* at the negative effect of the nuclear tests conducted by India and Pakistan on peace and stability in South Asia and beyond;

10. *Reaffirms its full commitment* to and the crucial importance of the Treaty on the Non-Proliferation of Nuclear Weapons and the Comprehensive Nuclear-Test-Ban Treaty as the cornerstones of the international regime on the non-proliferation of nuclear weapons and as essential foundations for the pursuit of nuclear disarmament;

11. *Expresses its firm conviction* that the international regime on the non-proliferation of nuclear weapons should be maintained and consolidated, and recalls that in accordance with the Treaty on the Non-Proliferation of Nuclear Weapons neither India nor Pakistan can have the status of a nuclear-weapon State;

12. *Recognizes* that the tests conducted by India and Pakistan constitute a serious threat to global efforts towards nuclear non-proliferation and disarmament;

13. *Urges* India and Pakistan, and all other States that have not yet done so, to become parties to the Treaty on the Non-Proliferation of Nuclear Weapons and to the Comprehensive Nuclear-Test-Ban Treaty without delay and without conditions;

14. *Also urges* India and Pakistan to participate, in a positive spirit and on the basis of the agreed mandate, in negotiations at the Conference on Disarmament in Geneva on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, with a view to reaching early agreement;

15. *Requests* the Secretary-General to report urgently to the Council on the steps taken by India and Pakistan to implement the present resolution;

16. *Expresses its readiness* to consider further how best to ensure the implementation of the present resolution;

17. *Decides* to remain actively seized of the matter.

Speaking after the vote, the representative of the United Kingdom made a statement on behalf of the European Union and associated and aligned countries.²⁰ The European Union condemned the nuclear tests, which ran counter to the will expressed by the 149 signatories of the Comprehensive Nuclear-Test-Ban Treaty to cease nuclear testing and to efforts

²⁰ *Ibid.*, p. 13 (Estonia, Hungary, Lithuania, Poland, Romania, and Slovakia; and Cyprus and Iceland).

to strengthen the global non-proliferation regime. The European Union remained fully committed to the Nuclear Non-Proliferation Treaty as the essential foundation for the pursuit of nuclear disarmament, and called on all States which had not yet done so to become parties to it. The European Union also had remained committed to the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty. He stated that the European Union urged India and Pakistan to take early steps to demonstrate their commitment to international efforts on non-proliferation and nuclear disarmament by signing the Comprehensive Nuclear-Test-Ban Treaty and moving to ratify it; by contributing actively and without conditions towards the opening of negotiations at the Conference on Disarmament in Geneva for a treaty banning the production of fissile material for nuclear weapons and other nuclear explosive devices; by exerting stringent controls over the export of material, equipment and technology controlled under the Nuclear Suppliers' Group trigger and dual use lists and the Missile Technology Control Regime annex; and by committing themselves neither to assemble nuclear devices nor to deploy such devices on delivery vehicles, and to cease development and deployment of ballistic missiles capable of delivering nuclear warheads. He stressed that the European Union would follow the situation and take appropriate action should India and Pakistan not sign and move to ratify the relevant international non-proliferation agreements, in particular the Comprehensive Nuclear-Test-Ban Treaty, without conditions. The European Union also urged India and Pakistan to engage in a dialogue that addressed the root causes of the tension between them, and to try to build confidence rather than seek confrontation.²¹

The representative of the Islamic Republic of Iran stated that inadequate attention and the failure to adopt concrete actions on global nuclear disarmament, the unpopular insistence on the part of the nuclear-weapon States to remain on the same course, particularly after the indefinite extension of the Nuclear Non-Proliferation Treaty and despite the wish of the international community to make progress on the basis of the near universal consensus on the illegality of the threat or use of nuclear weapons, and the selective approach to the implementation of the Treaty's provisions were among the reasons that were said to

