CONFERENCE ON DISARMAMENT

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BASIC DOCUMENTS OF THE CONFERENCE ON DISARMAMENT RELATED TO THE QUESTION OF EFFECTIVE INTERNATIONAL ARRANGEMENTS TO ASSURE NON-NUCLEAR-WEAPON STATES AGAINST THE USE OR THREAT OF USE OF NUCLEAR WEAPONS

Compilation prepared by the Secretariat

Symbol	Subject of the document	Date
CD/10[1]	Pakistan: Conclusion of an International Convention to Assure Non-nuclear Weapon States against the Use or Threat of use of Nuclear Weapons	27 March 1979
CD/23[1]	Working Paper: Draft international convention on the strengthening of guarantees of the security of non-nuclear States	21 June 1979
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CD/27[1]	The United States of America: Working Paper - Proposal for a CD Recommendation to the United Nations General Assembly Concerning the Security of Non-Nuclear-Weapon States against Nuclear Attack	2 July 1979

[1] English, French, Russian and Spanish only.

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ENG

CD/47[1]	Report of the Ad Hoc Working Group on Effective International Arrangements to Assure Non-Nuclear Weapon States Against the Use of Threat of Use of Nuclear Weapons	7 August 1979
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CD/125*	Report of the Ad Hoc Working Group on Effective International Arrangements to Assure Non-Nuclear Weapon States Against the Use of Threat of Use of Nuclear Weapons	7 August 1980
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CD/177	United Kingdom: Working Paper - Effective International Arrangements to Assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons	10 April 1981
CD/207	China: Working Paper: The Question of Security Assurances	6 August 1981
CD/215 and CD/215/Corr.1	Report of the Ad Hoc Working Group on Effective International Arrangements to Assure Non-Nuclear Weapon States Against the Use of Threat of Use of Nuclear Weapons	14 August 1981

[1] English, French, Russian and Spanish only.

CD/278*	China: Working Paper - Effective International Arrangements to Assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons	16 April 1982
CD/280	Statement of the Group of 21 on Effective International Arrangements to assure Non-Nuclear Weapon States against the Use or Threat of Use of Nuclear Weapons	14 April 1982
CD/285*	Report of the Ad Hoc Working Group on Effective International Arrangements to Assure Non-Nuclear Weapon States Against the Use of Threat of Use of Nuclear Weapons	27 April 1982
CD/321	France: Working Paper - Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons	27 August 1982
CD/407	Statement of the Group of 21 on Effective International Arrangements to Assure Non-Nuclear Weapon States against the Use or Threat of Use of' Nuclear Weapons	4 August 1983
CD/417	Report of the Ad Hoc Working Group on Effective International Arrangements to Assure Non-Nuclear Weapon States Against the Use of Threat of Use of Nuclear Weapons	22 August 1983
CD/536	Report of the Ad Hoc Committee on Effective International Arrangements to Assure Non-Nuclear Weapon States Against the Use of Threat of Use of Nuclear Weapons	15 August 1984
CD/628	Decision on the re-establishment of an Ad Hoc Committee on effective international arrangements to assure non-nuclear-weapons States against the use or threat of use of nuclear weapons	2 August 1985
CD/640	Report of the Ad Hoc Committee on Effective. International Arrangements to Assure Non-Nuclear Weapon States Against the Use of Threat of Use of Nuclear Weapons	22 August 1985
CD/768	Nigeria: Proposal for the immediate conclusion of effective international arrangements to assure non-nuclear weapon States against the use or threat of use of nuclear weapons	7 July 1987

CD/784	Report of the Ad Hoc Committee on Effective International Arrangements to Assure Non-Nuclear Weapon States Against the Use of Threat of Use of Nuclear Weapons	21 August 1987
CD/825	Report of the Ad Hoc Committee on Effective International Arrangements to Assure Non-Nuclear Weapon States Against the Use of Threat of Use of Nuclear Weapons	11 April 1988
CD/868	Report of the Ad Hoc Committee on Effective International Arrangements to Assure Non-Nuclear Weapon States Against the Use of Threat of Use of Nuclear Weapons	2 September 1988
CD/938	Report of the Ad Hoc Committee on Effective International Arrangements to Assure Non-Nuclear Weapon States Against the Use of Threat of Use of Nuclear Weapons	27 July 1989
CD/967	Nigeria: Proposed Agreement on the Prohibition of the Use or Threat of Use of Nuclear Weapons against Non-Nuclear-Weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons	14 February 1990
CD/1028*	Report of the Ad Hoc Committee on Effective International Arrangements to Assure Non-Nuclear Weapon States Against the Use of Threat of Use of Nuclear Weapons	9 August 1990
CD/1104	Report of the Ad Hoc Committee on Effective International Arrangements to Assure Non-Nuclear Weapon States Against the Use of Threat of Use of Nuclear Weapons	19 August 1991
CD/1121	Decision on the re-establishment of an Ad Hoc Committee on effective international arrangements to assure non-nuclear-weapons States against the use or threat of use of nuclear weapons	22 January 1992
CD/1160	Report of the Ad Hoc Committee on Effective International Arrangements to Assure Non-Nuclear-Weapon States Against the Use of Threat of Use of Nuclear Weapons	3 August 1992

CD/1219	Report of the Ad Hoc Committee on Effective International Arrangements to Assure Non-Nuclear Weapon States Against the Use of Threat of Use of Nuclear Weapons	25 August 1993
CD/1256	Group of 21: Declaration on the question of Negative Security Assurances	31 March 1994
CD/1275	Report of the Ad Hoc Committee on Effective International Arrangements to Assure Non-Nuclear-Weapon States Against the Use of Threat of Use of Nuclear Weapons	30 August 1994
CD/1277 and CD/1277/Corr.1 (English only)	Statement on Behalf of the Delegations of Egypt, Ethiopia, Indonesia, Iran (Islamic Republic of), Kenya, Mexico, Mongolia, Morocco, Myanmar, Peru, Sri Lanka and Venezuela, Delivered at the 691st Plenary Meeting of the Conference on Disarmament held on 6 September 1994	6 September 1994
CD/1285 and CD/1285/Corr.1 (English only)	Joint Declaration as well as a Memorandum on Security Assurances in Connection with Ukraine's Accession to the Non-Proliferation Treaty, signed in Budapest on 5 December 1994	21 December 1994
CD/1287	Text of a Memorandum on Security Assurances in Connection with the Republic of Belarus' Accession to the Non-Proliferation Treaty, signed in Budapest On 5 December 1994	13 January 1995
CD/1305	Text of the United States Statement Containing The United States Declaration on Security Assurances	7 April 1995
CD/1306	Text of the United Kingdom Declaration on Security Assurances	7 April 1995
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CD/1311	Russian Federation: Text of a Declaration dated 5 April 1995	10 April 1995
CD/1312	Text of the Statement of the Group of 21 on Security Assurances	11 April 1995

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CD/1502	Canada: Questions Related to Work in the Conference on Disarmament on Negative Security Assurances	2 April 1998
CD/1534	Colombia: Section entitled "Disarmament and International Security" from the final communiqué of the Ministerial Meeting of the Coordinating Bureau of the Movement of Non-Aligned Countries, held in Cartagena de Indias on 19 and 20 May 1998	28 May 1998
CD/1542	English and Spanish Texts of the Joint Declaration Relating to Nuclear Disarmament of 9 June 1998 by the Foreign Ministers of Brazil, Egypt, Ireland, Mexico, New Zealand, Slovenia, South Africa and Sweden	11 June 1998
CD/1554	Report of the Ad Hoc Committee on Effective International Arrangements to Assure Non-Nuclear Weapon States Against the Use of Threat of Use of Nuclear Weapons	1 September 1998

CD/10
27 March 1979
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PAKISTAN

Conclusion of an International Convention to Assure Non-nuclear Weapon States against the Use or Threat of use of Nuclear Weapons

The first special session of the United Nations General Assembly devoted to Disarmament recognized that steps should be taken by the nuclear powers to assure non-nuclear States against the use or threat of use of nuclear weapons. While noting the unilateral declarations made by some nuclear powers at the special session in this connexion, the General Assembly called upon them to urgently "conclude effective arrangements, as appropriate, to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons".

2. Pakistan has consistently expressed the view that, to be credible and effective, assurances to non-nuclear-weapon States against the use or threat of use of nuclear weapons should be extended in a multilateral context and in legally binding form. Therefore, Pakistan welcomed the initiative of the Soviet Union at the thirty-third session of the United Nations General Assembly, proposing the "Conclusion of an International Convention on the Strengthening of Guarantees of the Security of Non-Nuclear-Weapon States".

3. During the consideration of this item in the General Assembly, separate draft Conventions were presented by the Soviet Union and Pakistan. These differed in certain respects, but both had the same objective i.e. to obtain, at the international level, legal and credible assurances to non-nuclear-weapon States against the use or threat of use of nuclear weapons.

4. The General Assembly adopted two resolutions on this item, which have called on the Committee on Disarmament to evolve "effective arrangements" or "appropriate international arrangements" on this subject. To this end, the Committee is to consider the draft Conventions submitted by Pakistan and the Soviet Union and to report to the thirty-fourth session of the General Assembly.

GE.79-60736

5. In pursuance of the above-mentioned decisions, Pakistan proposes that the Committee on Disarmament give early consideration during its 1979 session to the conclusion of an International Convention to assure the non-nuclear-weapon States against the use or threat of use of nuclear weapons. The draft Convention circulated on this subject by Pakistan at the thirty-third session of the United Nations General Assembly provides a sound basis for initiating negotiations on this item and is hereby submitted to the Committee on Disarmament.

6. The conclusion of an International Convention to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons will be of special significance to those states which are not parties to the opposing global military alliances. Its adoption will greatly enhance the climate of world peace and security.

7. It is suggested that the Committee on Disarmament should hold discussions on this draft Convention, and such other proposals and suggestions as may be submitted on the subject, at an early date. Suitable working arrangements should be also established under the aegis of the Committee to enable concrete negotiations to begin on the draft Convention as soon as possible this year.

ANNEX

Draft International Convention to Assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons

The States Parties to this Convention,

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

Deeply concerned at the continuation of the arms race, in particular the nuclear arms race and the threat to mankind due to the possibility of the use of nuclear weapons,

Convinced that only nuclear disarmament and prohibition of the use of nuclear weapons leading to the complete elimination of nuclear weapons, will assure complete security in the nuclear era,

Desirous of safeguarding the independence, territorial integrity and sovereignty of non-nuclear-weapon States against the use or threat of use of nuclear weapons,

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

Bearing in mind the resolutions of the United Nations General Assembly and the Security Council on the question of strengthening the security of non-nuclear-weapon States,

Also bearing in mind that the non-nuclear-weapon States have called for legally binding and credible assurances from nuclear-weapon States that they will not use or threaten to use nuclear weapons against them,

Have agreed as follows:

Article I.

The nuclear-weapon States Parties to this Convention, as a first step towards the complete ban on the use or threat of use of nuclear weapons, pledge themselves not to use or threaten to use nuclear weapons against non-nuclear-weapon States not parties to the nuclear security arrangements of some nuclear-weapon States.

This undertaking is without prejudice to the obligations of States Parties to this Convention arising from treaties establishing nuclear-weapon-free zones.

Article II

The nuclear-weapon States Parties to this Convention also undertake to avoid the possibility of the use or threat of use of nuclear weapons in any contingency a to achieve nuclear disarmament, resulting in the complete elimination of nuclear weapons, in the shortest possible time.

Article III

Any State Party to this Convention which has reason to believe that there has been or is likely to be a breach of the obligations of the States Parties arising from articles I and II of this Convention may request an urgent meeting of the Security Council, under Chapter VII of the Charter of the United Nations, with a view to preventing such a breach or redressing the situation arising therefrom.

Article IV

This Convention shall be concluded for an indefinite period of time. It shall lapse once nuclear disarmament and the complete elimination of nuclear weapons has been achieved.

Article V

1. Any State Party to this Convention may propose amendments to this Convention. The text of each proposed amendment must be submitted to the depositary, who shall immediately transmit it to all States Parties.

2. An amendment shall enter into force for each State Party to this Convention which accepts the amendment after the documents concerning its acceptance have been deposited with the depositary by the majority of States Parties. Subsequently, the amendment shall enter into force for each of the remaining States Parties on the date of the deposit by them of the document concerning its acceptance.

Article VI

1. This Convention is open for signature by all States. Any State which does not sign the Convention before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.

2. This Convention is subject to ratification by the States which have signed it. The instruments of ratification or the documents concerning accession shall be deposited with the Secretary-General of the United Nations, who is hereby designated the depositary.

3. This Convention shall enter into force following the deposit of the instruments of ratification by ... States including the two leading nuclear-weapon States i.e. the Union of Soviet Socialist Republics and the United States of America.

4. For States whose instruments of ratification or documents concerning accession are deposited after the entry into force of this Convention, the Convention shall enter into force on the date of the deposit of the instruments of ratification or documents concerning accession.

5. The depositary shall immediately notify all States Parties to this Convention of the date of each signature, the date of deposit of each instrument of ratification or document concerning accession, the date of the entry into force of this Convention or of any amendments thereto, and also of the receipt by him of other notifications.

6. This Convention shall be registered by the depositary in accordance with Article 102 of the Charter of the United Nations.

Article VII

This Convention, the Russian, Arabic, Chinese, English, French and Spanish texts of which are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall duly forward certified copies of the Convention to the Governments of the States which have signed or acceded to the Convention.

In witness whereof, the undersigned, duly authorized for that purpose by their respective Governments, have signed this Convention, which was opened for signature on ...

CD/23
21 June 1979
ENGLISH
Original: RUSSIAN

BULGARIA, CZECHOSLOVAKIA, GERMAN DEMOCRATIC REPUBLIC, HUNGARY, MONGOLIA, POLAND, UNION OF SOVIET SOCIALIST REPUBLICS

Working Paper

Draft international convention on the strengthening of guarantees of the security of non-nuclear States

The States Parties to this Convention,

Conscious of the fact that a nuclear war would have devastating consequences for all mankind,

Prompted by a desire to take all possible steps to reduce and ultimately to eliminate the danger of such a war,

Wishing to contribute to the prevention of the wider proliferation of nuclear weapons and to promote the cessation of the nuclear armaments race and the adoption of effective measures directed towards nuclear disarmament,

Welcoming the desire of States in various regions of the world to keep their territories free from nuclear weapons,

Bearing in mind their obligations under the Charter of the United Nations to maintain peace, to refrain from the threat or use of force and to live in peace with each other as good neighbours,

Having regard to Security Council resolution 255 (1968) of 19 June 1968, General Assembly resolution 2936 (XXVII) of 29 November 1972 and the relevant provisions of the Final Document of the special session of the General Assembly devoted to disarmament of 30 June 1978, including the request made therein that urgent efforts be made to conclude effective agreements to assure non-nuclear-weapon States against the use or the threat of use of nuclear weapons,

Regarding guarantees that nuclear weapons will not be used against non-nuclear States as an important means of strengthening peace and universal security and wishing to give such guarantees an international legal character,

Have agreed as follows:

Article I

The nuclear-weapon States Parties to this Convention pledge themselves not to use or threaten to use nuclear weapons against non-nuclear States Parties to this Convention which renounce the production and acquisition of nuclear weapons and which have no nuclear weapons in their territory or anywhere under their jurisdiction or control, on land, on the sea, in the air or in outer space.

Article II

The obligation set forth in article I of this Convention shall extend not only to the territory of non-nuclear States Parties, but also to the armed forces and installations under the jurisdiction and control of such States wherever they may be on land, on the sea, in the air or in outer space.

Article III

Any State Party to this Convention which has reason to believe that the actions of any other State Party are contrary to the provisions of articles I and II of the Convention may request that consultations be held between the States Parties with a view to clarifying the actual circumstances of the matter. Such a request must include any information relating to the matter and also all possible evidence to support it.

Article IV

1. This Convention shall be concluded for an indefinite period of time.

2. Each Party to the Convention shall, in the exercise of its State sovereignty, be entitled to secede from the Convention if it decides that exceptional circumstanc relating to the content of the Convention have placed its higher interests in jeopardy. It shall notify all the Parties to the Convention and the Security Counci of the United Nations of its secession, giving three months' notice. Such notification must include a statement of the exceptional circumstances which it regards as having placed its higher interests in jeopardy.

Article V

1. Any State Party to this Convention may propose amendments to this Convention. The text of each proposed amendment must be submitted to the depositary, who shall immediately transmit it to all States Parties.

2. An amendment shall enter into force for each State Party to this Convention which accepts the amendment after the documents concerning its acceptance have been deposited with the depositary by the majority of States Parties. Subsequently, the amendment shall enter into force for each of the remaining States Parties on the date of the deposit by them of the document concerning its acceptance.

Article VI

1. This Convention is open for signature by all States. Any State which does not sign the Convention before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.

2. This Convention is subject to ratification by the States which have signed it. The instruments of ratification or the documents concerning accession shall be deposited with the Secretary-General of the United Nations, who is hereby designated the depositary.

3. This Convention shall enter into force following the deposit of the instruments of ratification by ... States which have signed the Convention, including at least ... nuclear-weapon States.

4. For States whose instruments of ratification or documents concerning accession are deposited after the entry into force of this Convention, the Convention shall enter into force on the date of the deposit of the instruments of ratification or documents concerning accession.

5. The depositary shall immediately notify all States which have signed or acceded to this Convention of the date of each signature, the date of deposit of each instrument of ratification or document concerning accession, the date of the entry into force of this Convention and of any amendments thereto, and also of the receipt by him of other notifications.

6. This Convention shall be registered by the depositary in accordance with article 102 of the Charter of the United Nations.

Article VII

This Convention, the Russian, Arabic, Chinese, English, French and Spanish texts of which are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall duly forward certified copies of the Convention to the Governments of the States which have signed or acceded to the Convention.

In witness whereof, the undersigned, duly authorized for that purpose by their respective Governments, have signed this Convention, which was opened for signature on ...

CD/25
26 June 1979
Original: ENGLISH

PAKISTAN

Working Paper

Effective International Arrangements to Assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons

1. The nuclear arms race poses a pervasive threat to international peace and security and to the survival of civilization. The non-nuclear weapon States are the most vulnerable to nuclear attack or threat. While the best assurance against the nuclear threat is the total prohibition of the use of nuclear weapons and nuclear disarmament, the nuclear powers have an obligation, as a first and immediate step, to extend credible assurances to the non-nuclear weapon States against the use or threat of use of nuclear weapons. This obligation of the nuclear powers arises from their claim to retain nuclear weapons, at least for the time being. Such assurances are moreover, a necessary incentive to ensure the non-proliferation of nuclear weapons.

2. The United Nations General Assembly has adopted several resolutions on the subject of assurances to non-nuclear weapon States against the use or threat of use of nuclear weapons. The Final Document adopted at the Tenth Special Session of the General Assembly devoted to Disarmament recommended in paragraph 59 that the nuclear powers should make urgent efforts to conclude effective arrangements, as appropriate, to assure non-nuclear weapon States against the use or threat of use of nuclear weapons. Following this, the Thirty-third Session of the United Nations General Assembly adopted two resolutions concerning the adoption of an International Convention on Security guarantees to non-nuclear weapon States. These resolutions have inter alia requested on the Committee on Disarmament to consider the draft Conventions submitted on the subject in the General Assembly by the delegations of Pakistan and the Soviet Union together with other proposals designed to achieve the same objective.

