

27. Letter dated 4 July 2006 from the Permanent Representative of Japan to the United Nations addressed to the President of the Security Council

Initial proceedings

Decision of 15 July 2006 (5490th meeting): resolution 1695 (2006)

By a letter dated 4 July 2006 addressed to the President of the Security Council (France),¹ the representative of Japan requested an emergency meeting of the Council to consider the launch of ballistic missiles or unidentified flying vehicles by the Democratic People's Republic of Korea.

At its 5490th meeting, on 15 July 2006, held in response to that request, the Council included in its agenda the item entitled "Letter dated 4 July 2006 from the Permanent Representative of Japan to the United Nations addressed to the President of the Security Council". The President drew the attention of the Council to a letter from the representative of the United States,² which concurred with the request by Japan for an emergency meeting of the Council to consider the matter referred to in the letter dated 4 July 2006. The President also drew the attention of the Council to a letter from the representative of the Democratic People's Republic of Korea,³ which transmitted the answer of the spokesman for the Foreign Ministry of the Democratic People's Republic of Korea to a question raised by the Korean Central News Agency with regard to the recent missile launches. In the letter, the spokesman stated that the missile launches were part of the routine military exercises staged by the Korean's Peoples Army to increase the military capacity of the nation for self-defence. He maintained that his country's exercise of its legitimate right as a sovereign State was bound neither to any international law nor to bilateral or multilateral agreements.

Statements were made by several members of the Council and the representatives of the Democratic People's Republic of Korea and the Republic of Korea.⁴ The President then drew the attention of the

Council to a draft resolution;⁵ it was put to the vote and adopted unanimously as resolution 1695 (2006), by which the Council, *inter alia*:

Condemned the multiple launches by the Democratic People's Republic of Korea of ballistic missiles on 5 July 2006;

Demanded that the Democratic People's Republic of Korea suspend all activities related to its ballistic missile programme;

Required all Member States, in accordance with their national legal authorities and legislation and consistent with international law, to exercise vigilance and prevent missile and missile-related items, materials, goods and technology being transferred to Democratic People's Republic of Korea's missile or weapons of mass destruction programmes; and also required all Member States to prevent their procurement, and the transfer of any financial resources in relation to the Democratic People's Republic of Korea's missile or weapons of mass destruction programmes;

Strongly urged the Democratic People's Republic of Korea to return immediately to the six-party talks without precondition;

Supported the six-party talks, called for their early resumption, and urged all the participants to intensify their efforts for the full implementation of the joint statement of 19 September 2005 with a view to achieving the verifiable denuclearization of the Korean peninsula in a peaceful manner and to maintaining peace and stability on the Korean peninsula and in north-east Asia.

Several speakers stated that the launching of the missiles by the Democratic People's Republic of Korea was a matter of concern for international peace and security.⁶ Some speakers warned that the situation was especially grave since the Democratic People's Republic of Korea had been developing its nuclear weapons capabilities.⁷ A number of speakers also called on the Democratic People's Republic of Korea to return to the six-party talks.⁸

¹ S/2006/481.

² S/2006/482.

³ S/2006/493.

⁴ The representatives of the Congo, Denmark, Ghana, Greece, Peru, Qatar and Slovakia did not make statements.

⁵ S/2006/488.

⁶ S/PV.5490, pp. 2-4 (Japan); pp. 4-5 (United States); p. 5 (China); pp. 5-6 (United Kingdom); p. 6 (Russian Federation); pp. 6-7 (Argentina); and p. 7 (France).

⁷ *Ibid.*, pp. 2-4 (Japan); pp. 4-5 (United States); pp. 5-6 (United Kingdom); and p. 7 (France).

⁸ *Ibid.*, pp. 2-4 (Japan); p. 5 (China); p. 6 (Russian Federation); p. 7 (France); and p. 9 (Republic of Korea).

The representative of Japan welcomed resolution 1695 (2006), which had sent a strong and unmistakable message to the Democratic People's Republic of Korea. He explained that the launching of the missiles was a direct threat to the security of Japan, which was far more serious in the light of the fact that the Democratic People's Republic of Korea claimed to have developed nuclear weapons and was a leading proliferator of ballistic missiles and related technologies. He also urged the Democratic People's Republic of Korea to cease all of its work on nuclear-related activities and encouraged other States to exercise vigilance and prevent missile-related items from being transferred to and from the Democratic People's Republic of Korea.⁹