have contributed to the existing situation. He expressed the belief that the resolution would have been more effective and representative of the views of the international community had it reflected the broader concerns of non-nuclear-weapon States. Those concerns include the fulfillment of the commitment of nuclear-weapon States to nuclear disarmament by agreeing to commence international negotiations on nuclear disarmament within a time-bound framework, the necessity of ensuring the universality of the Nuclear Non-Proliferation Treaty in an expeditious manner through urging all States to join the Treaty without exception and a speedy commencement of negotiations at the Conference on Disarmament on a treaty banning the stockpiling and production of fissile material for nuclear weapons or other nuclear explosive devices. Despite the setback in international efforts to prevent nuclear proliferation in the region, the representative stressed that his country, as a party to the Nuclear Non-Proliferation Treaty and a signatory of the Comprehensive Nuclear-Test-Ban Treaty, remained fully committed to its international obligations under those regimes. He also noted that the developments in India and Pakistan had highlighted the imperative of ensuring the universality of the Nuclear Non-Proliferation Treaty. That imperative also applied to the Middle East, where Israeli intransigence in refusing to accede to the Nuclear Non-Proliferation Treaty and to accept International Atomic Energy Agency safeguards had endangered the entire region. It was therefore necessary to develop a non-discriminatory approach at the international level to the issue of non-proliferation and to exert pressure on Israel to heed the call of the international community and, by joining the Nuclear Non-Proliferation Treaty, to allow for the establishment of the Middle East as a nuclear-weapon-free zone.²²

The representative of Australia stated that nuclear proliferation constituted the worst possible threat to international peace and security and it was therefore essential that the Council, with its primary responsibility for the maintenance of international peace and security under Article 24 of the Charter, take action on the issue and remain seized of it until it was resolved.²³

²¹ Ibid., p. 13.

²² Ibid., pp. 14-15.

²³ Ibid., pp. 15-17.

The representative of Egypt underscored that it was urgent to establish an effective regime of active and passive safeguards by which the Council would unequivocally decide that the use or threat of use of nuclear weapons constituted a threat to international peace and security in accordance with Article 39 of the Charter. Such a threat would require the intervention of the Council to deter it within the framework of the collective security regime laid out in Chapter VII of the Charter. In that respect, the responsibility of the Council for providing urgent and comprehensive assistance to States subject to such a threat needed to be clear and indisputable. He also stressed that the Council should in no circumstances be subject to the veto, since the destructive power of nuclear weapons required that the effectiveness and credibility of the Council's measures be preserved. The voting rules laid out in paragraph 3 of Article 27 of the Charter should not be in force in cases of the use or threat of use of nuclear weapons. He also expressed his country's concern vis-à-vis the consequences of the failure to realize the universality of the Nuclear Non-Proliferation Treaty, and reiterated their deep conviction that if Israel were to remain outside the framework of the Treaty that would lead to grave consequences not only for stability and security in the region but also for international peace and security and for the credibility and continuity of the non-proliferation regime. He stated that under the current circumstances Egypt had expected the Council to single out Israel by name and urge it to adhere to the Treaty instead of merely introducing a general reference in paragraph 13 of the resolution.²⁴

The representative of Pakistan stated that his country had kept the Secretary-General and the Council fully informed of the developments pertaining to the security crisis in South Asia. He suggested that to some extent, it had been the dereliction of its responsibilities by the Council that had emboldened India to implement its "hegemonic and aggressive designs" by crossing the nuclear threshold, threatening the use of nuclear weapons against Pakistan and resorting to nuclear blackmail to impose a military solution on Kashmir. Faced with the ominous developments resulting from India's deliberate and calculated actions to alter the strategic equation, Pakistan had been left with no choice but to exercise its

²⁴ Ibid., pp. 20-21.