3. In response to these recommendations, the Committee on Disarmament has included on its agenda the item entitled "Effective International Arrangements to assure Non-Nuclear Weapon States against the use or threat of use of nuclear weapons." In its consideration of this subject, the Committee on Disarmament should seek to build on the considerable area of agreement evolved at previous sessions of the General Assembly. At this stage, the negotiations could usefully focus on two points:

(1) the nature, scope and content of the "assurances" or "guarantees" to be provided to the non-nuclear weapon States;

(2) the form in which such assurances or guarantees should be extended.

Nature, scope and content of the security assurances to nuclear weapon States

4. In principle, all non-nuclear weapon States are entitled to receive assurances that they will not be subjected to the use or threat of use of nuclear weapons. However, it appears from the declarations made by the nuclear powers at the Special Session that, with one exception, they are not in a position to extend such a universal and unconditional guarantee to non-nuclear weapon States. The difficulty in extending such assurances arises from the strategic doctrines espoused by the two rival military blocs, both of which envisage the possibility of the use of nuclear weapons against the nuclear and non-nuclear members of the opposing bloc. The overall objective endorsed by the majority of the international community is to secure the dismantling of such nuclear alliances and military groupings. However, until this is achieved, those non-nuclear weapon States, which are outside these military alliances and groupings have a right to be assured that they will not be subjected to the use or threat of nuclear weapons. This was the objective of General Assembly resolution 31/189C which invited the nuclear weapon States to extend assurances against the nuclear threat those non-nuclear weapon States which are "not parties to the nuclear security arrangements of some nuclear powers". This formulation, with suitable modifications, could serve as the basis for security assurances to non-nuclear weapons which are not members of the global military alliances of the nuclear powers.

5. To be credible, the assurances extended by the nuclear powers to non-nuclear weapon States should be uniform in their scope, application and interpretation. If each nuclear weapon State were to undertake an obligation which is different in scope and application, it would obviously erode the efficacy of the assurances in their totality, especially if each contained such conditions and qualifications as have the effect of neutralizing the assurances provided by the other nuclear weapon States.

The "form" in which security assurances are to be extended to non-nuclear weapon States

6. As is clear from the title of the agenda item, the Committee on Disarmament is to evolve effective, international arrangements to assure the non-nuclear weapon States against the nuclear threat. This would exclude unilateral declarations since these are merely statements of intention, not irrecovable commitments, and are therefore not "effective". Bilateral and regional arrangements, although they may be evolved in legal form, cannot be a substitute for assurances of a universal character since they would not assure a non-nuclear weapon State that it will not face a nuclear threat from any quarter.

7. It is also evident that "effective" international arrangements will have to be in the form of an instrument with binding legal force. This is supported by the call in paragraph 69 of the Final Document urging the nuclear powers "to conclude" such effective arrangements to assure the non-nuclear weapon States. In any case, the mandate of the Disarmament Committee is to negotiate binding agreements, conventions and other instruments and it is with this object that the General Assembly has requested the Committee to take up consideration of the two draft Conventions submitted on this subject, together with other proposals designed to achieve the same objective.

8. Therefore, as regards the form of the security assurances to be provided to the non-nuclear weapon States, the Committee has a choice of two alternatives: first, an International Convention, and second, a binding resolution of the Security Council. The majority of Member States in the United Nations General Assembly appeared to prefer the adoption of an International Convention.

9. The General Assembly has asked the Committee on Disarmament to consider this question "as soon as possible" and to submit a report to the Thirty-fourth Session of the Assembly. It is, therefore, proposed that the Committee on Disarmament should hold an exchange of views on the item forthwith and thereafter establish an open-ended, informal Working Group to initiate negotiations on the two main points discussed above. The Working Group should submit a full report on the progress made in its deliberations to the Committee on Disarmament by 1 August 1979.

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2 July 1979
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THE UNITED STATES OF AMERICA

Working Paper

Proposal for a CD Recommendation to the United Nations General Assembly Concerning the Security of Non-Nuclear-Weapon States against Nuclear Attack

The Committee on Disarmament should propose to the United Nations General Assembly that the individual unilateral pledges that have been made by the nuclear weapon States be incorporated in a General Assembly resolution. Such a resolution would (1) recognize the willingness of the nuclear-weapon States to be responsive to the desire of non-nuclear-weapon States to be assured that they will not be attacked by nuclear weapons and (2) give international status to the individual assurances by the nuclear weapon States, thereby enhancing their character as solemn commitments. An illustrative General Assembly resolution is attached.

Discussion

The approach of this proposal to strengthening the confidence of non-nuclear-weapon States in their security against the use or threat of use of nuclear weapons takes into account paragraph 59 of the Final Document of the Special Session on Disarmament which states:

> In the same context, the nuclear-weapon States are called upon to take steps to assure the non-nuclear-weapon States against the use or threat of use of nuclear weapons. The General Assembly notes the declarations made by the nuclear-weapon States and urges them to pursue efforts to conclude, as appropriate, effective arrangements to assure non-nuclear States against the use or threat of use of nuclear weapons.

The proposal also takes into account the diverse nature of the security requirements, both of the nuclear-weapon States, and also of the non-nuclear-weapon States. For many of the non-nuclear-weapon States, relations with specific nuclear-weapon States are an essential ingredient in their national security.

This proposal recognizes that, in view of these diverse interests, an effective and practical way of enhancing the confidence of non-nuclear-weapon States in their security against the use or threat of use of nuclear weapons is by individual declarations by nuclear-weapon States rather than by a single

world-wide treaty, which is not likely to be a fruitful subject for negotiation. The suggested approach can and should be buttressed by treaty obligations regarding the non-use of nuclear weapons in regional situations where appropriate, such as in the Treaty of Tlatelolco.

The pledges by the nuclear-weapon States which would be incorporated in a General Assembly resolution are those that were made in connexion with the United Nations General Assembly Special Session devoted to disarmament. The Presidential statement issued by the United States reads as follows:

> The United States will not use nuclear weapons against any non-nuclear-weapons State party to the NPT (Non-Proliferation Treaty) or any comparable internationally binding commitment not to acquire nuclear explosive devices, except in the case of an attack on the United States, its territories or armed forces, or its allies, by such a State allied to a nuclear-weapons State or associated with a nuclear-weapons State in carrying out or sustaining the attack.

Such solemn pledges given by the nuclear powers represent an immediately effective measure of security for the non-nuclear-weapon States, and the international community should take cognizance of them. To accomplish this objective, the proposal suggests that they be incorporated in a resolution of the United Nations General Assembly.

ILLUSTRATIVE UNITED NATIONS GENERAL ASSEMBLY RESOLUTION

The General Assembly,

Convinced of the need to promote international peace and security,

Recognizing the legitimate security concerns of States that have undertaken firm obligations not to acquire nuclear explosive devices,

Taking note of paragraph 59 of the Final Document of the Special Session on Disarmament which called upon the nuclear-weapon States to pursue, as appropriate, effective arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons,

Noting that the five nuclear-weapon States recognize the significance of action to meet more fully the concerns of the great majority of States which have not sought to acquire or develop, alone or with others, any nuclear explosive devices,

Recalling that each of the five nuclear powers has stated its willingness to take formal action to affirm its support for and to adhere to appropriate regional arrangements establishing defined nuclear-free zones,

1. Welcomes the declaration of the nuclear-weapon States providing assurances to non-nuclear-weapon States with respect to the use of nuclear weapons;

2. Takes note of the following undertakings by each of the five nuclear powers:

A. By China -- To call for the complete prohibition and thorough destruction of nuclear weapons and at no time and in no circumstances to be the first to use nuclear weapons;

B. By France -- To participate in negotiating the necessary agreements with nuclear-free zones the terms of which preclude, according to a formula to be defined, any use or threat of the use of nuclear weapons against States that are part of a nuclear-free zone;

C. By the USSR -- To offer a binding commitment in a new international convention not to use or threaten to use nuclear weapons against non-nuclear States parties to such a convention which renounce the production and acquisition of nuclear weapons and which have no nuclear weapons in their territory or under their jurisdiction or control, and to consult whenever any party to the convention has reason to believe that the actions of any other party are in violation of this commitment;

D. By the United Kingdom -- Not to use nuclear weapons against States which are parties to the Non-Proliferation Treaty or other internationally binding commitments not to manufacture or acquire nuclear explosive devices except in the case of an attack on the United Kingdom, its dependent territories, its armed forces or its allies by such State in association or alliance with a nuclear-weapon State.

E. By the United States -- Not to use nuclear weapons against any non-nuclear-weapon State party to the Non-Proliferation Treaty or any comparable internationally binding commitment not to acquire nuclear explosive devices, except in the case of an attack on the United States, its territories or armed forces or its allies by such a State allied to a nuclear weapon State or associated with a nuclear weapon State in carrying out or sustaining the attack.

3. Recognizes these solemn declarations as important contributions to strengthening international peace and security.

CD/47
7 August 1979

Original: ENGLISH

AD HOC WORKING GROUP TO CONSIDER, AND NEGOTIATE ON, EFFECTIVE INTERNATIONAL ARRANGEMENTS TO ASSURE NON-NUCLEAR-WEAPON STATES AGAINST THE USE OR THREAT OF USE OF NUCLEAR WEAPONS

Report to the Committee on Disarmament

1. In the course of consideration of item 3 of its 1979 agenda, entitled "Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons", the Committee, at its 39th meeting held on 5 July adopted the following decision:

> "The Committee on Disarmament decides to establish, for the duration of its present session, an Ad Hoc Working Group open to all Member States of the Committee to consider, and negotiate on, effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. The Ad Hoc Working Group will present a report to the Committee on Disarmament before the conclusion of the 1979 Session. The Committee further decides, in accordance with rule 32 of the Rules of Procedure, that representatives of non-member States shall have reserved seats in the conference room during the meetings of the Ad Hoc Working Group."

2. At the 41st meeting on 12 July the Committee elected the delegation of Egypt as Chairman of the Ad Hoc Working Group.

3. The Group held 7 meetings between 17 July and 2 August and conducted also informal consultations during that period.

4. In carrying out its mandate, the Ad Hoc Working Group took into account paragraph 59 of the Final Document of the Tenth Special Session of the General Assembly Devoted to Disarmament, where "the nuclear-weapon States are called upon to take steps to assure the non-nuclear-weapon States against the use or threat of use of nuclear weapons. The General Assembly notes the declarations made by the nuclear-weapon States and urges them to pursue efforts to conclude, as appropriate, effective arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.".

5. The Ad Hoc Working Group also took note of the Letter of the Secretary-General contained in document CD/1 transmitting resolutions adopted by the General Assembly at the thirty-third regular session and took note in particular of resolution 33/72 A and B.

GE.79-63439

Operative paragraphs 1 and 2 of resolution 33/72 A read as follows:

"1. Considers it necessary to take effective measures for the strengthening of the security of non-nuclear-weapon States through appropriate international arrangements;

2. Requests the Committee on Disarmament to consider, to that end, at the earliest possible date, the drafts of an international convention on the subject, submitted to the General Assembly at its thirty-third session, as well as all proposals and suggestions concerning effective political and legal measures at the international level to assure the non-nuclear-weapon States against the use or threat of use of nuclear weapons."

Operative paragraphs 1 and 2 of resolution 33/72 B read as follows:

"1. Urges that urgent efforts should be made to conclude effective arrangements, as appropriate, to assure the non-nuclear-weapon States against the use or threat of use of nuclear weapons, including consideration of an international convention and of alternative ways and means of achieving this objective;

2. Takes note of the proposals submitted and views expressed on this subject at its thirty-third session and recommends that the Committee on Disarmament should consider them and submit a progress report to the General Assembly at its thirty-fourth session."

6. In the conduct of its work it had before it the following four working paper which were introduced by their sponsors:

(a) a working paper by Pakistan, entitled "Conclusion of an international convention to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons" (CD/10);

(b) a working paper by Bulgaria, Czechoslovakia, German Democratic Republic Hungary, Mongolia, Poland and the Union of Soviet Socialist Republics, entitled "Draft International Convention on the Strengthening of Guarantees of the Security of Non-Nuclear States" (CD/25);

(c) a working paper by Pakistan, entitled "Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons." (CD/25); and

(d) a working paper by the United States, entitled "Proposal for a CD Recommendation to the United Nations General Assembly Concerning the Security of Non-Nuclear-Weapon States Against Nuclear Attack" (CD/27).

7. Furthermore, the Secretariat, at the request of the Ad Hoc Working Group, prepared a compilation of material suggested by members of the Group. The Compilation was prepared on the understanding that it would be background material and that the material included therein would not prejudice the position of members of the Group on matters of substance.

8. From the outset there was an understanding that the work of the Group should be a step-by-step process, the first step being to identify the elements to be considered and negotiated on, the second the negotiation on these elements, and the third to reach agreement through consensus on effective international arrangements.

9. Extensive discussion took place on the elements to be considered and negotiated on. In this connexion discussions were held on the relationship of the non-use of nuclear weapons, nuclear disarmament, the non-use of force in international relations, as well as the overall question of strengthening of international peace and security, to the mandate of the group. There was broad agreement that these elements can be divided into two general categories:

A. Scope and nature of the arrangements, and

B. Form of the arrangements, their number and binding character.

10. There was agreement that the arrangements had to be effective and international in character. The question of rationale, scope and nature of the arrangements was discussed at length. There was also discussion on the question of definition of nuclear and non-nuclear-weapon States, the criteria to be applied in such definition and the prerequisites for the extension of the arrangements. In that respect a number of ideas were submitted such as the extension of arrangements to all non-nuclear-weapon States without any condition or limitations; to all non-nuclear-weapon States which are not parties to the nuclear security arrangements of some nuclear powers; to non-nuclear weapon States parties to the NPT or any other comparable internationally binding commitment not to acquire nuclear explosive devices (such as the Treaty of Tlatelolco), except in the case of an attack by such a State allied to a nuclear-weapons State or associated with a nuclear-weapons State in carrying out or sustaining the attack; to non-nuclear-weapon States which renounced the production and acquisition of nuclear weapons and which have no nuclear weapons on their territories or under their jurisdiction or control. Different related questions were raised and comments were made on these issues.

Discussion also took place on the question of the arrangements in relation to the non-nuclear weapon States parties to military alliances.

Similarly the question of the nature of the arrangements in relation to nuclear disarmament, the non-use of nuclear weapons as well as the non-use of force in international relations was raised. In that context the idea was discussed that, pending nuclear disarmament, a general ban on the use or the threat of use of nuclear weapons and the non-use of force in international relations would be the most effective guarantee for the security of non-nuclear-weapon States. The point was also raised that a general ban on the use of nuclear weapons can only be considered in the context of nuclear disarmament.

11. As regards the form, number and binding character of the arrangements, there was recognition that search should continue for a common approach acceptable to all which could be included in an international instrument of a legally binding character. In that connexion the question of an international Convention was widely discussed. There was no objection, in principle, to the idea of an international convention; however, the difficulties involved were also pointed out. There was also discussion on the question of a General Assembly resolution as well as reference to Security Council resolution and declarations to be deposited with the Secretary General of the United Nations as an interim arrangement.

CONCLUSION

12. There was wide recognition of the urgent need to reach agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. The Group was able, in the short time available to it, to begin meaningful consideration of, and negotiate on, some of the elements which fell within its mandate. Preliminary exploration of areas of agreement and disagreement clarified issues and at the same time underlined the complexity of the elements which have to be further considered and negotiated on.

13. The Ad Hoc Working Group recommends that at the beginning of its 1980 session the Committee on Disarmament should continue negotiations on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

CD/75
14 March 1980

Original: ENGLISH

LETTER DATED 12 MARCH 1980 ADDRESSED TO THE CHAIRMAN OF THE COMMITTEE ON DISARMAMENT FROM THE PERMANENT REPRESENTATIVE OF FINLAND TO THE UNITED NATIONS OFFICE AT GENEVA SUBMITTING A WORKING DOCUMENT CONTAINING THE VIEWS OF THE FINNISH GOVERNMENT CONCERNING THE ITEM "EFFECTIVE INTERNATIONAL ARRANGEMENTS TO ASSURE NON-NUCLEAR-WEAPON STATES AGAINST THE USE OR THREAT OF USE OF NUCLEAR WEAPONS"

I am instructed by my Government to send you herewith a working document containing the views of the Finnish Government concerning the item "Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons". These views are communicated to the Committee on Disarmament as an expression of the importance Finland attaches to the work of the Committee and the item in question. I am convinced that the Committee or an ad hoc Working Group established for this purpose will take due account of them, as appropriate. We are prepared to make a further statement in the Committee at an appropriate stage of its consideration.

I would be pleased if you could arrange the circulation of the annexed document to all Members of the Committee on Disarmament.

(signed) Paavo Kaarlehto
Ambassador
Permanent Representative of Finland

GE.80-60514

Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons

1. The Government of Finland notes with satisfaction that the Committee on Disarmament, at its 1979 Session, has begun the consideration of the question of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. Questions pertaining to the security of non-nuclear-weapon States were also discussed in the General Assembly of the United Nations at its thirty-fourth session. These preliminary exchanges of views were conducted in a constructive spirit, and a number of concrete proposals were put forward. It is encouraging that all five nuclear-weapon States have recognized the legitimacy of the security concerns of the non-nuclear-weapon States and declared their willingness to meet those concerns.

2. Pending the achievement of effective measures of nuclear arms limitation and nuclear disarmament, the Government of Finland welcomes all measures aimed at reducing the potential use of nuclear weapons. An important measure in this direction would be assurances by nuclear-weapon States that nuclear weapons would not be used against States that have committed themselves to nuclear-weapon-free status.

3. Assurances against the use or threat of use of nuclear weapons are but a facet of the broader question of the strengthening of the security of the non-nuclear-weapon States. Such assurances are interrelated, i.a., with the prevention of the proliferation of nuclear weapons and the establishment of nuclear-weapon-free zones.

4. The acquisition of nuclear weapons by any additional country would tend to jeopardize international security, in particular the security of non-nuclear-weapon States. In the view of the Government of Finland, the Non-Proliferation Treaty as such continues to serve the security interest of both the world community at large and individual States, whether nuclear or non-nuclear. Finland intends to continue its efforts to strengthen the non-proliferation régime.

5. The question of formal guarantees for security of non-nuclear-weapon States was raised in the negotiating stages of the Non-Proliferation Treaty. Non-nuclear-weapon States sought guarantees that the renunciation of the nuclear option would not place them in a position of diminished security vis-à-vis the nuclear-weapon States. The three depositary States of the Treaty agreed to submit a resolution to the Security Council on measures to safeguard the security of the non-nuclear-weapon States. The resolution - 255(1968) - was the companion piece of the pledges by the three nuclear powers of their intention to provide positive security guarantees

through action by the Security Council. In a way it foreshadowed an international nuclear deterrent within the framework of the United Nations. While these declarations were contributions to the collective security system provided for in the Charter, it remains a political reality that a vast majority of non-nuclear-weapon States have called for additional security assurances by the nuclear-weapon States.

6. The first Review Conference of the Non-Proliferation Treaty, in 1975, recognized in its Final Declaration, that non-nuclear-weapon States find themselves in differing security situations. Therefore, various means would be necessary to meet their security concerns. The discussion at the Conference bore further evidence to the fact that measures to strengthen the security of non-nuclear-weapon States depend primarily on those States that possess these weapons. It is to be expected that the second Review Conference in 1980 will also deal with the question of the security of non-nuclear-weapon States Party to the Treaty. Obviously, the discussion at that Conference will have a direct bearing on the work of the Committee on Disarmament in this question.