The representative of the United States stated that the Democratic People's Republic of Korea had violated several international commitments through its actions, which constituted a direct threat to international peace and security. He welcomed the "clear, firm and unanimous" action of the Council, which he contrasted with the "weak and feckless response" of the Council to a similar missile launch by the Democratic People's Republic of Korea in 1998. He explained that resolution 1695 (2006) had sent an "unequivocal, unambiguous and unanimous message to Pyongyang" to suspend its ballistic missile programme, stop its procurement of materials related to weapons of mass destruction and implement the September 2005 commitment to verifiably dismantle its nuclear weapons and existing nuclear weapons programme. He urged other States to do what they could to prevent the transfer of missile-related and weapons of mass destruction-related material to the Democratic People's Republic of Korea. He advised the Democratic People's Republic of Korea to end its "games of brinkmanship," which had made the country less, not more, secure. He concluded by asserting that if the Democratic People's Republic of Korea did not comply with the resolution, the United States and other Member States would return to the Council for further action.¹⁰

The representative of China welcomed the resolution and noted that the launch by the Democratic People's Republic of Korea of a number of missiles "without adequate advance notification" had caused extensive concern in the international community. He stated that China had always been committed to

maintaining peace and security on the Korean peninsula and that China had insisted on resolving the issues through peaceful dialogue, and opposed any acts leading to tension on the Korean peninsula. He stated that China had two primary objectives: to maintain peace and stability on the Korean peninsula and to keep the Council united. In that regard, he explained that China and the Russian Federation had put forward elements for a draft presidential statement and resolution, and had made vigorous efforts to seek consensus on the issue. He stated that his country was opposed to forcing through a vote on a draft resolution that was not conducive to unity and that would have further complicated and aggravated the situation. He hoped that the resolution adopted would help all the parties concerned to act in a calm manner and to continue diplomatic efforts aimed at denuclearization of the peninsula and the normalization of relations between the countries concerned.¹¹

The representative of the Russian Federation expressed serious concern over the missile launch by the Democratic People's Republic of Korea. He stated that the reaction of the Council should be firm, but at the same time carefully calibrated and weighed. He cautioned against the heightening of emotions and the threatening of the Democratic People's Republic of Korea with isolation. He stated that the Democratic People's Republic of Korea needed to resume its moratorium on ballistic missile testing and the negotiations on its nuclear weapons programme. He also noted that the text of the resolution had been a compromise that his country, along with China, had made with Japan, the United States and the other sponsors, but he believed it would send an appropriate signal to the Democratic People's Republic of Korea on the need to show restraint and abide by its obligations regarding missiles.¹²

The representative of the United Republic of Tanzania expressed hope that the message sent by the resolution would engender a spirit of dialogue and cooperation in order to allow for an environment of peace and security in north-east Asia.¹³

The representative of France explained that the launching of the missiles by the Democratic People's Republic of Korea had seriously endangered security in north-east Asia for several reasons. They included the

⁹ Ibid., pp. 2-4.

¹⁰ Ibid., pp. 4-5.

¹¹ Ibid., p. 5.

¹² Ibid., p. 6.

¹³ Ibid., p. 7.

fact that the Democratic People's Republic of Korea had declared it had developed nuclear weapons and had not joined the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction; that it was attempting to increase the range of its missiles that could carry such weapons; and that it was the main ballistic proliferator in the world, particularly in areas of tension. The combination of those factors had made the missile tests a matter which threatened the security of the entire international community. He also explained that the meaning of resolution 1695 (2006) was that the Council had a duty to condemn the missile tests and to mobilize so as to prevent the Democratic People's Republic of Korea from developing its missile and weapons of mass destruction programmes. The representative also welcomed the unanimity of the resolution as a significant development in the efforts of the Council to combat proliferation.¹⁴

The representative of the Democratic People's Republic of Korea stated it was "unjustifiable and gangster-like" for the Council to debate the missile launch exercise of the Democratic People's Republic of Korea, both in view of the competence of the Council and under international law. He condemned the fact that some States had misused the Council for the "despicable political aim of isolating and pressuring the Democratic People's Republic of Korea." In short, he stated that the Democratic People's Republic of Korea totally rejected resolution 1695 (2006). He explained that the missile launches had been part of a routine military exercise and an expression of his country's legitimate right as a sovereign State to increase its capacity for self-defence — a right which was bound neither to any international law nor to bilateral or multilateral agreements. He explained that the moratorium on long-range missile test flights was valid only when the dialogue between the Democratic People's Republic of Korea and the United States was under way, but since the Administration of President George W. Bush had "totally scuttled" the bilateral dialogue, the moratorium agreement was void. He explained that the same could be said regarding the moratorium agreement on long-range test firing between the Democratic People's Republic of Korea and Japan: that the agreement was rendered void because Japan had "not honoured its commitments" under the agreement and had "internationalized the

¹⁴ Ibid., p. 7.