nuclear option in its supreme national interest to restore the strategic balance and to preserve peace. The representative of Pakistan further maintained that non-proliferation could not be pursued by creating or acquiescing in a situation of a security void, which continued to be a major failure on the part of all those who had sought to promote the goal of non-proliferation. He stated that non-proliferation was no longer an issue in South Asia, as it had been nuclearized thanks to the encouragement and acquiescence of major Powers. He also stressed that Pakistan was convinced that a comprehensive approach to the issues of peace, security, confidence-building, conventional imbalance, and conventional and nuclear arms control was the only realistic way whereby the Council and the international community could contribute to defusing the security crisis in South Asia, which had endangered global peace and stability. Regarding the resolution, he stated that the resolution was deficient in several aspects. Regarding procedural points, he noted that under Article 31 of the Charter, any Member of the United Nations which was not a member of the Council might participate in the discussion of any question brought before the Security Council, without a vote, whenever the latter considered that the interests of that Member were specially affected. He expressed deep regret that the Council had disregarded that Charter provision by not giving Pakistan an opportunity to participate in the discussions on this resolution. He stated that the adoption of this resolution would "further marginalize the role of the Security Council, not only in dealing effectively with the security crisis in South Asia but on global security issues as a whole," and that the approach that the Security Council had adopted was "devoid not only of realism but also of legality and morality". The resolution was not an expression of global concern about the failure of non-proliferation but a "transparent exercise in self-assurance by the official nuclear Five to seek legitimacy for their possession of lethal arsenals of weapons of mass destruction". Reiterating that Pakistan had acquired its nuclear capability only in reaction to India's steady development of its nuclear weapons programme, he stated that Pakistan reserved the right to maintain the ability to deter aggression by conventional or non-conventional means.²⁵

²⁵ Ibid., pp. 28-32.

**Decision of 19 October 1999 (4053rd meeting):
resolution 1269 (1999)**

At its 4053rd meeting, held on 19 October 1999 in accordance with the understanding reached in its prior consultations, the President (Russian Federation) drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.²⁶

All members of the Council expressed their abhorrence of acts of terrorism, and lamented the death, injuries, fear and destruction of property that resulted from such acts. They called for cooperation and determination in the fight against terrorism in all its forms, whatever their justification. Speakers highlighted, inter alia, the complex roots of terrorism; the idea of a comprehensive convention on international terrorism by the General Assembly; the need for the Council to identify those situations involving acts of terrorism that amounted to threats to international peace and security and act accordingly; the criminal nature of terrorism; the need for Member States to become party to existing international conventions against terrorism; and the role of the Council in creating durable safeguards against the threats to peace and security emanating from terrorism.²⁷

The representative of Slovenia stated that when terrorist acts reached proportions, or had effects, that made them comparable with the use of force prohibited by the Charter, the question of lawful countermeasures might arise. In such situations, available options needed to be considered on the basis of the criteria established in international law, including those of necessity and proportionality of response.²⁸

The representative of the Netherlands noted that when the use of violence was indispensable to respond to terrorism, it needed to be proportionate and limited to the requirements of the maintenance of public order.²⁹

The representative of Malaysia stated that it was pertinent that in defining the term "terrorism", it needed to be differentiated from the legitimate struggle of peoples under colonial or alien domination and foreign occupation for self-determination and national liberation, although this did not justify the use of terrorist methods by any group.³⁰

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1269 (1999), which reads:

The Security Council,

Deeply concerned by the increase in acts of international terrorism which endangers the lives and well-being of individuals worldwide as well as the peace and security of all States,

Condemning all acts of terrorism, irrespective of motive, wherever and by whomever committed,

Mindful of all relevant resolutions of the General Assembly, including resolution 49/60 of 9 December 1994, by which it adopted the Declaration on Measures to Eliminate International Terrorism,

Emphasizing the necessity to intensify the fight against terrorism at the national level and to strengthen, under the auspices of the United Nations, effective international cooperation in this field, on the basis of the principles of the Charter of the United Nations and norms of international law, including respect for international humanitarian law and human rights,

Supporting the efforts to promote universal participation in, and implementation of, the existing international anti-terrorist conventions, as well as to develop new international instruments to counter the terrorist threat,

Commending the work done by the General Assembly, relevant United Nations organs and specialized agencies and regional and other organizations to combat international terrorism,

Determined to contribute, in accordance with the Charter, to the efforts to combat terrorism in all its forms,

Reaffirming that the suppression of acts of international terrorism, including those in which States are involved, is an essential contribution to the maintenance of international peace and security,

1. *Unequivocally condemns* all acts, methods and practices of terrorism as criminal and unjustifiable, regardless of their motivation, in all their forms and manifestations, wherever

³⁰ Ibid., pp. 10-11.