7. Security assurances are vital elements of nuclear-weapon-free zones and their establishment. The Treaty of Tlatelolco is a concrete example of the creation of such zones. The Additional Protocol II of the Treaty is now in full application, providing formal undertakings by the nuclear-weapon States not to use or threaten to use nuclear weapons against Parties to that Treaty. This is in line with the principal objective of the establishment of nuclear-weapon-free zones - the strengthening of the security of the zonal States - the objective recognized in the comprehensive study on the question of nuclear-weapon-free zones carried out by the ad hoc group of qualified governmental experts under the auspices of the CCD in 1975. It is inherent in the concept of a nuclear-weapon-free zone that, at a minimum, its status be respected by all extrazonal States, especially by nuclear-weapon States. Equally important, if not more so, is the provision for appropriate assurances by nuclear-weapon States against the use or threat of use of nuclear weapons against members of the zone.

8. As far as Finland is concerned, it has repeatedly expressed its interest, both in general terms and in more specific contexts, in questions related to the security of non-nuclear-weapon States. In 1963, Finland first put forward the idea of the establishment of a nuclear-weapon-free zone in Northern Europe. As a further elaboration of the idea, it proposed, in 1978, a Nordic arms control arrangement, which would aim at isolating the Nordic countries as completely as possible from the effects of nuclear strategy in general and new nuclear weapons technology in particular. An integral part of such an arrangement should be appropriate security assurances given by the nuclear-weapon States.

. While the question of non-use assurances has been discussed in the context of on-proliferation of nuclear weapons and nuclear-weapon-free zones, the uclear-weapon States have recently given unilateral security assurances to on-nuclear weapon States. They represent a major contribution to the further onsideration of the question. With regard to the objective of making non-use ssurances effective to the fullest possible extent, these unilateral statements are nsufficient. The value of the statements resides in the political commitment that ney constitute. The task before the Committee on Disarmament is to translate those ommitments into effective security assurances.

). On the basis of its discussion on effective international arrangements for on-use assurances at its 1979 session the Committee on Disarmament concluded that here was no objection, in principle, to the idea of an international convention, lthough some difficulties were pointed out. The possibility of a convention or ther multilateral instrument would depend on whether a common formula acceptable to l nuclear-weapon States and satisfactory to non-nuclear-weapon States could be evised.

.. Recent developments in the field of nuclear weapons technology have given a w dimension to the question of security assurances. This dimension arises from le possibility of using the air space of non-nuclear-weapon States in the course the delivery of nuclear weapons to their targets. From the point of view of nland, the minimum which must be achieved is that the nuclear powers - either in ilateral declarations or through multilateral agreements - guarantee that n-nuclear countries will not be attacked or threatened with nuclear weapons and at their territory or air space will not be violated in delivering such weapons their targets.

. In the view of the Government of Finland, all approaches to achieving rangements for non-use assurances should continue to be explored, all interested vernments should be involved in the process and have the opportunity to reflect eir particular security concerns. No effort should be spared in the pursuit of ch assurances to the States that have contributed to the security of the ternational community by committing themselves to non-nuclear-weapon status.

CD/77
17 March 1980
Original: ENGLISH

Decision adopted at the 69th plenary meeting held on 17 March 1980
(originally submitted as Working Paper No.7/Rev.1)

The Committee on Disarmament decides to establish, for the duration of its 1980 session, an ad hoc working group of the Committee to continue to negotiate with a view to reaching agreement on effective international arrangements to assure non-nuclear weapon States against the use or threat of use of nuclear weapons.

The ad hoc working group will report to the Committee on the progress of its work at any appropriate time and in any case before the conclusion of its 1980 session.

Statement by the Chair

It is understood that, in accordance with rule 32 of the Rules of Procedure, representatives of non member States shall have reserved seats in the conference room during the meetings of the ad hoc working group.

CD/120
17 July 1980

Original: ENGLISH

PAKISTAN: WORKING PAPER

Possible draft resolution for adoption by UN Security Council as an interim measure on "Effective international arrangements to assure non-nuclear weapon States against the use or threat of use of nuclear weapons"

The Security Council,

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

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

Deeply concerned at the continuation of the arms race, in particular the nuclear arms race, and the possibility of the use or threat of use of nuclear weapons,

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

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

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

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

Welcoming the negotiations underway in the Committee on Disarmament on the item entitled "effective international arrangements to assure non-nuclear weapon States against the use or threat of use of nuclear weapons",

Noting the report of the Committee on Disarmament,

Further noting the general support expressed in the Committee on Disarmament and in the United Nations General Assembly for the elaboration of an international convention to assure non-nuclear weapon States against the use or threat of use of nuclear weapons,

Acting under the provisions of Chapter VII of the Charter in response to the threat to peace posed by the possibility of the use or threat of use of nuclear weapons:

1. Calls upon those States possessing nuclear weapons to undertake not to use or threaten to use nuclear weapons against non-nuclear weapon States under any circumstances;
2. Urges the Committee on Disarmament to pursue negotiations for this purpose and conclude, without delay, a binding international instrument to assure non-nuclear weapon States against the use or threat of use of nuclear weapons;
3. Decides to remain seized of this matter.

CD/125 */
7 August 1980

Original: ENGLISH

AD HOC WORKING GROUP TO CONTINUE TO NEGOTIATE WITH A VIEW TO REACHING AGREEMENT ON EFFECTIVE INTERNATIONAL ARRANGEMENTS TO ASSURE NON-NUCLEAR-WEAPON STATES AGAINST THE USE OR THREAT OF USE OF NUCLEAR WEAPONS

Report to the Committee on Disarmament

I. Introduction

1. In the course of consideration of item 3 of its 1980 agenda, entitled "Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons", the Committee on Disarmament, at its 69th meeting, held on 17 March 1980, adopted the following decision contained in document CD/77:

> "The Committee on Disarmament decides to establish, for the duration of its 1980 session, an ad hoc working group of the Committee to continue to negotiate with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.
>
> The ad hoc working group will report to the Committee on the progress of its work at any appropriate time and in any case before the conclusion of its 1980 session."

At the same meeting, a statement was made by the Chairman of the Committee, contained in the same document; that:

> "It is understood that, in accordance with rule 32 of the Rules of Procedure, representatives of non-member States shall have reserved seats in the conference room during the meetings of the ad hoc working group."

II. Organization of Work and Documentation

2. At its 80th meeting, on 22 April, the Committee on Disarmament decided to appoint Dr. Mohamed El-Baradei, representative of Egypt, as Chairman of the Ad Hoc Working Group. Dr. Lin Kuo-Chung, United Nations Centre for Disarmament, was appointed as Secretary of the Ad Hoc Working Group.

3. The Working Group held nine meetings between 25 April and 28 July and also conducted informal consultations during that period.

4. In carrying out its mandate, the Ad Hoc Working Group took into account paragraph 59 of the Final Document of the Tenth Special Session of the General Assembly, devoted to disarmament, in which "... the nuclear-weapon States are called upon to take steps to assure the non-nuclear-weapon States against the

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*/ Reissued for technical reasons.

use or threat of use of nuclear weapons. The General Assembly notes the declarations made by the nuclear-weapon States and urges them to pursue efforts to conclude, as appropriate, effective arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons."

5. The Ad Hoc Working Group also took note of the letter of the Secretary-General contained in document CD/55, transmitting resolutions adopted by the General Assembly at its thirty-fourth session, and took note in particular of resolutions 34/84, 34/85 and 34/86. Paragraph 4 of resolution 34/84 reads as follows:

> "4. Requests the Committee on Disarmament to continue the negotiations on this subject on a priority basis during its 1980 session with a view to their early conclusion with the elaboration of a convention to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons."

Paragraph 4 of resolution 34/85 reads as follows:

> "4. Recommends that the Committee on Disarmament should conclude effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons during its 1980 session, taking into account the widespread support for the conclusion of an international convention and giving consideration to any other proposals designed to secure the same objective."

Paragraph 3 of resolution 34/86 reads as follows:

> "3. Requests the Committee on Disarmament to continue its efforts at its next session with a view to reaching agreement on such arrangements and to report to the General Assembly at its thirty-fifth session."

6. In the conduct of its work, the Ad Hoc Working Group, at its first meeting, on 25 April 1980, decided that all the documentations that were before the previous ad hoc working group established during the 1979 session be transmitted to the present Working Group. These documents were listed in document CD/SA/WP.1, 1/

7. Moreover, during the course of its deliberations, the Ad Hoc Working Group also had before it the following three working papers for its consideration:

(a) A working paper by the Chairman, entitled "Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons: A. Scope and nature of the arrangements" (CD/SA/WP.2); 2/

1/ See Annex A of this report.

2/ See Annex B of this report.

(b) A working paper by Pakistan, entitled "Possible draft resolution for adoption by United Nations Security Council as an interim measure on 'Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons'" (CD/120; CD/SA/WP.3); 3/

(c) A working paper by Bulgaria, entitled "Forms of the arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons" (CD/SA/WP.4). 4/

III. Substantive Negotiations

8. The Working Group took note of the extensive discussion which took place on the elements to be considered and negotiated on during the deliberations of the previous ad hoc working group. It took note, in particular, of the statement contained in the report of the previous ad hoc working group to the effect that "There was broad agreement that these elements can be divided into two general categories: A. Scope and nature of the arrangements, and B. Form of the arrangements, their number and binding character".

9. The Working Group decided to focus its attention primarily on the scope and nature of the arrangements on the understanding that an agreement on the substance of the arrangements could facilitate the agreement on the form.

10. In accordance with the decision mentioned above in paragraph 9, a working paper (CD/SA/WP.2) was submitted by the Chairman as a basis for negotiation. It contained the different formulas which appeared in the declarations of the nuclear-weapon States and in the proposals and ideas presented to or expressed by other States, and which had a direct bearing on the scope and nature of the arrangements.

11. Inconclusive examination was given to the different formulas which appeared in document CD/SA/WP.2 with a view to exploring ways and means of reaching agreement on a common formula acceptable to all which could serve as a basis for the conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. The in-depth analysis of these formulas considered in juxtaposition did help the Working Group to clarify and amplify the various positions and was able to detect areas of agreement and divergence.

12. There was agreement during the negotiations that the object of the arrangements should be to effectively assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. However, there were divergent views as to the scope of application. With regard to the scope of application two main questions were identified: (1) the criteria for the extension of the arrangements, (2) the exceptions associated with the right of self-defence.

3/ See Annex C of this report.

4/ See Annex D of this report.

13. Regarding the first question, the discussion revealed that different positions were maintained, namely:

- pending nuclear disarmament, a complete prohibition on the use of nuclear weapons;

- the extension of arrangements, pending a complete prohibition on the use of nuclear weapons, to all non-nuclear-weapon States without any condition or limitations;

- the extension of arrangements to all non-nuclear-weapon States which were not parties to the nuclear security arrangements of some nuclear Powers;

- the extension of arrangements to States which renounce the production and acquisition of nuclear weapons and which have no nuclear weapons on their territories or under their jurisdiction or control;

- the extension of arrangements to non-nuclear-weapon States parties to the non-proliferation Treaty or any other comparable internationally binding commitment not to acquire nuclear explosive devices (such as the Treaty of Tlatelolco);

- the extension of arrangements to non-nuclear-weapon States parties to a nuclear-weapon free zone.

14. As to the second question, divergent views were expressed in accordance with the declarations, proposals and other elements contained in Annex B of the Report.

15. The Working Group, subsequently, turned its attention to the question of the form of the arrangements. In this regard, a working paper was submitted by the delegation of Bulgaria entitled "Forms of the arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons" (CD/SA/WP.4). There was recognition that search should continue for a common approach acceptable to all which could be included in an international instrument of a legally binding character. In that connexion, notwithstanding the fact that there was once again no objection, in principle, to the idea of an international convention the difficulties involved were also pointed out. In this regard, no agreement was reached.

16. The Working Group further considered the question of interim arrangements. In this regard, a working paper was submitted by the delegation of Pakistan entitled "Possible draft resolution for adoption by United Nations Security Council as an interim measure on 'Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons'" (CD/SA/WP.3). During the discussion it was broadly suggested that a Security Council resolution might serve as a useful interim measure towards the effective international arrangements and pending agreement on the common approach mentioned in paragraph 15. It was also suggested that the value of such resolution would depend on its substance. On the latter question, different views were expressed.

IV. Conclusion and Recommendations

17. There was continuing recognition of the urgent need to reach agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. Negotiations on the substance of the arrangements further revealed the complex nature of the issues involved. Disappointment was expressed at the failure to make progress towards a common approach. Against this background, the question of interim arrangements was considered. The Working Group noted with interest the suggestion that upon the recommendation of the General Assembly, the Security Council might consider the question of concrete measures to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. It was, however, suggested that any interim arrangement should not be a substitute for the indispensable renewed efforts to reach agreement on a common approach acceptable to all which could be included in an international instrument of a legally binding character.

18. Accordingly, the Working Group recommends to the Committee on Disarmament to explore ways and means to overcome the difficulties encountered in the negotiations of the Working Group and to continue to negotiate at the beginning of its 1981 session with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

ANNEX A

COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on Security Assurances

CD/SA/WP.1
25 April 1980
Original: ENGLISH

List of Documents on the Question of Effective International Arrangements to Assure Non-Nuclear Weapon States Against the Use or Threat of Use of Nuclear Weapons

I. Official documents of the Committee on Disarmament

(1) CD/1 - containing General Assembly resolutions 33/72 A and B. (24 January 1979)

(2) CD/10 - submitted by Pakistan, entitled "Conclusion of an International Convention to Assure Non-Nuclear Weapon States against the Use of Threat of Use of Nuclear Weapons". (27 March 1979)

(3) CD/23 - submitted by Bulgaria, Czechoslovakia, German Democratic Republic, Hungary, Mongolia, Poland, Union of Soviet Socialist Republics, entitled "Draft international convention on the strengthening of guarantees of the security of non-nuclear States". (21 June 1979)

(4) CD/25 - submitted by Pakistan, entitled "Effective International Arrangements to Assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons". (26 June 1979)

(5) CD/27 - submitted by United States of America, entitled "Proposal for a CD Recommendation to the United Nations General Assembly Concerning the Security of Non-Nuclear-Weapon States against Nuclear Attack". (2 July 1979)

(6) CD/53 (Appendix II) - containing Report of the "Ad Hoc Working Group to consider and negotiate on, effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons" to the Committee on Disarmament (14 August 1979)

(7) CD/55 - containing General Assembly resolutions 34/84, 34/85 and 34/86. (5 February 1980)

(8) CD/77 - containing a decision of the Committee on Disarmament to establish an ad hoc working group to continue to negotiate with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. (17 March 1980)

II. A compilation of material for the use of members of the ad hoc working group established by the Committee on Disarmament on 5 July 1979 to consider and negotiate on effective international arrangements to assure non-nuclear weapon States against the use or threat of use of nuclear weapons.

(1) Statements made at the plenary and ad hoc committee meetings of the tenth special session of the General Assembly devoted to disarmament;

(2) Statements made at the plenary and the First Committee of the thirty-third sess of the General Assembly

(a) Plenary

(b) First Committee (General)

(c) First Committee (Soviet Draft Convention);

(3) Declarations made by the five nuclear weapon States containing assurances not to use nuclear weapons against non-nuclear weapon States;

(4) Security Council resolution 255 (1968);

(5) General Assembly resolutions on the non-use of nuclear weapons;

(6) Resolution on security assurances adopted by the Non-nuclear Weapon States Conference of 1968;

(7) Part of the 1975 NPT Review Conference Final Document, relevant to security assurances.

(8) Final Document of the tenth special session of the General Assembly devoted to disarmament, paragraphs 56-59 on security assurances.

(9) Addendum and supplement to the Compilation.

III. A compilation of statements made on the question of effective international arrangements to assure non-nuclear weapon States against the use or threat of use of nuclear weapons during the thirty-fourth session of the General Assembly

IV. Unofficial transcriptions of the proceedings of the ad hoc working group on security assurances

(i) Unofficial transcriptions of seven meetings of the ad hoc working group during 1979

ANNEX B

COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on Security Assurances

CD/SA/WP.2
25 June 1980
Original: ENGLISH

Effective international arrangements to assure non-nuclear weapon States against the use or threat of use of nuclear weapons

A. Scope and nature of the arrangements

I. Elements contained in the declarations made by the nuclear-weapon States

(1) China: "Complete prohibition and total destruction of nuclear weapons are essential for the elimination of nuclear war and nuclear threats. We are aware that its realization is no easy matter. This being the case, we hold that the nuclear-weapon States should at least undertake not to use or threaten to use nuclear weapons against the non-nuclear-weapon States and nuclear-free-zones. On its own initiative and unilaterally, China long ago declared that at no time and in no circumstances would it be the first to use nuclear weapons." 1/

(2) France: To negotiate with nuclear-free zones participants in order to contract effective and binding commitments, as appropriate, precluding any use or threat of use of nuclear weapons against the States of these zones.

(3) USSR: To offer a binding commitment in a new international convention not to use or threaten to use nuclear weapons against non-nuclear States parties to such a convention which renounce the production and acquisition of nuclear weapons and which have no nuclear weapons in their territory or under their jurisdiction or control, and to consult whenever any party to the convention has reason to believe that the actions of any other party are in violation of this commitment. 2/

"The Soviet Union, for its part, wishes to state as emphatically as it can that we are against the use of nuclear weapons, that only extraordinary circumstances, only aggression against our country or its allies by another nuclear Power, could compel us to have recourse to that extreme means of self-defence. The Soviet Union is doing and will do all in its power to prevent the outbreak of a nuclear war and to protect the peoples from becoming the victims of nuclear strikes, whether initial or retaliatory. This is our steadfast policy, and we shall act in accordance with it." 3/

"I wish also solemnly to declare that the Soviet Union will never use nuclear weapons against those States which renounce the production and acquisition of such weapons and do not have them on their territory." 4/

(4) United Kingdom: Not to use nuclear weapons against States which are parties to the Non-Proliferation Treaty or other internationally binding commitments not to manufacture or acquire nuclear explosive devices except in the case of an attack on the United Kingdom, its dependent territories, its armed forces or its allies by such State ... in association or alliance with a nuclear-weapon State. 5/

(5) United States of America: Not to use nuclear weapons against any non-nuclear-weapon State party to the Non-Proliferation Treaty or any comparable internationally binding commitment not to acquire nuclear explosive devices, except in the case of an attack on the United States, its territories or armed forces or its allies by such a State allied to a nuclear-weapon State or associated with a nuclear-weapon State in carrying out or sustaining the attack. 6/

II. Elements contained in the proposals submitted to the previous Ad Hoc Working Group established during the 1979 session by:

(1) Pakistan: 7/

"Article I

The nuclear-weapon States Parties to this Convention, as a first step towards the complete ban on the use or threat of use of nuclear weapons, pledge themselves not to use or threaten to use nuclear weapons against non-nuclear-weapon States not parties to the nuclear security arrangements of some nuclear-weapon States.

This undertaking is without prejudice to the obligations of States Parties to this Convention arising from treaties establishing nuclear-weapon-free zones.