abduction issue". Similarly, the September 2005 agreement from the six-party talks to denuclearize the Korean peninsula was also rendered void because the United States had applied financial sanctions on his country and threatened it with large-scale military exercises. He explained that the motive of the missile launch by the Democratic People's Republic of Korea was to deter the United States and to keep the balance of forces and preserve peace and stability in north-east Asia, especially in the light of the fact that the United States had declared his country as part of an "axis of evil" susceptible to a pre-emptive nuclear attack. He asserted that it would be "quite foolish to notify Washington and Tokyo" of missile launches in advance, given that the United States, which was technically at war with his country, had threatened to intercept his country's missiles, in collusion with Japan. He ended by noting that the Democratic People's Republic of Korea remained unchanged in its will to denuclearize the Korean peninsula in a negotiated, peaceful manner and that the Korean People's Army would go on with missile launch exercises as part of its efforts to bolster deterrence for self-defence in the future.¹⁵

The representative of the Republic of Korea expressed regret over the decision of the Democratic People's Republic of Korea to launch the missiles. He argued that the action had adversely affected inter-Korean relations and he urged the Democratic People's Republic of Korea to return to six-party talks and comply with international efforts for non-proliferation.¹⁶

**Decision of 6 October 2006 (5546th meeting):
statement by the President**

At the 5546th meeting, on 6 October 2006, the President (Japan) made a statement on behalf of the Council,¹⁷ by which the Council, inter alia:

Expressed its deep concern over the statement of 3 October 2006 by the Ministry of Foreign Affairs of the Democratic People's Republic of Korea, in which it stated that the Democratic People's Republic of Korea would conduct a nuclear test in the future;

Underlined that such a test would bring universal condemnation by the international community; urged the Democratic People's Republic of Korea not to undertake such a test and to refrain from any action that might aggravate tension, to work on the resolution of non-proliferation concerns and to

¹⁵ Ibid., pp. 8-9.

¹⁶ Ibid., p. 9.

¹⁷ S/PRST/2006/41.

facilitate a peaceful and comprehensive solution through political and diplomatic efforts; and reiterated the need for the Democratic People's Republic of Korea to comply fully with all the provisions of Security Council resolution 1695 (2006);

Urged the Democratic People's Republic of Korea to return immediately to the six-party talks without precondition, and to work towards the expeditious implementation of the joint

statement of 19 September 2005, and in particular to abandon all nuclear weapons and existing nuclear programmes;

Stressed that a nuclear test, if carried out by the Democratic People's Republic of Korea, would represent a clear threat to international peace and security and that, should the Democratic People's Republic of Korea ignore calls of the international community, the Council would act consistent with its responsibility under the Charter.

28. Letter dated 22 November 2006 from the Secretary-General addressed to the President of the Security Council

Initial proceedings

Decision of 1 December 2006 (5576th meeting): statement by the President

At its 5576th meeting, on 1 December 2006, in which the representative of Nepal was invited to participate, the Security Council included in its agenda, without objection, the item entitled "Letter dated 22 November 2006 from the Secretary-General addressed to the President of the Security Council".¹

In the letter, with regard to the peace process in Nepal and the request for United Nations assistance in that process, the Secretary-General reported that the peace talks between the Seven-Party Alliance forming the Government of Nepal and the Communist Party of Nepal (Maoist) had led to the successful conclusion of an agreement on 8 November 2006, which had been consolidated by a Comprehensive Peace Agreement, signed on 21 November 2006. In that agreement, the parties had agreed on the basic arrangements for the cantonment of the combatants of the Maoist People's Liberation Army and the storage of the arms and munitions of both sides. The Comprehensive Peace Agreement declared the commitment of the parties to transform the existing ceasefire into permanent peace.

Referring to the letter dated 9 August 2006 from the Prime Minister of Nepal,² the letter of the same date from the Chairman of the Communist Party of Nepal (Maoist)³ and the letter dated 16 November 2006 from the Deputy Prime Minister and Minister for Foreign Affairs of Nepal,⁴ the Secretary-General noted

that the United Nations had been requested to, inter alia, monitor the management of arms and armed personnel by providing qualified monitors supported by appropriate technical capacity. The scope and nature of that assistance, with a view to creating an atmosphere conducive to free and fair elections for the Constituent Assembly, was in the consultation phase between the Personal Representative of the Secretary-General and the concerned parties. The Secretary-General stated that, prior to such an assessment, it was imperative that the United Nations be in a position to support the peace process during the interim phase by predeploying an appropriate presence in the field as soon as possible, and should his intent to proceed accordingly.

The President (Qatar) made a statement on behalf of the Council, by which the Council, inter alia:

Warmly welcomed the signing on 21 November 2006 by the Government of Nepal and the Communist Party of Nepal (Maoist) of a Comprehensive Peace Agreement, and the stated commitment of both parties to transforming the existing ceasefire into a permanent peace;

Noted the request of the parties for United Nations assistance in implementing key aspects of the Agreement, in particular monitoring of arrangements relating to the management of arms and armed personnel of both sides and election monitoring; agreed that the United Nations should respond positively and expeditiously to that request for assistance;

Stood ready to consider the formal proposals of the Secretary-General as soon as the technical assessment was complete.

¹ S/2006/920.

² S/2006/920, annex I.

³ Ibid., annex II.

⁴ Ibid., annex III.