²⁶ S/1999/1071.

²⁷ S/PV.4053, pp. 2-3 (Brazil); pp. 3-4 (Argentina); pp. 4-5 (Slovenia); pp. 5-6 (Canada); p. 7 (United States); p. 8 (France); pp. 8-9 (United Kingdom); pp. 9-10 (China); pp. 11-12 (Gabon); pp. 12-13 (Bahrain); p. 13 (Namibia); and pp. 13-14 (Russian Federation).

²⁸ Ibid., pp. 4-5.

²⁹ Ibid., pp. 6-7.

and by whomever committed, in particular those which could threaten international peace and security;

2. *Calls upon* all States to implement fully the international anti-terrorist conventions to which they are parties, encourages all States to consider as a matter of priority adhering to those to which they are not parties, and encourages also the speedy adoption of the pending conventions;

3. *Stresses* the vital role of the United Nations in strengthening international cooperation in combatting terrorism, and emphasizes the importance of enhanced coordination among States, international and regional organizations;

4. *Calls upon* all States to take, inter alia, in the context of such cooperation and coordination, appropriate steps:

- To cooperate with each other, particularly through bilateral and multilateral agreements and arrangements, to prevent and suppress terrorist acts, protect their nationals and other persons against terrorist attacks and bring to justice the perpetrators of such acts;
- To prevent and suppress in their territories through all lawful means the preparation and financing of any acts of terrorism;
- To deny those who plan, finance or commit terrorist acts safe havens by ensuring their apprehension and prosecution or extradition;

- To take appropriate measures in conformity with the relevant provisions of national and international law, including international standards of human rights, before granting refugee status, for the purpose of ensuring that the asylum-seeker has not participated in terrorist acts;
- To exchange information in accordance with international and domestic law, and cooperate on administrative and judicial matters in order to prevent the commission of terrorist acts;

5. *Requests* the Secretary-General, in his reports to the General Assembly, in particular those submitted in accordance with its resolution 50/53 of 11 December 1995 on measures to eliminate international terrorism, to pay special attention to the need to prevent and fight the threat to international peace and security as a result of terrorist activities;

6. *Expresses its readiness* to consider relevant provisions of the reports mentioned in paragraph 5 above and to take necessary steps in accordance with its responsibilities under the Charter of the United Nations in order to counter terrorist threats to international peace and security;

7. *Decides* to remain seized of this matter.

39. Children and armed conflict

Initial proceedings

Decision of 29 June 1998 (3897th meeting): statement by the President

At its 3896th meeting, held on 29 June 1998 in accordance with the understanding reached in its prior consultations, the Council included the item “Children and armed conflict” in its agenda. The Council invited the representatives of Argentina, Burundi, Canada, the Czech Republic, El Salvador, Germany, Indonesia, Italy, Latvia, Morocco, Mozambique, Namibia, Norway, Romania, Slovakia and Ukraine, at their request, to participate in the discussion without the right to vote. The Council also extended an invitation, under rule 39 of its provisional rules of procedure, to the Special Representative of the Secretary-General for Children and Armed Conflict.

Speaking before the Council, the Special Representative described the suffering of children from the impact of armed conflict around the world. He gave data on numbers related to children killed, orphaned, injured, disabled and displaced, and proposed that the

Council lead the way by sending forth a clear message that the targeting, use and abuse of children were unacceptable. He also recommended several initiatives to mitigate and prevent the suffering of children caught up in the midst of ongoing conflicts. He requested that whenever the Council considered the imposition of sanctions, to take into account the needs of children, the impact of sanctions on children and how best to protect children in those circumstances. He requested that whenever the Council considered peacemaking efforts, peacekeeping mandates and peacebuilding plans, the central needs of children be there from the outset and inform the plans and the action taken.¹

The representative of China stated that China was in favour of the Council issuing a presidential statement on the question of children affected by armed conflict, so as to demonstrate the importance that the Council attached to this matter. He, however,

¹ S/PV.3896 and Corr.1, pp. 2-5.