Article II

The nuclear-weapon States Parties to this Convention also undertake to avoid the possibility of the use or threat of use of nuclear weapons in any contingency and to achieve nuclear disarmament, resulting in the complete elimination of nuclear weapons, in the shortest possible time."

(2) Bulgaria, Czechoslovakia, German Democratic Republic, Hungary, Mongolia, Poland, Union of Soviet Socialist Republics: 8/

"Article I

The nuclear-weapon States Parties to this Convention pledge themselves not to use or threaten to use nuclear weapons against non-nuclear States Parties to this Convention which renounce the production and acquisition of nuclear weapons and which have no nuclear weapons in their territory or anywhere under their jurisdiction or control, on land, on the sea, in the air or in outer space.

Article II

The obligation set forth in article I of this Convention shall extend not only to the territory of non-nuclear States Parties, but also to the armed forces and installations under the jurisdiction and control of such States wherever they may be, on land, on the sea, in the air or in outer space."

(3) United States of America: 9/

"The General Assembly,

.....

1. Welcomes the declaration of the nuclear-weapon States providing assurances to non-nuclear-weapon States with respect to the use of nuclear weapons;

2. Takes note of the following undertakings by each of the five nuclear powers;

.....

3. Recognizes these solemn declarations as important contributions to strengthening international peace and security."

III. Other elements expressed at the previous Ad Hoc Working Group established during the 1979 session 10/

(1) "Extension of arrangements to all non-nuclear-weapon States without any condition or limitations."

(2) "Pending nuclear disarmament, a general ban on the use or the threat of use of nuclear weapons and the non-use of force in international relations would be the most effective guarantee for the security of non-nuclear-weapon States."

Footnotes

1/ See CD/PV.53, p.25.

2/ See Effective International Arrangements to Assure Non-Nuclear Weapon States Against the Use or Threat of Use of Nuclear Weapons: A Compilation of Material, Part III; also see CD/27, pp.3-4.

3/ Speech by President Brezhnev of the Soviet Union at the XVIII Congress of KOMSOMOL on 25 April 1978.

4/ Speech by President Brezhnev in Berlin on the occasion of the 30th anniversary of the German Democratic Republic, 6 October 1979.

5/ See footnote 2/ above.

6/ Ibid.

7/ See CD/10, pp. 1-2.

8/ See CD/23, pp. 1-2.

9/ See CD/27, pp. 3-4.

10/ See Report of the Committee on Disarmament, Official Records of the General Assembly; Thirty-Fourth Session, Supplement No. 27 (A/34/27), p.28, paragraph 10.

ANNEX C

COMMITTEE ON DISARMAMENT
Ad Hoc Working Group on Security Assurances

CD/SA/WP.3
CD/120
17 July 1980

Original: ENGLISH

PAKISTAN: WORKING PAPER

Possible draft resolution for adoption by United Nations Security Council as an interim measure on "Effective international arrangements to assure non-nuclear weapon States against the use or threat of use of nuclear weapons"

The Security Council,

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

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

Deeply concerned at the continuation of the arms race, in particular the nuclear arms race, and the possibility of the use or threat of use of nuclear weapons,

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

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

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

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

Welcoming the negotiations underway in the Committee on Disarmament on the item entitled "effective international arrangements to assure non-nuclear weapon States against the use or threat of use of nuclear weapons",

Noting the report of the Committee on Disarmament,

Further noting the general support expressed in the Committee on Disarmament and in the United Nations General Assembly for the elaboration of an international convention to assure non-nuclear weapon States against the use or threat of use of nuclear weapons,

Acting under the provisions of Chapter VII of the Charter in response to the threat to peace posed by the possibility of the use or threat of use of nuclear weapons:

1. Calls upon those States possessing nuclear weapons to undertake not to use or threaten to use nuclear weapons against non-nuclear weapon States under any circumstances;

2. Urges the Committee on Disarmament to pursue negotiations for this purpose and conclude, without delay, a binding international instrument to assure non-nuclear weapon States against the use or threat of use of nuclear weapons;

3. Decides to remain seized of this matter.

ANNEX D

COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on Security Assurances

CD/SA/WP.4
17 July 1980

Original: ENGLISH

DELEGATION OF BULGARIA

WORKING PAPER

Forms of the arrangements to assure non-nuclear weapon States against the use or threat of use of nuclear weapons

I. Unilateral non-use declarations

1. Several individual declarations on non-use of nuclear weapons have been made by nuclear weapon States in connexion with the Special Session of the General Assembly devoted to disarmament. Some of these undertakings are regarded as negative security guarantees already in force, which is deemed as a contribution to further strengthening of the security of the non-nuclear weapon States.

One of these declarations provides for security guarantees for those non-nuclear weapon States that do actually have clear non-nuclear status in all its aspects. Other pledges contain certain conditions envisaging possible non-use exemptions, which language seems to be too open to subjective interpretations. There is not much clarity in respect to the character and scope of application of the declaration made by one of the nuclear weapon States. The statement of another nuclear weapon State spells out only a readiness of that State to negotiate on non-use commitments in regard to the participants of nuclear-weapon-free zones.

The individual non-use declarations do not, of course, impose obligations, in terms of their legal validity, which the nuclear States would be assuming by entering into multilateral or bilateral agreements. Even if they are regarded binding, and not only statements of current governmental policy, these assurances are however, in the present form, quite divergent in their nature and qualifications. To qualify now for all non-use undertakings of nuclear Powers a non-nuclear State must meet a set of not uniform requirements, some of which are quite remote from ensuring clear non-nuclear status of that State and its territory. We have, therefore, at present, a system of individual negative security guarantees, which is considered not to possess the maximum credibility and effectiveness, that could be actually achieved.

In paragraph 59 of the Final Document, the General Assembly took note of the declarations made by the nuclear States and urged them to pursue efforts to conclude, as appropriate, effective arrangements to assure non-nuclear weapon States against the use or threat of use of nuclear weapons.

2. Identical non-use declarations made by each nuclear State could also be considered as a possible form of negative security guarantees, provided that the existing unilateral undertakings might be successfully reconciled into a common non-use formula.

II. International convention with uniform non-use formula

If the negative security guarantees are to be extended in the most effective and credible form an international convention containing a uniform non-use formula has to be elaborated. Invested in a convention, which is to be ratified by all nuclear States, the common non-use undertaking would have a binding legal force. The qualifications and possible conditions stipulated in it would then be common for the guarantees of all nuclear States, thus making it easier for the non-nuclear States to qualify for them simultaneously. As parties to a convention the nuclear States would assume commitments not only towards non-nuclear weapon States, but among themselves as well, additionally enhancing in this way their mutual confidence. Not a single nuclear State would thus be at a disadvantage since it would enter equally into legally binding obligations. In the form of an international convention the arrangements to assure non-nuclear weapon States against the use or threat of use of nuclear weapons would provide for greater precision as to the rights and obligations of both nuclear and non-nuclear weapon States. The latter would be in a position to participate equally in the process of elaboration of the provisions of the convention, thus contributing to the effectiveness and credibility of the guarantees to be agreed upon. The non-nuclear States that are to be assured should also be parties to the convention. This is a minimal requirement which is in keeping with the customary international law practice, according to which rights and obligations provided for in a treaty could be imposed only to the parties of that treaty. Such a State would not have to do anything but strictly observe its clear non-nuclear status in all its aspects.

A provision should be also made in the convention as to the right of its parties, and in particular, the right of the non-nuclear States to secede from the agreement. Should a State party decide that exceptional circumstances, relating to the content of the convention, have placed its highest security interests in jeopardy, it should be able to secede from it. The provision for an easy procedure of secession would once again demonstrate that having the privilege to be guaranteed is a totally voluntary act.

The fact that, as it is stated in the 1979 report of the Committee on Disarmament to the General Assembly, there is no objection, in principle, to the idea of an international convention, is indicative that the search for a common approach aimed at the elaboration of an international instrument of legally binding character with a uniform non-use formula should continue and be further encouraged.

III. Security Council resolution

1. A Security Council resolution containing one uniform non-use formula or identical declarations to be made by each nuclear State is also a possible form of enhancing the binding character of the existing negative assurances. To provide for an additional credibility and effectiveness such a resolution could explicitly state that the declarations are of binding legal character for the nuclear States. The difficulties to arrive at an agreement on a uniform non-use formula or identical declarations, however, remain here the same as in the case of a convention.

2. A Security Council resolution containing or referring to the non-use declarations already made would fail to remedy the shortcomings of the present system of negative guarantees due to their divergent nature, qualifications and conditions. Such a resolution could serve, however, as an interim arrangement that would enhance the binding force of the existing non-use assurances until more effective international arrangements are concluded, in accordance with paragraph 59 of the Final Document. It might to a greater extent promote the achievement of this purpose if the Security Council spells out the willingness of each nuclear State to take action to contribute to the elaboration of, and to conclude, more effective international arrangements, preferably a convention, to assure non-nuclear weapon States against the use or threat of use of nuclear weapons. It must be clear, however, that such an interim step would not remove the need of an international arrangement of a conventional type.

3. A Security Council resolution taking note only of the individual non-use declarations made so far would be of a marginal use since the General Assembly has already done so through its Final Document.

* * *

The delegation of Bulgaria strongly supports the idea of an international convention with the participation, on one hand, of nuclear States that are prepared to extend uniform non-use guarantees, and on the other hand, interested non-nuclear weapon States which renounce the production and acquisition of nuclear weapons and do not have such weapons in their territories. In order to contribute to this effect, Bulgaria has sponsored, together with a group of socialist countries, a draft convention contained in document CD/23. At the same time, we are also prepared to consider other parallel proposals, including possible interim arrangements, with a view to working out an approach acceptable to all.

CD/153
18 February 1981

Original: ENGLISH

BULGARIA

WORKING PAPER

EFFECTIVE INTERNATIONAL ARRANGEMENTS TO ASSURE NON-NUCLEAR-WEAPON STATES AGAINST THE USE OR THREAT OF USE OF NUCLEAR WEAPONS

The General Assembly of the United Nations, in its resolution 35/154, "welcomes the conclusion of the Committee on Disarmament, that there is continuing recognition of the urgent need to reach agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons"

In the same resolution, the United Nations General Assembly "requests the Committee on Disarmament to continue on a priority basis, during its session in 1981, the negotiations on the question of strengthening the security guarantees of non-nuclear-weapon States". Similarly, in its resolution 35/155, the United Nations General Assembly "recommends that the Committee on Disarmament should actively continue negotiations with a view to reaching agreement and concluding effective international arrangements during its next session to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, taking into account the widespread support for the conclusion of an international convention and giving consideration to any other proposals designed to secure the same objective". As stated in the report of the Ad Hoc Working Group on Negative Security Assurances (CD/125, para. 18), which is an integral part of the report of the Committee on Disarmament for its 1980 session, "the Working Group recommends to the Committee on Disarmament to explore ways and means to overcome the difficulties encountered in the negotiations of the Working Group and to continue to negotiate at the beginning of its 1981 session with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons".

Accordingly, the Bulgarian delegation shares the view that the Committee on Disarmament should continue on a priority basis the negotiations in its Ad Hoc Working Group with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

In its proceedings the Working Group should take into account the evolution as reflected in its report for the 1980 session (CD/125), and more specifically, its paragraph 15 which states, inter alia, that "There was recognition that search should continue for a common approach acceptable to all which could be included in an international instrument of a legally binding character".

In pursuing its efforts to examine further all aspects of the problems related to the speedy elaboration of an international convention, the Ad Hoc Working Group could explore in parallel the possibility of reaching agreement on an interim measure, which would contribute to strengthening the security guarantees for the non-nuclear-weapon States and facilitate the search for a common approach to concluding such a convention.

The examination of the substance of negative security assurances undertaken in 1980 was inconclusive, as was pointed out in paragraph 11 of the report of the Working Group (CD/125). The Bulgarian Delegation believes, therefore, that the Ad Hoc Working Group should continue to examine at the current session the formulations that have been or may be proposed, relating to non-use of nuclear weapons against non-nuclear-weapon States with a view to identifying their common elements. An effort could then be made to evolve the basic elements of a common formula to be included in an international instrument of a legally binding character, or of a general basis for identical in substance declarations, which the nuclear-weapon States might wish to make solemnly on their own initiative, taking into due account the results achieved in the negotiations.

Such a course of action would help, inter alia, implement resolution 35/154, in which the United Nations General Assembly "calls upon all nuclear-weapon States to make solemn declarations, identical in substance, concerning the non-use of nuclear weapons against non-nuclear States having no such weapons on their territories, as a first step towards the conclusion of an international convention". In this regard, the opportunity that the period prior to and during the Second Special Session of the United Nations General Assembly on Disarmament offers, could bring about a step forward in the efforts to strengthen effectively the security guarantees for the non-nuclear-weapon States in accordance with paragraph 59 of the Final Document of the First Special Session.

As regards the need to enhance internationally such identical in substance declarations, the United Nations General Assembly in its resolution 35/154 recommends that the Security Council should examine declarations which may be made by

nuclear-weapon States regarding strengthening the security guarantees for non-nuclear weapon States and, if all these declarations are found to be consistent with the above-mentioned objective, should adopt an appropriate resolution approving them. Views could, therefore, be exchanged in the Committee on Disarmament and in the Ad Hoc Working Group as to the parameters that such an approval should have, in accordance with the United Nations Charter and the Security Council practice. The adoption of any interim measure, however, should not be construed as a substitute for an agreement on a common approach acceptable to all, which could be included in an international convention on strengthening the guarantees of the security of the non-nuclear-weapon States. The Bulgarian delegation believes that substantial progress on this item could be made if all Member States of the Committee on Disarmament, in particular the nuclear-weapon States, pursue constructive approach and display maximum flexibility with a view to arriving at a solution acceptable to al

CD/161
4 March 1981

Original: ENGLIS

PAKISTAN: WORKING PAPER

Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons

1. During the last two years, the ad hoc working group established by the Committee on Disarmament to reach agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, has examined both the nature and the form of such assurances. Some progress has been made in these negotiations. As regards the form of the assurances, there is no objection, in principle, to the proposed international convention although the difficulties have also been pointed out. As for the nature or substance of the assurances, the report of the ad hoc working group last year (CD/125*) which was adopted by the Committee on Disarmament, recognized, in its paragraphs 15 and 17, the need to reach agreement on a "common approach acceptable to all which could be included in an international instrument of a legally binding character".

2. The Pakistan delegation considers that during the 1981 session, the ad hoc working group should devote attention in the first instance to the possibilities of evolving such a "common approach" or a "common formula" on the substance of the assurances to non-nuclear-weapon States. Once agreement is reached on such a common approach it would become much easier to reach concensus on the form in which this should be embodied.

3. The efforts to evolve a common approach have not made substantive progress so far primarily because it has remained restricted to examination of the unilateral declarations made by the nuclear-weapon States. It would be more productive if the ad hoc working group were to explore all possible alternatives with an open mind and record the areas of agreement as well as differences on each of the available options.

4. Without prejudice to its own position on the subject, the Pakistan delegation considers that there are at least five distinct alternatives which can be explored in the search for a "common approach" or "formula"

A. A categorical assurance by the nuclear-weapon States to all non-nuclear-weapon States not to use or threaten to use nuclear weapons against them

5. This form of an assurance would respond most effectively to the demands of the non-nuclear-weapon States for clear and unambiguous assurances against the danger of the use or threat of use of nuclear weapons. Unfortunately, only one nuclear-weapon State has so far expressed its readiness to extend such a categorical and unconditional assurance. The ad hoc working group should examine whether other nuclear-weapon States would find it possible to review their positions and also extend such categorical assurances to all non-nuclear-weapon States.

GE.81-60567

B. A categorical assurance by the nuclear-weapon States to all non-nuclear-weapon States not to use or threaten to use nuclear weapons against them with accompanying interpretative statements by each nuclear-weapon State

6. The security assurances provided under Additional Protocol II of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco) provides a precedent which could be used to evolve a common approach on the question of security assurances. Under this Protocol, now ratified by all five nuclear-weapon States, they have undertaken not to use or threaten to use nuclear weapons against the non-nuclear-weapon States members of the nuclear weapon free zone in Latin America. The ratification of the Protocol was, however, accompanied by statements by individual non-nuclear-weapon States as regards such matters as the viability of the zone, the policies of the individual non-nuclear-weapon States, the question of transit of nuclear weapons, etc.

7. In the case of non-use assurances at the universal level, a similar procedure could be adopted, i.e. a categorical assurance could be given by the nuclear-weapon States to all non-nuclear-weapon States (either in an international convention, a Security Council resolution or some other international instrument) and be accompanied by interpretative statements containing the reservations or limitations stipulated by each nuclear-weapon State on such questions as are reflected in their present unilateral declarations.

C. A common formula for security assurances containing such conditions and limitations as may be raised in the negotiations in the Committee on Disarmament and agreed upon by all concerned

8. Another approach which has yet to be explored is the possibility of the Committee on Disarmament itself negotiating the precise conditions and limitations that should be an integral part of a "common formula" on security assurances. This would involve leaving aside the existing unilateral declarations and examining de nova what, if any, conditions and limitations are:

(a) necessary to safeguard the security of nuclear-weapon States; and

(b) acceptable to other nuclear-weapon States and the non-nuclear-weapon States.

In this context consideration could be given to formulations such as the one contained in the statement by President Brezhnev of the Soviet Union at the XVIII Congress of KOMSOMOL of 25 April 1978.

D. A common formula which could reconcile the conditions and limitations contained in the existing unilateral declarations of the nuclear-weapon States

9. This is the approach which the ad hoc working group pursued during its 1980 session. As established during these deliberations, the conditions and limitations contained in the unilateral declarations of the nuclear-weapon States can be broadly characterized into two kinds:

- First, those relating to the non-nuclear-weapon status of the States to be given security assurances; and

- Second, those pertaining to situations in which some of the nuclear-weapon States retain the right to retaliate with nuclear weapons against even non-nuclear-weapon States.

10. The first condition is a question of general principle which will perhaps require a decision in relation to all the various alternatives enumerated in this paper. The crux of the difficulty in reconciling the existing unilateral declarations of the nuclear-weapon States is the second kind of consideration which emanates from the subjective perceptions of each nuclear-weapon State about its national security interest. So far, it has not proved possible to reconcile the individual positions of the nuclear-weapon States because none of them has been prepared to change or modify its position in the least in order to accommodate each other's position or that of the non-nuclear-weapon States. Pakistan has suggested a compromise formula (CD/10) which reflects a sincere effort to accommodate the positions of the nuclear Powers while at the same time taking into account the preoccupations of the non-nuclear-weapon States. This approach could be examined more closely and refined further through negotiations in the ad hoc working group. At the same time, other ideas, if any, to reconcile the positions in the unilateral declarations could also be explored.

E. The investiture of more formal and legal status to the existing unilateral declarations of the nuclear-weapon States

11. Certain delegations have expressed the view that the position of the nuclear-weapon States as reflected in their unilateral declarations cannot be reconciled. They have, therefore, suggested that the existing unilateral declarations could be given more formal status and legal character by having them "noted" in a resolution of the Security Council. Another possibility advanced is that each of the nuclear-weapon States should formally "deposit" its unilateral declaration with the United Nations Secretary-General and that this would give the declaration a binding legal character. These proposals could be further examined although certain non-nuclear-weapon States feel that such an action would not respond to the criteria of effectiveness or the international character required of assurances to non-nuclear-weapon States.

12. Once the ad hoc working group has reviewed the above-mentioned alternatives of evolving a common approach, it could then turn to a further examination of the form of the international instrument in which a "common approach" could be embodied. The alternative forms of an international instrument are: (a) an international convention open to all States, nuclear and non-nuclear; (b) an international convention or agreement between the five nuclear-weapon States; (c) a resolution of the Security Council; and (d) some other international "arrangement" which would have "a legal and binding character".

13. The possibility of adopting interim arrangements pending agreement on a common approach is an option which should be explored only after a genuine and in-depth effort has been made to evolve such a common approach. In fact, some of the alternatives identified above have been suggested as possible interim arrangements. In the view of the Pakistan delegation, all such proposals will have to be examined against the criteria of whether they would constitute a meaningful advance towards agreement on an effective and credible international instrument to assure the non-nuclear-weapon States against the use or threat of use of nuclear weapons.

CD/177
10 April 1981

Original: ENGLISH

UNITED KINGDOM WORKING PAPER ON THE SUBJECT OF EFFECTIVE INTERNATIONAL ARRANGEMENTS TO ASSURE NON-NUCLEAR-WEAPON STATES AGAINST THE USE OR THREAT OF USE OF NUCLEAR WEAPONS

Introduction

The United Kingdom gave Non-Nuclear-Weapon States (NNWS) an assurance about their security from nuclear attack during the United Nations Special Session on Disarmament in 1978. Other Nuclear Weapon States (NWS) also gave such assurances. Since that time, the subject of effective international arrangements to assure NNWS against the use or threat of use of nuclear weapons has been extensively discussed at the United Nations, at the second Non-Proliferation Treaty Review Conference and especially in the Committee on Disarmament. The purpose of this paper is to provide a clear explanation of the position of the British Government.

United Kingdom Assurance to Non-Nuclear-Weapon States

On 2 June 1978 the then Prime Minister, Mr. James Callaghan, addressing the United Nations Special Session on Disarmament, spoke about the question of undertakings to limit the use of nuclear weapons. He noted that: "It is my country's long-established policy that these weapons should never be used except in self-defence under the most extreme circumstances." He went on to add:

> "I recognize, however, that States which have renounced nuclear weapons are entitled to look for some specific assurance that nuclear weapons will not be used against them. My country acknowledges these expectations and wants action to meet them. In February we proposed that the matter should be considered at this Special Session."

On 27 June 1978, in Parliament, the then Secretary of State for Foreign and Commonwealth Affairs, referring to the Prime Minister's statement, gave a formal assurance which was repeated the next day at the United Nations Special Session by the Leader of the United Kingdom Delegation. The text of the assurance was as follows:

> "The United Kingdom is now ready formally to give such an assurance. I accordingly give the following assurance, on behalf of my Government, to non-nuclear-weapon States which are parties to the Non-Proliferation Treaty or to other internationally binding commitments not to manufacture or acquire nuclear explosive devices: Britain undertakes not to use nuclear weapons against such States except in the case of an attack on the United Kingdom, its dependent territories, its armed forces, or its allies by such a State in association or alliance with a nuclear-weapon State."

On 12 August 1980 this assurance was reaffirmed at the second Review Conference of the Non-Proliferation Treaty (NPT) by the Minister of State for Foreign and Commonwealth Affairs. It remains in effect, and unchanged.

Scope of the United Kingdom Assurance

The United Kingdom assurance is therefore fully in force and extends to Non-Nuclear-Weapon States which are parties to the Non-Proliferation Treaty or to other internationally binding commitments not to manufacture or acquire nuclear explosive devices. Such States are required to accept safeguards administered by the International Atomic Energy Agency on all their peaceful nuclear activities. By thus accepting the Non-Proliferation Treaty and IAEA safeguards, three quarters of the world's States have made an effective demonstration that they are indeed Non-Nuclear-Weapon States. This is one reason why the United Kingdom assurance is extended only to States which have accepted these obligations.

The other reason is that the United Kingdom wishes to recognize the obligations undertaken by Non-Nuclear-Weapon States parties to the Non-Proliferation Treaty or other similar internationally binding commitments. In doing so, the United Kingdom believes it is supporting non-proliferation objectives to which the international community is committed.

The United Kingdom approach to the issue of scope differs from that proposed in the two draft Conventions placed before the Committee on Disarmament by Pakistan and the Soviet Union. The draft Convention proposed by Pakistan would require Nuclear-Weapon States to give assurances to "non-nuclear-weapon States not parties to the nuclear security arrangements of some nuclear-weapon States". This formulation appears to present two main difficulties. First, because it does not extend the assurance only to NNWS which have clearly demonstrated their NNWS status by accepting safeguards, either by virtue of their adherence to the NPT or to a similar internationally binding commitment not to manufacture or acquire nuclear explosive devices. Secondly, because there is, in the United Kingdom's view, no reason why such NNWS which are party to the nuclear security arrangements of some NWS should not benefit from the United Kingdom security assurance providing only that they do not attack the United Kingdom, its dependent territories, its armed forces or its allies in association or alliance with a NWS. Moreover, it would not be easy to determine which States are party to the nuclear security "arrangements" of some "Nuclear-Weapon States. By contrast, the scope of the United Kingdom assurance is based on the readily understandable and discoverable criterion of adherence to the NPT or a similar commitment.

The draft Convention proposed by the Soviet Union and other countries would require Nuclear-Weapon States to give assurances to "non-nuclear States Parties to this Convention which renounce the production and acquisition of nuclear weapons and which have no nuclear weapons in their territory or anywhere under their jurisdiction or control, on land, on the sea, in the air or outer space". This formulation gives rise to a number of difficulties.

First, there is again no clear definition of a Non-Nuclear-Weapon State comparable to that contained in the United Kingdom assurance. Second, the assurance proposed by the Soviet Union speaks of "nuclear weapons" rather than "nuclear explosive devices". The latter term is preferable, since it clearly covers both nuclear weapons and allegedly peaceful nuclear explosive devices. The necessity for covering both types of device was recognized in the drafting of the Non-Proliferation Treaty.

Third, and especially important, is the non-stationing requirement in the Soviet draft. To benefit from the proposed assurance, Non-Nuclear-Weapon States must not only renounce the production and acquisition of nuclear weapons but also have no nuclear weapons on their territory. There is no indication of how it would be

possible to verify that there were no nuclear weapons in the territory of a State or anywhere under its jurisdiction or control. Moreover, this requirement would mean that countries whose non-nuclear weapon status is now internationally recognized in the context of their adherence to the Non-Proliferation Treaty would no longer be recognized as such in the context of security assurances. For example, the Soviet Union and its allies accept that some countries in Western Europe which have] nuclear weapons controlled by a Nuclear-Weapon State on their territories are Non-Nuclear-Weapon States in the Non-Proliferation Treaty context. It is inconsistent that they should be denied non-nuclear status in the context of negative security assurances.

Substance of United Kingdom Assurance

The United Kingdom assurance contains only one qualification; it will cease to apply to a Non-Nuclear-Weapon State which would otherwise be covered "in the case of an attack on the United Kingdom, its dependent territories, its armed forces or its allies by such a State in association or alliance with a Nuclear-Weapon State". Clearly this does not diminish the value of the assurance in any way for States whose intentions are peaceful. Indeed the assurance will still apply to States which actually enter into conflict with the United Kingdom, provided they are not allied to or associated with a Nuclear-Weapon State.

Questions have been raised concerning who would judge whether an "attack" by a Non-Nuclear-Weapon State was in progress and, if it was, whether that Non-Nuclear-Weapon State was "in association" or "alliance" with a Nuclear-Weapon State. The United Kingdom believes that in practice it will be obvious to all if an attack by a Non-Nuclear-Weapon State is in progress and whether that Non-Nuclear-Weapon State is acting in association or alliance with a Nuclear-Weapon State. But in the last analysis decisions like these would have to be made by the United Kingdom taking account of its own security interests.

It may be doubted whether any assurance is possible that would be free of the need for interpretation. As pointed out above, for example, there are a number of obscurities in the draft Conventions proposed by Pakistan and the Soviet Union. Moreover, the draft Convention proposed by the Soviet Union and its allies includes a general withdrawal clause on the grounds of supreme national interest. Such a clause increases uncertainty about the precise circumstances in which the assurance would fail to operate. The United Kingdom assurance clearly spells out the very limited conditions in which it would no longer apply.

Form of the United Kingdom Assurance

Much of the discussion about security assurances has been concerned with the possibility of making them "legally binding". The United Kingdom has always made it clear that its assurance was solemnly and formally given. It has also expressed willingness to explore ways in which its assurance could be included in an acceptable legally binding instrument. Although an international convention would in principle be acceptable, the practical difficulties involved in agreeing a uniform assurance have so far seemed insurmountable.

In these circumstances attention has focussed on the possibility of enhancing the political status of the various assurances given by Nuclear-Weapon States. The United Kingdom doubts the need for any such enhancement of its own assurance since it already regards it as a solemn undertaking. As has been constantly stressed, the assurance took effect immediately it was given. There is no requirement for Non-Nuclear-Weapon States, in order to benefit from the assurance, to conclude a bilateral agreement, to adhere to a yet-to-be-concluded convention, or for there to be some other form of joint action by the Nuclear-Weapon States.

Despite these considerations, the United Kingdom remains ready to consider whether an acceptable and practical method can be found of enhancing the legal or political status of its assurance if this is thought to be necessary.

Conclusion

The United Kingdom continues to believe that there are compelling reasons for maintaining the scope and substance of its own assurance. The United Kingdom assurance is designed to support non-proliferation efforts and particularly the NPT, a treaty accepted by the large majority of the international community. The United Kingdom undertaking is clear in its terms, and it provides assurances which should meet the concerns of all States respecting the integrity of others according to the principles of the United Nations Charter. It was solemnly given and is regarded by the United Kingdom as being of the greatest political importance.

COMMITTEE ON DISARMAMENT

CD/207
6 August 1981
Original: CHINESE

CHINA

Working Paper
On the Question of Security Assurances

* * *

I. China's position on the question of providing security assurances by nuclear-weapon States to non-nuclear-weapon States has been time and again explained at various meetings of the United Nations, the Committee on Disarmament and the Ad Hoc working group. Allow me here to briefly recall our consistent position on this question.

As early as 1963, the Chinese Government issued a statement proposing the complete prohibition and total destruction of nuclear weapons.

In order to break the nuclear monopoly, China tested its first atomic bomb in 1964. On the day the test succeeded, the Chinese Government reiterated the above position and declared that China would never at any time and under any circumstances be the first to use nuclear weapons, nor would it use them against non-nuclear-weapon States and nuclear-free zones.

In his statement on 29 May 1978, at the First Special Session of the United Nations General Assembly devoted to Disarmament, Mr. Huang Hua, the Foreign Minister of China, stated that, in order to reduce the threat of nuclear war to small and medium-sized countries, a measure of urgency is for all nuclear-weapon States to undertake not to use or threaten to use nuclear weapons against the non-nuclear weapon States and nuclear-free zones.

At the plenary meeting of the Committee on Disarmament on 5 February 1980, Mr. Zhang Wenjing, Vice Minister of Foreign Affairs of China, pointed out that the complete prohibition and total destruction of nuclear weapons are essential for the elimination of nuclear war and nuclear threat. We are aware that its realization is no easy matter. This being the case, the nuclear-weapon States should at least undertake not to use or threaten to use nuclear weapons against the non-nuclear-weapon States and nuclear-weapon-free zones.

From this recapitulation it can be clearly seen that, on its own initiative and unilaterally, the Chinese Government declared long ago that it would unconditionally undertake not to use or threaten to use nuclear weapons against non-nuclear-weapon States and nuclear-weapon-free zones.

In August 1973, China signed the Additional Protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America, thereby undertaking not to use or threaten to use nuclear weapons against the Nuclear-Weapon-Free Zone and the non-nuclear-weapon States of Latin America.

II. According to the above position, the Chinese delegation holds that it is legitimate and reasonable for the numerous non-nuclear-weapon States to oppose nuclear threats and to require that security assurances be provided by nuclear-weapon States and that all the nuclear-weapon States should undertake not to use or threaten to use nuclear weapons against them.

It has been our consistent view that the fundamental security guarantees to be provided by the nuclear-weapon States to the non-nuclear-weapon States should be the complete prohibition and total destruction of nuclear weapons. However, as the nuclear-weapon States have hitherto failed to provide such guarantees, they should at least give the non-nuclear-weapon States negative security assurances, that is, the unconditional commitment not to use or threaten to use nuclear weapons against them.

Should the nuclear-weapon States, in providing such negative assurances, impose various requirements and conditions on the non-nuclear-weapon States, would this not be tantamount to demanding security assurances from the non-nuclear-weapon States?

In fact, it is the two superpowers with their enormous nuclear arsenals that pose a serious threat to the security of non-nuclear-weapon States. The non-nuclear-weapon States lack adequate defence capabilities, therefore, the nuclear-weapon States have the obligation to give the non-nuclear-weapon States negative security assurances. This obligation cannot be shirked under any pretext whatsoever. Pending the realization of nuclear disarmament, this should be the least the nuclear-weapon States undertake to do towards the non-nuclear-weapon States.

III. Except for a few States, the overwhelming majority of States have, in one way or another, assumed the obligation not to produce or acquire nuclear weapons. Although some States have reached the necessary scientific and technological levels to manufacture nuclear weapons, they still abide by such obligations. Some nuclear-weapon States, while totally disregarding their own vertical nuclear proliferation and continuously expanding their own nuclear arsenals, clamour to prevent horizontal nuclear proliferation among the non-nuclear-weapon States, and even attempt to deprive them of the right to the peaceful use of nuclear energy or seek to restrict such a right. This is obviously unfair and is an infringement on the sovereign rights of States. As the superpowers are constantly expanding

their nuclear arsenals and carrying out nuclear threats, it is only by halting vertical nuclear proliferation that horizontal nuclear proliferation can be prevented. This is self-evident.

China is opposed to major power nuclear monopoly. Like many other peace-loving countries, China does not advocate or encourage nuclear proliferation. And we are emphatically opposed to any production of nuclear weapons by racists and expansionists such as South Africa and Israel.

To sum up, negative security assurances given by the nuclear-weapon States to non-nuclear-weapon States are only a transitional measure to be adopted pending nuclear disarmament. The nuclear-weapon States should recognize the fact that the non-nuclear-weapon States find themselves menaced by the danger of nuclear war and nuclear threat, and that it is the strong demand of the peoples of the world that the superpowers halt the arms race and carry out nuclear disarmament. The nuclear-weapon States should unconditionally guarantee not to use or threaten to use nuclear weapons against the non-nuclear-weapon States without further delay and, at the same time, they should take effective measures to carry out nuclear disarmament until the ultimate goal of complete prohibition and total destruction of nuclear weapons is achieved.

Finally, the Chinese delegation reiterates that China has unilaterally undertaken the unconditional commitment not to use or threaten to use nuclear weapons against non-nuclear-weapon States and suggests that, when an international convention on security assurances is elaborated, the inclusion of such commitments should be taken into consideration. We are also prepared to work together with other delegates in the CD in a continued effort to search for a common formula of security assurances which will conform to the requirements of the non-nuclear-weapon States and will be acceptable to all the nuclear-weapon States.

COMMITTEE ON DISARMAMENT

CD/215
14 August 1981

Original: ENGLISH

AD HOC WORKING GROUP TO CONTINUE TO NEGOTIATE WITH A VIEW TO REACHING AGREEMENT ON EFFECTIVE INTERNATIONAL ARRANGEMENTS TO ASSURE NON-NUCLEAR-WEAPON STATES AGAINST THE USE OR THREAT OF USE OF NUCLEAR WEAPONS

Report to the Committee on Disarmament

I. Introduction

1. At its 105th plenary meeting, on 12 February 1981, the Committee on Disarmament adopted the following decision, relating to item 3 on its agenda, contained in document CD/151, inter alia:

"....

The Committee further decides to re-establish, for the duration of its 1981 session, the ad hoc working groups on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, chemical weapons and radiological weapons, which were established on 17 March for its 1980 session, so that they may continue their work on the basis of their former mandates.

It is understood that the Committee will, as soon as possible, review the mandates of the three ad hoc working groups with a view to adapting, as appropriate, their mandates to advance the progress of the process of negotiations towards the objective of concrete disarmament measures.

....

The ad hoc working groups will report to the Committee on the progress of their work at any appropriate time and in any case before the conclusion of its 1981 session".

II. Organization of Work and Documentation

2. At its 107th plenary meeting, on 17 February 1981, the Committee on Disarmament appointed Minister Antonio Ciarrapico, representative of Italy, as Chairman of the Ad Hoc Working Group. Dr. Lin Kuo-Chung, United Nations Centre for Disarmament, served as Secretary of the Ad Hoc Working Group.

3. The Ad Hoc Working Group held 23 meetings between 17 February and 21 April and between 16 June and 13 August 1981.

4. On 24 April 1981, the Chairman of the Working Group presented orally to the Committee on Disarmament at its 127th plenary meeting his summary account of the work of the Working Group during the first part of the 1981 session (CD/PV.127).

5. At their request, the Committee on Disarmament, at its 109th plenary meeting on 24 February 1981, its 113th plenary meeting on 10 March 1981 and its 122nd plenary meeting on 1 April 1981, decided to invite the representatives of following States not members of the Committee to participate in the meetings of the Ad Hoc Working Group: Switzerland, Finland, Austria and Spain.

6. In carrying out its mandate, the Ad Hoc Working Group took into account paragraph 59 of the Final Document of the Tenth Special Session of the General Assembly devoted to disarmament, in which "... the nuclear-weapon States are called upon to take steps to assure the non-nuclear-weapon States against the use or threat of use of nuclear weapons. The General Assembly notes the declarations made by the nuclear-weapon States and urges them to pursue efforts to conclude, as appropriate, effective arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons". During the course of its work, the Working Group also took into account other relevant paragraphs of the Final Document.

7. The Ad Hoc Working Group also took note of the letter of the Secretary-General in document CD/140, transmitting resolutions adopted by the General Assembly at its thirty-fifth session, and took note in particular of resolutions 35/154 and 35/155, as well as resolution 35/46 which was also relevant to the subject. Paragraphs 3 and 4 of resolution 35/154 read as follows:

> "3. Requests the Committee on Disarmament to continue on a priority basis, during its session in 1981, the negotiations on the question of strengthening of security guarantees of non-nuclear-weapon States;
>
> 4. Calls upon States participating in talks on the question of providing guarantees to non-nuclear States against the use or threat of use of nuclear weapons to make efforts for the speedy elaboration and conclusion of an international convention on this matter."

Paragraph 4 of resolution 35/155 reads as follows:

> "4. Recommends that the Committee on Disarmament should actively continue negotiations with a view to reaching agreement and concluding effective international arrangements during its next session to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, taking into account the widespread support for the conclusion of an international convention and giving consideration to any other proposals designed to secure the same objective."

Paragraph 12 of the Annex to resolution 35/46, which contains the Declaration of the 1980s as the Second Disarmament Decade, states, inter alia:

> "12. ..... All efforts should be exerted, therefore, by the Committee on Disarmament urgently to negotiate with a view to reaching agreement, and to submit agreed texts where possible before the second special session devoted to disarmament on:
>
> .....
>
> (d) Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, taking into account all proposals and suggestions that have been made in this regard."

8. In addition to the official documents of the Committee on Disarmament submitted under item 3 on its agenda (namely CD/153, CD/161, CD/176, CD/177 and CD/184) and the previous documents before the Ad Hoc Working Group which are listed in document CD/SA/WP.1/Rev.2 1/, the following documents were submitted for consideration during the 1981 session:

(a) A working paper submitted by the Chairman, entitled "Stages of consideration of the substance of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons" (CD/SA/CRP.4/Rev.1 and 2; CD/SA/WP.5) 2/;

(b) A working paper submitted by the Chairman, entitled "Identification of the various features of the assurances not to use or threaten to use nuclear weapons against non-nuclear-weapon States" (CD/SA/CRP.5) and its revised version (CD/SA/CRP.5/Rev.1);

(c) A working paper submitted by the Netherlands containing a suggested "common formula" for negative security assurances to be incorporated in a Security Council resolution (CD/SA/CRP.6) (CD/SA/WP.6) 3/;

(d) A working paper submitted by Pakistan containing proposals in connection with Alternative D in Stage Two of document CD/SA/WP.5 (CD/SA/CRP.7) (CD/SA/WP.7) 4/;

(e) A working paper submitted by Bulgaria containing considerations in connection with "Alternative D (Stage Two, document CD/SA/WP.5)" and the suggestions made under it (CD/SA/CRP.8 and Corr.1) (CD/SA/WP.8) 5/;

In addition, the Secretariat also prepared a document entitled "A compilation of statements made on the question of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons during the thirty-fifth session of the General Assembly", as listed in CD/SA/WP.1/Rev.2.

III. Substantive Negotiations

9. In carrying out the task entrusted to it, the Working Group particularly bore in mind the recommendation contained in paragraph 18 of the report of the previous ad hoc working group established during 1980 session (CD/125*) which stated that: "...., the Working Group recommends to the Committee on Disarmament to explore ways and means to overcome the difficulties encountered in the negotiations of the Working Group and to

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1/ See Annex A of this report.

2/ Document CD/SA/CRP.4/Rev.2 was subsequently issued as CD/SA/WP.5; see Annex B of this report.

3/ Document CD/SA/CRP.6 was subsequently issued as CD/SA/WP.6.

4/ Document CD/SA/CRP.7 was subsequently issued as CD/SA/WP.7.

5/ Document CD/SA/CRP.8 and Corr.1 was subsequently issued as CD/SA/WP.8.

ontinue to negotiate at the beginning of its 1981 session with a view to reaching greement on effective international arrangements to assure non-nuclear-weapon States gainst the use or threat of use of nuclear weapons". It took note of the extensive iscussions on the subject and intensive negotiations on the elements during the revious ad hoc working group with a view to reaching agreement on a common approach. t also recalled the recognition that the search should continue for a common approach cceptable to all which could be included in an international instrument of a legally inding character.

0. In the conduct of its work, the Ad Hoc Working Group decided to concentrate ssentially its attention on the examination of the substance of the assurances given, n the understanding that an agreement on the substance could facilitate an agreement n form. Accordingly, a programme of work (CD/SA/WP.5) was submitted by the Chairman s a general guideline for deliberations and negotiations, taking into account various iews expressed and proposals submitted. It contained principally two stages of work or the current session, namely, (1) stage one: identification of the various features f the assurances not to use or threaten to use nuclear weapons against non-nuclear-eapon States; (2) stage two: consideration of possible alternatives which can be xplored in the search for a "common approach" or "formula".

1. In pursuance of the objective outlined in stage one of the programme of work, arious views were expressed and different proposals, including some tabulations and utlines, were submitted during the course of deliberations with a view to identifying ystematically those elements contained in the undertakings assumed by nuclear-weapon States and in the proposals made by non-nuclear-weapon States, as contained in ocument CD/SA/WP.2. In this process and in order to facilitate the work of the orking Group, the Chairman produced working papers (CD/SA/CRP.5 and Rev.1) in which e attempted to synthesize the views and positions held by delegations. It was enerally felt that deeper understanding of the various positions, their similarities nd differences, had been reached as a result of the discussion.

2. In carrying out the task outlined in stage two of the programme of work CD/SA/WP.5) the Working Group examined t oroughly, in the manner of a comparative nalysis, possible alternatives for a common approach or formula with a view to oncentrating efforts on the most promising among them.

3. During the course of in-depth analysis of the above-mentioned alternatives in aragraph 10, the following positions and ideas, relating to effective international rrangements to assure non-nuclear-weapon States against the use or threat of use of uclear weapons (also referred to as security assurances or security guarantees), were dvanced or reaffirmed in the Working Group by various delegations:

- since any use of nuclear weapons, which constitute the greatest threat to humanity, would affect the security of belligerents and non-belligerents alike, there should be a complete prohibition on the use of nuclear weapons, pending the achievement of nuclear disarmament. In this connection a view stated was that the use of nuclear weapons should be prohibited concurrently with the renunciation of the use of force in international relations; another view was expressed that a complete prohibition of the use of nuclear weapons could be envisaged only in the framework of an effective process of nuclear disarmament, as part of progress towards general disarmament;

- the extension of security assurances to non-nuclear-weapon States against the use or threat of use of nuclear weapons without any conditions or limitations as an integral part of and initial step towards the complete prohibition of the use of nuclear weapons and the achievement of nuclear disarmament;

- the extension of security assurances to non-nuclear-weapon States which have no nuclear weapons on their territory;

- the extension of security assurances to those States which renounce the production and acquisition of nuclear weapons and do not have them on their territories. In this connection, a view was expressed that reaching an agreement on non-stationing of nuclear weapons on the territories of States where there are no such weapons at present would be a step conducive to the strengthening of the security of non-nuclear-weapon States;

- the extension of security assurances to non-nuclear weapon States parties to the Non-Proliferation Treaty or any other comparable internationally binding commitment not to acquire nuclear explosive devices, except in the case of an attack on the nuclear-weapon State extending the assurance, its territories or armed forces or allies by such a State allied to, or associated with, a nuclear-weapon State in carrying out or sustaining the attack;

- the extension of security assurances to any non-nuclear-weapon State that has committed itself not to manufacture or receive nuclear weapons (or other nuclear explosive devices) or to acquire control over them provided that that State does not undertake, or partake in, an attack upon (the territory or the armed forces of) a nuclear-weapon State or its allies with the support of another nuclear-weapon State;

- the extension of security assurances to non-nuclear-weapon States not parties to the nuclear security arrangements of some nuclear Powers;

- the extension of security assurances by means of concluding conventions with non-nuclear-weapon States parties to a nuclear-free zone, in order to give these assurances a mutually binding character.

14. Without prejudice to further exploration of other alternatives, which could be elaborated in the future, the Working Group decided to concentrate its efforts, at this stage of consideration, on Alternative D in conjunction with Alternative E contained in Stage Two of the programme of work. 6/ These alternatives called for "a 'common formula' for security assurances containing such elements as may be raised in the negotiations in the Committee on Disarmament and agreed upon by all concerned" and "a 'common formula' which could reconcile the elements contained in the existing unilateral undertakings of the nuclear-weapon States". In this connection, a working paper (CD/SA/WP.6) was submitted by the delegation of the Netherlands which contained a draft "common formula" for negative security assurances to be incorporated in a Security Council resolution. The delegation of Pakistan also proposed, without prejudice to its own position, three alternatives (CD/SA/WP.7) as a basis for further consideration of a "common formula", together with additional elements relating to the prohibition of the use of nuclear weapons and to nuclear disarmament. With reference to those two working papers the delegation of Bulgaria submitted a working paper (CD/SA/WP.8) containing comments concerning the formulations proposed as well as some queries with regard to the appropriate direction of the search. The discussion of those proposals focused on their main elements and included in-depth consideration of proposals related to the eligibility for the assurances and of the desirability and the nature of a possible "suspension clause".

15. Different approaches to the question of developing a "common formula" became apparent in the discussions. Under one approach the nuclear-weapon States would provide assurances to all non-nuclear-weapon States without any conditions, qualificatio

6/ See Annex B of this report.

or limitations. Under another approach various criteria would be provided to describe the non-nuclear-weapon States included in the scope of the assurances. Divergent views on these approaches and criteria continued to be maintained.

16. Divergent views were expressed concerning the circumstances in which security assurances could be suspended and on whether or not such suspension should be provided for.

17. In considering the possible "common approach" or "formula", the question of an appropriate form was also raised. Although there was no objection, in principle, to the idea of an international convention, the difficulties involved were also pointed out. Furthermore, the idea of interim arrangements was considered, particularly taking note of the proposals for an appropriate Security Council resolution on which divergent views were expressed. At the same time, it was pointed out that the value of any interim arrangement would depend on its substance. A number of delegations believed that interim measures should not be a substitute for an international convention or other international arrangements of a legally binding character.

IV. Conclusions and Recommendations

18. The Working Group reaffirmed that non-nuclear-weapon States should be effectively assured by the nuclear-weapon States against the use or threat of use of nuclear weapons. There was continuing recognition of the urgent need to reach agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, especially in view of the goal of nuclear disarmament and of general and complete disarmament. Negotiations on the substance of the effective arrangements revealed that specific difficulties were related to differing perceptions of some nuclear and non-nuclear-weapon States as well as to the complex nature of the issues involved in evolving a "common formula" acceptable to all which could be included in an international instrument of a legally binding character. The Working Group recognized that adequate consideration needed to be given to the security interests of non-nuclear-weapon States. It regarded the efforts devoted to the search for a "common approach" or "formula" as a positive step towards the agreement on the question of security assurances.

19. Against this background, the Working Group recommends to the Committee on Disarmament that various alternative approaches, including in particular those considered during the 1981 session, should be further explored in order to overcome the difficulties encountered. In this context further efforts should be devoted to the search for a "common approach" acceptable to all, and in particular for a "common formula" which could be included in an international instrument of a legally binding character. Accordingly, a working group should be established at the beginning of the 1982 session for the purpose, as recommended in United Nations General Assembly resolution 35/46, referred to in paragraph 7 above, "urgently to negotiate with a view to reaching agreement, and to submit agreed texts where possible before the second special session devoted to disarmament", on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

CD/SA/WP.1/Rev.2
3 August 1981

Original: ENGLISH

COMMITTEE ON DISARMAMENT
Ad Hoc Working Group on
Security Assurances

ANNEX I

List of Documents on the Question of Effective International Arrangements to Assure Non-Nuclear-Weapon States Against the Use or Threat of Use of Nuclear Weapons

I. Official documents of the Committee on Disarmament

(1) CD/1 - containing General Assembly resolutions 33/72A and B. (24 January 1979)

(2) CD/10 - submitted by Pakistan, entitled "Conclusion of an International Convention to Assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons". (27 March 1979)

(3) CD/23 - submitted by Bulgaria, Czechoslovakia, German Democratic Republic, Hungary, Mongolia, Poland, Union of Soviet Socialist Republics, entitled "Draft international convention on the strengthening of guarantees of the security of non-nuclear States". (21 June 1979).

(4) CD/25 - submitted by Pakistan, entitled "Effective International Arrangements to Assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons". (26 June 1979)

(5) CD/27 - submitted by United States of America, entitled "Proposal for a CD Recommendation to the United Nations General Assembly Concerning the Security of Non-Nuclear-Weapon States against Nuclear Attack". (2 July 1979)

(6) CD/53 (Appendix II) - containing Report of the "Ad Hoc Working Group to consider and negotiate on, effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons" to the Committee on Disarmament. (14 August 197

(7) CD/55 - containing General Assembly resolutions 34/84, 34/85 and 34/86. (5 February 1980)

(8) CD/75 - submitted by Finland, entitled "Letter dated 12 March 1980 addressed to the Chairman of the Committee on Disarmament from the Permanent Representative of Finland to the United Nations Office at Geneva submitting a working document containing the views of the Finnish Government". (14 March 1980)

(9) CD/77 - containing a decision of the Committee on Disarmament to establish an ad hoc working group to continue to negotiate with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. (17 March 1980)

(10) CD/120 - submitted by Pakistan, entitled "Possible draft resolution for adoption by the United Nations Security Council as an interim measure on 'Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons'". (17 July 1980)

(11) CD/125* - Report of the "Ad Hoc Working Group to continue to negotiate with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons" to the Committee on Disarmament. (7 August 1980)

(12) CD/140 - containing General Assembly resolutions 35/154 and 35/155. (3 February 1981)

(13) CD/151 - containing a decision of the Committee on Disarmament to re-establish the Ad Hoc Working Group on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons under its former mandate during 1980 session. (13 February 1981)

(14) CD/153 - submitted by Bulgaria, entitled "Effective International Arrangements to Assure Non-nuclear-weapon States against the Use or Threat of Use of Nuclear Weapons". (18 February 1981)

(15) CD/161 - submitted by Pakistan, entitled "Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons". (4 March 1981)

(16) CD/176 - submitted by USSR, entitled "Letter dated 7 April 1981 addressed to the Chairman of the Committee on Disarmament from the Representative of the Union of Soviet Socialist Republic transmitting the reply of the General Secretary of the Central Committee of the Communist Party of the Soviet Union and Chairman of the Presidium of the Supreme Soviet of the USSR, Leonid Brezhnev, to the question put by the Greek newspaper, Ta Nea." (10 April 1981)

(17) CD/177 - submitted by the United Kingdom, entitled "United Kingdom working paper on the subject of effective international arrangements to assure non-nuclear-weapon States against the use of threat of use of nuclear weapons". (10 April 1981)

(18) CD/184 - submitted by Pakistan, entitled "Letter dated 12 June 1981 from the Permanent Representative of Pakistan addressed to the Chairman of the Committee on Disarmament transmitting resolutions adopted by the Twelfth Islamic Conference of Foreign Ministers held in Baghdad from 1 to 6 June 1981", containing "Resolution No. 28/12-P: Strengthening the security of non-nuclear States against the use or threat of use of nuclear weapons". (15 June 1981)

II. Working papers of the ad hoc working group on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons

(1) CD/SA/WP.1 and Rev.1 - List of documents on the question of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. (25 April 1980 and 20 February 1981)

(2) CD/SA/WP.2 - submitted by the Chairman, entitled "Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons: A. Scope and nature of the arrangements". (25 June 1980)

(3) CD/SA/WP.3 - submitted by Pakistan, entitled "Possible draft resolution by the United Nations Security Council as an interim measure on 'Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons'". (15 July 1980)

(4) CD/SA/WP.4 - submitted by Bulgaria, entitled "Forms of arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons". (17 July 1980)

(5) CD/SA/WP.5 - submitted by the Chairman, entitled: "Stages of consideratio of the substance of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons". (26 March 1981)

(6) CD/SA/WP.6 (CD/SA/CRP.6) - submitted by the Netherlands, containing a suggested "common formula" for negative security assurances to be incorporated in a Security Council resolution. (8 July 1981)

(7) CD/SA/WP.7 (CD/SA/CRP.7) - submitted by Pakistan, containing proposals in connection with Alternative D in Stage Two of document CD/SA/WP.5. (13 July 1981)

(8) CD/SA/WP.8 (CD/SA/CRP.8 and Corr.1) - submitted by Bulgaria, containing considerations in connectio with "Alternative D, Stage Two, document CD/SA/WP.5" and the suggestions made under it. (21 July 1981)

III. A compilation of material for the use of members of the ad hoc working group established by the Committee on Disarmament on 5 July 1979 to consider and negotiate on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons

(1) Statements made at the plenary and ad hoc committee meetings of the tenth special session of the General Assembly devoted to disarmament;

(2) Statements made at the plenary and the First Committee of the thirty-third session of the General Assembly

(a) Plenary

(b) First Committee (General)

( )

(3) Declarations made by the five nuclear weapon States containing assurances not to use nuclear weapons against non-nuclear-weapon States;

(4) Security Council resolution 255 (1968);

(5) General Assembly resolutions on the non-use of nuclear weapons;

(6) Resolution on security assurances adopted by the Non-nuclear Weapon States Conference of 1968;

(7) Part of the 1975 NPT Review Conference Final Document, relevant to security assurances;

(8) Final Document of the tenth special session of the General Assembly devoted to disarmament, paragraphs 56-59 on security assurances;

(9) Addendum and supplements to the Compilation:

(i) "Proposal of the United States of America on strengthening confidence of non-nuclear-weapon States in their security against the use or threat of use of nuclear weapons" (A/C.1/33/7, 17 November 1978);

(ii) General Assembly resolution 2936 (XXVII): Non-use of force in international relations and permanent prohibition of the use of nuclear weapons;

(iii) "Working paper containing a draft additional protocol to the Treaty on the Non-Proliferation of Nuclear Weapons regarding the establishmen of a system of security assurances within the framework of the Treaty" (NPT/CONF/22, 15 May 1975);

(iv) Declarations made by the United Kingdom, China, France, United States of America and Union of Soviet Socialist Republics regarding Protocol II of the Treaty of Tlatelolco.

IV. A compilation of statements made on the question of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons during the thirty-fourth session of the General Assembly

V. A compilation of statements made on the question of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons during the thirty-fifth session of the General Assembly

VI. Unofficial transcriptions of the proceedings of the ad hoc working groups on security assurances

(1) Unofficial transcriptions of seven meetings of the ad hoc working group during 1979.

CD/SA/WP.5
26 March 1981

Original: ENGLISH

COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on Security Assurances

ANNEX B

CHAIRMAN'S WORKING PAPER

Stages of consideration of the substance of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons

It is to be noted that in the report of the previous Ad Hoc Working Group it was pointed out that an agreement on the substance of the arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons could facilitate the agreement on the form of the arrangements.

Bearing this in mind, it would seem to be appropriate and advisable for the Working Group, for the time being, to concentrate its work on the questions of substance of the arrangements with a view to evolving, as much as possible, a common approach. In the light of various views expressed and proposals submitted by delegations regarding the scope and substance of the work of the Working Group for its 1981 session, certain stages of consideration on the subject could serve as a general guideline for deliberations and negotiations in the Working Group on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

STAGE ONE: Identification of the various features of the assurances not to use or threaten to use nuclear weapons against non-nuclear-weapon States

A. As reflected in the undertakings assumed by nuclear-weapon States, as formulated in their unilateral declarations contained in document CD/SA/WP.2 (Annex B to document CD/125*).

B. As reflected in the proposals made by non-nuclear-weapon States, as contained in document CD/SA/WP.2 (Annex B to document CD/125*).

STAGE TWO: Consideration of possible alternatives which can be explored in the search for a "common approach" or "formula"

A. Pending nuclear disarmament, a complete prohibition on the use of nuclear weapons.

B. A categorical assurance by the nuclear-weapon States to all non-nuclear-weapon States not to use or threaten to use nuclear weapons against them.

C. A categorical assurance by the nuclear-weapon States to all non-nuclear-weapon States not to use or threaten to use nuclear weapons against them with accompanying interpretative statements by each nuclear-weapon State.

D. A common formula for security assurances containing such elements as may be raised in the negotiations in the Committee on Disarmament and agreed upon by all concerned.

E. A common formula which could reconcile the elements contained in the existing unilateral undertakings of the nuclear-weapon States.

F. Solemn unilateral declarations, identical in their substance, made by the nuclear-weapon States concerning the non-use and non-threatening to use nuclear weapons against non-nuclear-weapon States having no such weapons on their territories.

G. Possible consideration of the investiture of more formal and legal status to the existing unilateral declarations of the nuclear-weapon States.

H. Commitments by means of conventions concluded between nuclear-weapon States and participants in nuclear weapon-free zones.

* * *

Examination and negotiation on the specific content and wording of a common formula could be considered at a later stage, pending the progress achieved in regard to the two stages of discussion within the Working Group.

COMMITTEE ON DISARMAMENT

CD/215/Corr.1
25 August 1981

Original: ENGLISH

AD HOC WORKING GROUP TO CONTINUE TO NEGOTIATE WITH A VIEW TO REACHING AGREEMENT ON EFFECTIVE INTERNATIONAL ARRANGEMENTS TO ASSURE NON-NUCLEAR-WEAPON STATES AGAINST THE USE OR THREAT OF USE OF NUCLEAR WEAPONS

Report to the Committee on Disarmament

CORRIGENDUM

Page 3, para. 8, CD documents in brackets should read "(namely CD/153, CD/161, CD/176, CD/177, CD/184 and CD/207)".

Page 4, para. 12, third line, the words "common approach" should be put in quotes.

Page 4, para. 12, third line, the word "formula" should be put in quotes.

Para 8, (d), first line, (e), first line; para. 13, line 9; para 13, line 23; para. 14, line 8, please change the word "connection" to "connexion".

COMMITTEE ON DISARMAMENT

CD/278 */
16 April 1982
ENGLISH ONLY

CHINA

Working Paper

On Effective International Arrangements to Assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons

Since its establishment over two years ago, the Ad Hoc Working Group on Effective International Arrangements to Assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons has held detailed and intensive discussions on the substance and form of negative security assurances. Faced with grave nuclear threat, numerous non-nuclear-weapon States call upon the nuclear-weapon States to provide unconditional assurances to non-nuclear-weapon States against the use or threat of use of nuclear weapons pending the realization of nuclear disarmament, and to conclude an international convention of a legally binding character. The Chinese delegation supports this reasonable demand. In the past two years and more, because the major nuclear powers which possess the largest nuclear arsenals imposed various conditions on non-nuclear-weapon States, no concrete result has been achieved so far in the negotiations on security assurances. The Chinese delegation believes that it is a minimum obligation of all the nuclear-weapon States to provide non-nuclear-weapon States with adequate security assurances, and in particular that the major nuclear powers with the largest nuclear arsenals bear primary responsibility in this respect. What the non-nuclear-weapon States ask for is unconditional assurances. They have rightly pointed out that demanding conditional assurances is tantamount to seeking security assurance for nuclear-weapon States from non-nuclear-weapon States. This is obviously unfair and unjust.

The Chinese delegation wishes to reiterate its position as follows: the complete prohibition and total destruction of nuclear weapons are essential for the elimination of nuclear war and nuclear threats. Pending the achievement of this goal, the nuclear-weapon States should at least undertake not to use or threaten to use nuclear weapons against the non-nuclear-weapon States and nuclear free-zones. China has already, on its own initiative and unilaterally, declared that at no time and in no circumstances would it be the first to use nuclear weapons. In connection with this fundamental position, China will unconditionally not use or threaten to use nuclear weapons against non-nuclear-weapon States.

Resolution 36/95 adopted by the United Nations General Assembly at its thirty-sixth session appeals to the nuclear-weapon States to demonstrate the political will necessary to reach agreement on a common approach which could be included in an international instrument of a legally binding character.

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*/ Reissued for technical reasons.

GE.82-62220

It is our hope that the major nuclear powers shall not proceed from their own narrow interests and shall refrain from imposing various conditions with regard to security assurances for non-nuclear-weapon States. Moreover, they should respond positively to the reasonable demands voiced by a great number of non-nuclear-weapon States and demonstrate their political will to shoulder responsibilities with a view to ensuring progress in negotiations on security assurance. Together with the representatives of other countries, the Chinese delegation is ready to make further efforts to seek a "common formula" in consonance with demands of non-nuclear-weapon States and acceptable to all States.

COMMITTEE ON DISARMAMENT

CD/280
14 April 1982
Original: ENGLISH

STATEMENT[1] OF THE GROUP OF 21 ON EFFECTIVE INTERNATIONAL ARRANGEMENTS TO ASSURE NON-NUCLEAR WEAPON STATES AGAINST THE USE OR THREAT OF USE OF NUCLEAR WEAPONS

1. The Group of 21 believes that the most effective assurances of security against the use or threat of use of nuclear weapons is nuclear disarmament and prohibition of the use of nuclear weapons. The nuclear weapon States should refrain from any activity in the nuclear field which would jeopardize the security and well-being of the peoples of non-nuclear weapon States. The nuclear weapon States have an obligation to guarantee that the non-nuclear-weapon States will not be threatened or attacked with nuclear weapons. The Group of 21, therefore, welcomed the establishment of an ad hoc Working Group to reach agreement on "effective international arrangements to assure non-nuclear weapon States against the use or threat of use of nuclear weapons".

2. Most regrettably, three years of negotiations in the ad hoc Working Group have produced only marginal progress. This is due principally to the inflexible positions taken by some nuclear weapon States.

3. The Group of 21 is firmly convinced that the limitations, conditions and exceptions contained in the unilateral declarations of some nuclear weapon States reflect their subjective approach and that these declarations are based on the doctrine of nuclear deterrence. Taken together, these conditions, limitations and exceptions have the effect of severely restricting such positive features as may be contained in these unilateral declarations and they are, therefore, unacceptable to members of the Group of 21. The declarations do not offer a credible assurance to non-aligned, neutral and other non-nuclear-weapon States that they will not be threatened or attacked with nuclear weapons.

4. The Group of 21 notes that in accordance with paragraph 62 of the Final Document, the nuclear weapon States have given undertakings to refrain from the use or threat of use of nuclear weapons against States which are members of the existing nuclear weapon free zone. Besides these States, other neutral, non-aligned and developing countries outside the two major military alliances are committed not to acquire or manufacture nuclear weapons. There is therefore every reason for these States being covered by the same legally binding assurances, especially if one takes into account that the nuclear weapon States were urged in paragraph 59 to conclude, as appropriate, effective arrangements to assure non-nuclear weapon States against the use or threat of use of nuclear weapons.

5. The Group of 21 emphasizes that an agreement on the question of "effective international arrangements to assure non-nuclear weapon States against the use or threat of use of nuclear weapons" should be based on the following principles:

(i) The nuclear weapon States have an obligation to assure the non-nuclear weapon States against the use or threat of use of nuclear weapons;

1/ The Statement represents the common denominator of the positions of the members of the Group of 21.

(ii) Non-nuclear weapon States have the right to be assured by the nuclear weapon States against the use or threat of use of nuclear weapons;

(iii) Such assurances should be provided in a legally binding and multilaterally negotiated international instrument. The Group of 21 notes with satisfaction that there is no objection, in principle, within the Committee on Disarmament to the idea of an international convention;

(iv) A common formula or common approach to be included in an international instrument on this question should be clear and credible, and respond both to the legitimate security concerns of the non-aligned, neutral and other non-nuclear weapon States as well as to the views of the Group of 21 stated above;

(v) The agreement on this question should encompass commitments by the nuclear weapon States to achieve nuclear disarmament and pending the achievement of nuclear disarmament to prohibit the use or threat of use of nuclear weapons.

6. The Group of 21 considers that further negotiations in the ad hoc working group on this item are unlikely to be fruitful so long as the nuclear weapon States do not exhibit a genuine political will to reach a satisfactory agreement. The Group, therefore, urges the nuclear weapon States concerned to review their policies and to present revised positions on the subject to the second special session of the General Assembly devoted to disarmament which shall fully take into account the position of the non-aligned, neutral and other non-nuclear weapon States. Such an undertaking would facilitate the task of elaborating an agreed international instrument on effective international arrangements to assure non-nuclear weapon States against the use or threat of use of nuclear weapons. It would also contribute towards progress in achieving an international agreement on the prohibition of the use or threat of use of nuclear weapons pending nuclear disarmament.

COMMITTEE ON DISARMAMENT

CD/285 */
27 April 1982

Original: ENGLISH

SPECIAL REPORT TO THE COMMITTEE ON DISARMAMENT PREPARED IN VIEW OF THE SECOND SPECIAL SESSION OF THE GENERAL ASSEMBLY DEVOTED TO DISARMAMENT

Ad Hoc Working Group on Effective International Arrangements to Assure Non-Nuclear-Weapon States Against the Use or Threat of Use of Nuclear Weapons

I. Introduction

1. At its 156th plenary meeting on 18 February 1982, the Committee on Disarmament requested the Ad Hoc Working Group to report to the Committee on the progress of its work before the conclusion of the first part of its 1982 session, in view of the forthcoming second special session of the General Assembly devoted to disarmament. Pursuant to that request, the Ad Hoc Working Group submits its report to the Committee regarding the present state of negotiations on the subject, taking into account negotiations conducted in the previous Ad Hoc Working Groups during 1979, 1980 and 1981 sessions.

2. At the first special session of the General Assembly devoted to disarmament in 1978, unilateral declarations were made by the nuclear-weapon States in connection with security assurances for non-nuclear weapon States. The negotiations in the Ad Hoc Working Group have been conducted primarily on the basis of paragraph 59 of the Final Document of the Tenth Special Session of the General Assembly, devoted to disarmament, in which "... the nuclear-weapon States are called upon to take steps to assure the non-nuclear-weapon States against the use or threat of use of nuclear weapons. The General Assembly notes the declarations made by the nuclear-weapon States and urges them to pursue efforts to conclude, as appropriate, effective arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons". Other relevant paragraphs of the Final Document provided additional guidance on this question. During the course of its work, the Ad Hoc Working Group also took into account the resolutions adopted by the General Assembly on the subject at its thirty-third, thirty-fourth, thirty-fifth and thirty-sixth sessions namely: resolutions 33/72 A and B, 34/84, 34/85, 34/86, 35/46, 35/154, 35/155, 36/94 and 36/95. In addition, the various proposals on the subject submitted by delegations in the Committee on Disarmament and in the Ad Hoc Working Group were taken into account, as listed in document CD/SA/WP.1/Rev.4. 1/

3. At their request, representatives of the following States not members of the Committee on Disarmament were invited to participate in the meetings of the Ad Hoc Working Group during its 1979, 1980, 1981 and 1982 sessions: Austria, Denmark, Finland, Norway, Spain, Tunisia and Switzerland.

II. Substantive Negotiations During 1979, 1980 and 1981 Sessions

4. In the course of consideration of item 3 of its 1979 annual agenda, entitled "Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons", the Committee on Disarmament, at its 39th plenary meeting on 5 July 1979, adopted the following decision:

1/ See Annex I of this report.

*/ Reissued for technical reasons.

"The Committee on Disarmament decides to establish, for the duration of its present session, an ad hoc working group open to all member States of the Committee to consider, and negotiate on, effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. The ad hoc working group will present a report to the Committee on Disarmament before the conclusion of the 1979 session. The Committee further decides, in accordance with rule 32 of the rules of procedure, that representatives of non-member States shall have reserved seats in the conference room during the meetings of the ad hoc working group."

5. During the 1979 session, the Ad Hoc Working Group devoted its efforts to identifying the elements to be considered and negotiated on with a view to reaching agreement on effective international arrangements. Extensive discussions were held on the relationship of the non-use of nuclear weapons, nuclear disarmament, the non-use of force in international relations, as well as the over-all question of strengthening of international peace and security, to the mandate of the Working Group. There was broad agreement that these elements could be divided into two general categories: (a) Scope and nature of the arrangements, and (b) Form of the arrangements, their number and binding character. There was also agreement that the arrangements had to be effective and international in character. In this connection, a series of relevant questions were considered, in particular the question of rationale, scope and nature of the arrangements, as well as the question of the definition of nuclear and non-nuclear-weapon States, the criteria to be applied in such definition and the prerequisites for the extension of the arrangements. With respect to the latter, a number of ideas were submitted; related questions were raised and comments were made on these ideas. The Working Group also discussed the form, number and binding character of the arrangements, particularly the question of an international convention to which there was no objection, in principle, although the difficulties involved were also pointed out. Draft conventions were submitted for consideration by the delegation of Pakistan (document CD/10) and the delegations of Bulgaria, Czechoslovakia, German Democratic Republic, Hungary, Mongolia, Poland and the Union of Soviet Socialist Republics (document CD/23). Moreover, the idea of interim arrangements was also considered. As a result of its deliberations the Ad Hoc Working Group submitted a report to the Committee, as contained in document CD/47.

6. In the course of consideration of item 3 of its 1980 agenda concerning the same subject, the Committee on Disarmament, at its 69th plenary meeting on 17 March 1980, adopted the following decision as contained in document CD/77:

"The Committee on Disarmament decides to establish, for the duration of its 1980 session, an ad hoc working group of the Committee to continue to negotiate with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

The ad hoc working group will report to the Committee on the progress of its work at any appropriate time and in any case before the conclusion of its 1980 session."

7. During the 1980 session, the Working Group decided to focus its attention primarily on the scope and nature of the arrangements on the understanding that an agreement on the substance of the arrangements could facilitate the agreement on the form. Accordingly, a working paper (CD/SA/WP.2) was submitted by the Chairman as a basis for negotiations. It contained the different formulas which appeared in the unilateral declarations of the nuclear weapon States and in the proposals and ideas

presented to or expressed by other States, and which had a direct bearing on the scope and nature of the arrangements. The in-depth analysis of these formulas considered in juxtaposition helped the Working Group to clarify and amplify the various positions and to detect areas of agreement and divergence. The Working Group further considered the question of the form of the arrangements. In this regard, there was recognition that search should continue for a "common approach" acceptable to all which could be included in an international instrument of a legally binding character. In that connection, notwithstanding the fact that there was once again no objection, in principle, to the idea of an international convention, the difficulties involved were also pointed out. In this regard, no agreement was reached. The possibility of interim arrangements was considered. It was broadly suggested that a Security Council resolution might serve as a useful interim measure towards the effective international arrangements and pending agreement on such a "common approach". In this connection, it was suggested that the value of a Security Council resolution would depend on its substance. On this point, different views were expressed. As a result of its deliberations, the Ad Hoc Working Group submitted a report to the Committee, as contained in document CD/125, */ which recommended that ways and means be explored to overcome the difficulties encountered in the negotiations.

8. At its 105th plenary meeting on 12 February 1981, the Committee on Disarmament decided to re-establish its Ad Hoc Working Group on Effective International Arrangements to Assure Non-Nuclear-Weapon States Against the Use or Threat of Use of Nuclear Weapons with the same mandate as at the previous session in 1980.

9. During the 1981 session, the Working Group decided to concentrate essentially on the examination of the substance of the assurances on the understanding that an agreement on the substance could facilitate an agreement on the form. In the course of deliberations, various positions and ideas, relating to effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons (also referred to as security assurances or security guarantees), were expressed, namely:

- pending the achievement of nuclear disarmament, since any use of nuclear weapons, which constitute the greatest threat to humanity, would affect the security of belligerents and non-belligerents alike, there should be an agreement on the prohibition of the use of nuclear weapons. In this connection a view stated was that the use of nuclear weapons should be prohibited concurrently with the renunciation of the use of force in international relations; another view was expressed that a complete prohibition of the use of nuclear weapons could be envisaged only in the framework of an effective process of nuclear disarmament, as part of progress towards general disarmament;

- the extension of security assurances to non-nuclear-weapon States against the use or threat of use of nuclear weapons without any conditions or limitations, as an integral part of and initial step towards the complete prohibition of the use of nuclear weapons and the achievement of nuclear disarmament;

- the extension of security assurances to non-nuclear-weapon States which have no nuclear weapons on their territory;

- the extension of security assurances to those States which renounce the production and acquisition of nuclear weapons and do not have them on their territories. In this connection, a view was expressed that reaching an agreement on non-stationing of nuclear weapons on the territories of States where there are no such weapons at present would be a step conducive to the strengthening of the security of non-nuclear-weapon States;

- the extension of security assurances to non-nuclear-weapon States parties to the Non-Proliferation Treaty or any other comparable internationally binding commitment not to acquire nuclear explosive devices, except in the case of an attack on the nuclear-weapon State extending the assurance, its territories or armed forces or allies by such a State allied to, or associated with, a nuclear-weapon State in carrying out or sustaining the attack.

- the extension of security assurances to any non-nuclear-weapon State that has committed itself not to manufacture or receive nuclear weapons (or other nuclear explosve devices) or to acquire control over them provided that that State does not undertake, or partake in, an attack upon (the territory or the armed forces) a nuclear-weapon State or its allies with the support of another nuclear-weapon State;

- the extension of security assurances to non-nuclear-weapon States not parties to the nuclear security arrangements of some nuclear Powers;

- the extension of security assurances by means of concluding conventions with non-nuclear-weapon States parties to a nuclear-free zone, in order to give these assurances a mutually binding character.

The Working Group attempted the identification of the various features of assurances and considered the possible alternatives which could be explored in the search for a "common approach" or "common formula". During the final stage of its work, the Working Group, without prejudice to further exploration of other alternatives, decided to concentrate its efforts on those alternatives which called for: (a) a "common formula"for security assurances containing such elements as might be raised in the negotiations in the Committee on Disarmament and agreed upon by all concerned and (b) a "common formula" which could reconcile the elements contained in the existing unilateral undertakings of the nuclear-weapon States. In this connection, working papers were submitted by the delegation of the Netherlands (CD/SA/WP.6) and by the delegation of Pakistan (CD/SA/WP.7), containing draft "common formulas" for consideration by the Working Group. The delegation of Bulgaria also submitted a working paper in this regard (CD/SA/WP.8). Different approaches to the question of developing a "common formula" became apparent in the discussion. Nevertheless, the Working Group regarded the efforts devoted to the search for a "common approach" or "formula" as a positive step towards the agreement on the question of security assurances. Against this background, it recommended to the Committee on Disarmament that various alternative approaches, including in particular those considered during the 1981 session, should be further explored in order to overcome the difficulties encountered. The Working Group added, "in this context further efforts should be devoted to the search for a 'common approach' acceptable to all and in particular for a 'common formula' which could be included in an international instrument of a legally binding character". As a result of its deliberations, the Ad Hoc Working Group submitted a report to the Committee, as contained in document CD/215 and Corr.1.

III. Present State of Negotiations on the Subject

10. In pursuance of the Committee's decision at its 156th plenary meeting on 18 February 1982, as contained in document CD/243, the Ad Hoc Working Group was re-established to continue to negotiate with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or

threat of use of nuclear weapons. The Working Group held 10 meetings between 26 February and 19 April 1982 under the Chairmanship of Ambassador Mansur Ahmad, representative of Pakistan. Dr. Lin Kuo-Chung, United Nations Centre for Disarmament, served as Secretary of the Ad Hoc Working Group.

11. In carrying out the task entrusted to it, the Working Group decided to continue its efforts on the recommendation contained in paragraph 19 of the report of the previous Ad Hoc Working Group established during 1981 session (CD/215) which stated that: "..., the Working Group recommends to the Committee on Disarmament that various alternative approaches, including in particular those considered during 1981 session, should be further explored in order to overcome the difficulties encountered. In this context, further efforts should be devoted to the search for a 'common approach' acceptable to all, and in particular for a 'common formula' which could be included in an international instrument of a legally binding character." The attention of the Working Group was drawn to resolutions 36/94 and 36/95 adopted by the General Assembly on the subject at its thirty-sixth session, as contained in document CD/231, and as referred to in paragraph 2 above.

12. In the conduct of its work, the Ad Hoc Working Group decided to concentrate, as at the previous session in 1981, on those alternatives which called for: (a) a "common formula" for security assurances containing such elements as might be raised in the negotiations in the Committee and agreed upon by all concerned and (b) a "common formula" which could reconcile the elements contained in the existing unilateral undertakings of the nuclear-weapon States. The Working Group noted that three working papers were previously submitted in connection with the examination of these alternatives by the delegations of the Netherlands, Pakistan and Bulgaria, as contained in documents CD/SA/WP.6, CD/SA/WP.7 and CD/SA/WP.8, respectively.

13. Some general positions were outlined. Certain delegations, members of the Group of 21, expressed their view that the most effective assurance against the use or threat of use of nuclear weapons is nuclear disarmament and, pending this, the complete prohibition on the use of nuclear weapons. A group of socialist States noted that the implementation of measures provided for in the Declaration on the Prevention of Nuclear Catastrophe would be a reliable safeguard for the elimination of the threat of a nuclear conflict and contribute to the strengthening of the security of all States in particular of those States which do not possess nuclear weapons. Different views were expressed in this connection. Other delegations maintained that these questions were outside the scope of the mandate of the Working Group.

14. During the course of deliberations, the positions and ideas relating to effective international arrangements to assure non-nuclear weapon States against the use or threat of use of nuclear weapons, which were put forward at the previous session, as contained in paragraph 9 above, were reaffirmed in the Ad Hoc Working Group by various delegations.

15. The discussion of proposals for a "common formula" focused on the substantive elements involved. Regarding the substance of a "common formula" to be elaborated, different approaches became apparent in the discussions. Under one approach, the nuclear-weapon States would provide assurances to all non-nuclear-weapon States

without any conditions, qualifications or limitations. In this connection, a working paper (CD/278*) 2/ was submitted by the delegation of China, in which China reaffirmed its position to provide unconditional security assurances for non-nuclear-weapon States and urged other nuclear-weapon States to demonstrate their political will necessary to reach agreement on a "common approach" or "common formula" which could be included in an international instrument of a legally binding character. Under other approaches, various criteria would be provided to describe the conditions for the inclusion of non-nuclear-weapon States in the scope of the assurances. The sponsors of documents CD/SA/WP.6 and CD/SA/WP.7, the delegations of the Netherlands and Pakistan, explained their suggestions for a compromise approach to a "common formula" contained in these working papers. The proposal for reaching an agreement on non-stationing of nuclear weapons on the territories of States where there are no such weapons at present was also underlined. Various views were expressed on these suggestions and divergent ideas continued to be maintained.

16. The question of an appropriate form was extensively considered in connection with the efforts to develop a possible "common formula". As in the previous sessions, there was again no objection, in principle, to the idea of an international convention; however, the difficulties involved were also pointed out. A view was expressed that the Working Group should proceed to the concrete elaboration of such a convention. As in previous sessions, however, it was pointed out that an agreement on the substance of the assurances could facilitate an agreement on the form.

17. The Working Group subsequently took up the idea of interim arrangements, particularly the proposals for an appropriate Security Council resolution. A working paper, containing a draft Security Council resolution embodying a "common formula" for security assurances (CD/SA/WP.9), 3/ was submitted by the delegation of the Netherlands. The delegation of Pakistan also submitted a revised working paper containing a draft resolution for possible adoption by the Security Council (CD/SA/WP.3/Rev.1*). 4/ A group of socialist States expressed the view that declarations by all nuclear-weapon States, identical in substance, concerning the non-use of nuclear weapons against non-nuclear-weapon States which have no such weapons on their territories, could be examined and possibly adopted in the form of an appropriate resolution by the Security Council. Different views were expressed on these ideas and various comments were made on these proposals. On the one hand, it was held that appropriate interim arrangements would represent progress and create a favourable climate with the view to satisfying progressively the demands of the non-nuclear-weapon States on the question of security assurances. On the other hand, however, the view was expressed that interim measures, particularly in the form of Security Council resolution, would have no utility and that they fell outside the mandate of the Ad Hoc Working Group and would merely undermine the necessary climate for elaborating credible security assurances for non-nuclear-weapon States. A number of delegations stressed that interim arrangements should not be a substitute for an international convention or other international arrangements of a legally binding character. In this context, it was emphasized that, while considering alternative ways, the final aim of reaching an international convention on security assurances for non-nuclear-weapon States against the use or threat of use of nuclear weapons should be constantly kept in mind. Any interim measure or other alternative means for strengthening the security of non-nuclear-weapon States should be judged against its substance and could be justified only in so far as it would constitute a step forward towards this direction.

2/ See Annex II of this report.

3/ See Annex III of this report.

4/ See Annex IV of this report.

18. Other ideas were submitted regarding action that could be taken at the second special session of the General Assembly devoted to disarmament on this question. It was suggested that nuclear-weapon States should appropriately revise their unilateral declarations, which could then be taken into account at the second special session. It was pointed out by some nuclear-weapon States that their unilateral assurances had been offered in response to, and given in recognition of, the security concerns expressed by the non-nuclear-weapon States, and that these assurances were credible and reliable and represented firm declarations of policy.

19. A statement by the Group of 21 was circulated to the Working Group, as contained in document CD/280, 5/ which inter alia, stated that: "The declarations (of some nuclear-weapon States) do not offer a credible assurance to non-aligned, neutral and other non-nuclear-weapon States that they will not be threatened or attacked with nuclear weapons". It further stated that there is every reason for the neutral, non-aligned and developing countries outside the two major military alliances to be covered by legally binding assurances and enumerated principles on the basis of which an agreement on this question should be reached. It expressed the view that "further negotiations in the Ad Hoc Working Group on this item are unlikely to be fruitful so long as the nuclear-weapon States do not exhibit a genuine political will to reach a satisfactory agreement". The Group of 21 therefore urged the nuclear-weapon States concerned to review their policies and to present revised positions on the subject to the second special session of the General Assembly devoted to disarmament which shall fully take into account the position of the non-aligned, neutral and other non-nuclear-weapon States, and which would facilitate agreement on an international instrument of a legally binding character.

IV. Conclusions and Recommendations

20. The Ad Hoc Working Group reaffirmed that non-nuclear-weapon States should be effectively assured by the nuclear-weapon States against the use or threat of use of nuclear weapons. There was continuing recognition of the urgent need to reach agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, especially in view of the goal of nuclear disarmament and of general and complete disarmament. During the past three sessions, negotiations on the substance of the effective arrangements revealed that specific difficulties were related to differing perceptions of security interests of some nuclear-weapon States and non-nuclear-weapon States as well as to the complex nature of the issues involved in evolving a "common formula" acceptable to all which could be included in an international instrument of a legally binding character. Although the negotiations on the subject in the Working Group have clarified many of the issues involved, the Working Group has been unable to reach agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

21. In the context of the forthcoming second special session of the General Assembly devoted to disarmament, the Working Group recommends to the Committee on Disarmament that ways and means should be explored to overcome the difficulties encountered in the negotiations of the Working Group with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

5/ See Annex V of this report.

ANNEX I

COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on
Security Assurances

CD/SA/WP.1/Rev.4
19 April 1982

Original: ENGLISH

List of Documents on the Question of Effective International Arrangements to Assure Non-Nuclear-Weapon States Against the Use or Threat of Use of Nuclear Weapons

I. Official documents of the Committee on Disarmament

(1) CD/1 - containing General Assembly resolutions 33/72A and B. (24 January 1979)

(2) CD/10 - submitted by Pakistan, entitled "Conclusion of an International Convention to Assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons". (27 March 1979)

(3) CD/23 - submitted by Bulgaria, Czechoslovakia, German Democratic Republic, Hungary, Mongolia, Poland, Union of Soviet Socialist Republics, entitled "Draft international convention on the strengthening of guarantees of the security of non-nuclear States". (21 June 1979)

(4) CD/25 - submitted by Pakistan, entitled "Effective International Arrangements to Assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons". (26 June 1979)

(5) CD/27 - submitted by United States of America, entitled "Proposal for a CD Recommendation to the United Nations General Assembly Concerning the Security of Non-Nuclear-Weapon States against Nuclear Attack". (2 July 1979)

(6) CD/47 - containing Report of the "Ad Hoc Working Group to consider and negotiate on, effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons" to the Committee on Disarmament. (7 August 1979)

(7) CD/55 - containing General Assembly resolutions 34/84, 34/85 and 34/86. (5 February 1980)

(8) CD/75 - submitted by Finland, entitled "Letter dated 12 March 1980 addressed to the Chairman of the Committee on Disarmament from the Permanent Representative of Finland to the United Nations Office at Geneva submitting a working document containing the views of the Finnish Government". (14 March 1980)

(9) CD/77 - containing a decision of the Committee on Disarmament to establish an ad hoc working group to continue to negotiate with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. (17 March 1980)

(10) CD/120 - submitted by Pakistan, entitled "Possible draft resolution for adoption by the United Nations Security Council as an interim measure on 'Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons'". (17 July 1980)

(11) CD/125* - Report of the "Ad Hoc Working Group to continue to negotiate with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons" to the Committee on Disarmament. (7 August 1980)

(12) CD/140 - containing General Assembly resolutions 35/154 and 35/155. (3 February 1981)

(13) CD/151 - containing a decision of the Committee on Disarmament to re-establish the Ad Hoc Working Group on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons under its former mandate during 1980 session. (13 February 1981)

(14) CD/153 - submitted by Bulgaria, entitled "Effective International Arrangements to Assure Non-nuclear-weapon States against the Use or Threat of Use of Nuclear Weapons". (18 February 1981)

(15) CD/161 - submitted by Pakistan, entitled "Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons". (4 March 1981)

(16) CD/176 - submitted by USSR, entitled "Letter dated 7 April 1981 addressed to the Chairman of the Committee on Disarmament from the Representative of the Union of Soviet Socialist Republics transmitting the reply of the General Secretary of the Central Committee of the Communist Party of the Soviet Union and Chairman of the Presidium of the Supreme Soviet of the USSR, Leonid Brezhnev, to the question put by the Greek newspaper, Ta Nea." (10 April 1981)

(17) CD/177 - submitted by the United Kingdom, entitled "United Kingdom working paper on the subject of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons". (10 April 1981)

(18) CD/184 - submitted by Pakistan, entitled "Letter dated 12 June 1981 from the Permanent Representative of Pakistan addressed to the Chairman of the Committee on Disarmament transmitting resolutions adopted by the Twelfth Islamic Conference of Foreign Ministers held in Baghdad from 1 to 6 June 1981", containing "Resolution No. 28/12-P: Strengthening the security of non-nuclear States against the use or threat of use of nuclear weapons". (15 June 1981)

(19) CD/207 – submitted by China, entitled "Working Paper on the Question of Security Assurances". (6 August 1981)

(20) CD/215 and Corr.1 – Report of the "Ad Hoc Working Group to continue to negotiate with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons" to the Committee on Disarmament. (14 August 1981)

(21) CD/231 – containing General Assembly resolutions 36/94 and 36/95.

(22) CD/243 – containing a decision of the Committee on Disarmament to re-establish the Ad Hoc Working Group on Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons under its former mandate during 1980 session. (19 February 1982)

(23) CD/278* – submitted by China, entitled "Working Paper on Effective International Arrangements to Assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons". (15 April 1982)

(24) CD/280 – submitted by the Group of 21, entitled "Statement of the Group of 21 on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons". (14 April 1982)

(25) CD/285 – "Special Report of the Ad Hoc Working Group on Effective International Arrangements to Assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons" to the Committee on Disarmament, prepared in view of the second special session of the General Assembly devoted to disarmament. (19 April 1982)

II. Working papers of the Ad Hoc Working Group on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons

(1) CD/SA/WP.1/Rev.3 – List of documents on the question of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. (23 February 1982)

(2) CD/SA/WP.2 – submitted by the Chairman, entitled "Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons: A. Scope and nature of the arrangements". (25 June 1980)

(3) CD/SA/WP.3 – submitted by Pakistan, entitled "Possible draft resolution by the United Nations Security Council as an interim measure on 'Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons' ". (15 July 1980)

(4) CD/SA/WP.4 - submitted by Bulgaria, entitled "Forms of arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons". (17 July 1980)

(5) CD/SA/WP.5 - submitted by the Chairman, entitled: "Stages of consideration of the substance of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons". (26 March 1981)

(6) CD/SA/WP.6 (CD/SA/CRP.6) - submitted by the Netherlands, containing a suggested "common formula" for negative security assurances to be incorporated in a Security Council resolution. (8 July 1981)

(7) CD/SA/WP.7 (CD/SA/CRP.7) - submitted by Pakistan, containing proposals in connection with Alternative D in Stage Two of document CD/SA/WP.5. (13 July 1981)

(8) CD/SA/WP.8 (CD/SA/CRP.8 and Corr.1) - submitted by Bulgaria, containing considerations in connection with "Alternative D, Stage Two, document CD/SA/WP.5" and the suggestions made under it. (21 July 1981)

(9) CD/SA/WP.9 - submitted by the Netherlands, entitled "Draft resolution of the Security Council embodying a 'common formula' to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons". (1 April 1982)

(10) CD/SA/WP.3/Rev.1* - submitted by Pakistan, entitled "Possible draft resolution for adoption by United Nations Security Council as an interim measure on 'Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons' ". (7 April 1982)

III. A compilation of material for the use of members of the ad hoc working group established by the Committee on Disarmament on 5 July 1979 to consider and negotiate on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons

(1) Statements made at the plenary and ad hoc committee meetings of the tenth special session of the General Assembly devoted to disarmament;

(2) Statements made at the plenary and the First Committee of the thirty-third session of the General Assembly

(a) Plenary

(b) First Committee (General)

(c) First Committee (Soviet Draft Convention);

(3) Declarations made by the five nuclear weapon States containing assurances not to use nuclear weapons against non-nuclear-weapon States;

(4) Security Council resolution 255 (1968);

(5) General Assembly resolutions on the non-use of nuclear weapons;

(6) Resolution on security assurances adopted by the Non-nuclear Weapon States Conference of 1968;

(7) Part of the 1975 NPT Review Conference Final Document, relevant to security assurances;

(8) Final Document of the tenth special session of the General Assembly devoted to disarmament, paragraphs 56-59 on security assurances;

(9) Addendum and supplements to the Compilation:

(i) "Proposal of the United States of America on strengthening confidence of non-nuclear-weapon States in their security against the use or threat of use of nuclear weapons" (A/C.1/33/7, 17 November 1978);

(ii) General Assembly resolution 2936 (XXVII): Non-use of force in international relations and permanent prohibition of the use of nuclear weapons;

(iii) "Working paper containing a draft additional protocol to the Treaty on the Non-Proliferation of Nuclear Weapons regarding the establishment of a system of security assurances within the framework of the Treaty" (NPT/CONF/22, 15 May 1975);

(iv) Declarations made by the United Kingdom, China, France, United States of America and Union of Soviet Socialist Republics regarding Protocol II of the Treaty of Tlatelolco.

IV. A compilation of statements made on the question of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons during the thirty-fourth session of the General Assembly

V. A compilation of statements made on the question of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons during the thirty-fifth session of the General Assembly

VI. A compilation of statements made on the question of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons during the thirty-sixth session of the General Assembly

VII. Unofficial transcriptions of the proceedings of the ad hoc working groups on security assurances

(1) Unofficial transcriptions of seven meetings of the ad hoc working group during 1979.

CD/278 */
16 April 1982
ENGLISH

ANNEX II

CHINA

Working Paper

On Effective International Arrangements to Assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons

Since its establishment over two years ago, the Ad Hoc Working Group on Effective International Arrangements to Assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons has held detailed and intensive discussions on the substance and form of negative security assurances. Faced with grave nuclear threat, numerous non-nuclear-weapon States call upon the nuclear-weapon States to provide unconditional assurances to non-nuclear-weapon States against the use or threat of use of nuclear weapons pending the realization of nuclear disarmament, and to conclude an international convention of a legally binding character. The Chinese delegation supports this reasonable demand. In the past two years and more, because the major nuclear powers which possess the largest nuclear arsenals imposed various conditions on non-nuclear-weapon States, no concrete result has been achieved so far in the negotiations on security assurances. The Chinese delegation believes that it is a minimum obligation of all the nuclear-weapon States to provide non-nuclear-weapon States with adequate security assurances, and in particular that the major nuclear powers with the largest nuclear arsenals bear primary responsibility in this respect. What the non-nuclear-weapon States ask for is unconditional assurances. They have rightly pointed out that demanding conditional assurances is tantamount to seeking security assurances for nuclear-weapon States from non-nuclear-weapon States. This is obviously unfair and unjust.

The Chinese delegation wishes to reiterate its position as follows: the complete prohibition and total destruction of nuclear weapons are essential for the elimination of nuclear war and nuclear threats. Pending the achievement of this goal, the nuclear-weapon States should at least undertake not to use or threaten to use nuclear weapons against the non-nuclear-weapon States and nuclear free-zones. China has already, on its own initiative and unilaterally, declared that at no time and in no circumstances would it be the first to use nuclear weapons. In connection with this fundamental position, China will unconditionally not use or threaten to use nuclear weapons against non-nuclear-weapon States.

Resolution 36/95 adopted by the United Nations General Assembly at its thirty-sixth session appeals to the nuclear-weapon States to demonstrate the political will necessary to reach agreement on a common approach which could be included in an international instrument of a legally binding character. It is our hope that the major nuclear powers shall not proceed from their own narrow interests and shall refrain from imposing various conditions with regard to security assurances for non-nuclear-weapon States. Moreover, they should respond positively to the reasonable demands voiced by a great number of non-nuclear-weapon States and demonstrate their political will to shoulder responsibilities with a view to ensuring progress in negotiations on security assurance. Together with the representatives of other countries, the Chinese delegation is ready to make further efforts to seek a "common formula" in consonance with demands of non-nuclear-weapon States and acceptable to all States.

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*/ Reissued for technical reasons.

ANNEX III

CD/SA/WP.9
1 April 1982

Original: ENGLISH

COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on
Security Assurances

THE NETHERLANDS: WORKING PAPER

Draft Resolution of the Security Council embodying a common formula to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons

The Security Council,

Considering the devastation that would be inflicted upon mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples,

Convinced that the most effective guarantee against the danger of nuclear war and the use of nuclear weapons is nuclear disarmament and the complete elimination of nuclear weapons,

Recognizing that pending the achievement of this goal, the nuclear-weapon States have special responsibilities to undertake measures aimed at preventing the outbreak of nuclear war,

Further convinced that the prevention of any further proliferation of nuclear weapons (or other nuclear explosive devices) remains a vital element in efforts to avert nuclear warfare,

Welcoming therefore the acceptance by a large and growing number of States of internationally binding commitments not to acquire nuclear weapons (or other nuclear explosive devices),

Recognizing the need to strengthen the security of non-nuclear-weapon States, and in particular to assure them against the use or threat of use of nuclear weapons,

Welcoming in this respect the adherence by five nuclear-weapon States to additional Protocol II of the Treaty for the Prohibition of Nuclear Weapons in Latin America,

Acknowledging that States find themselves in different security situations, and therefore that various appropriate means are necessary to meet the security concerns of different States,

Reaffirming the inherent right, recognized under Article 51 of the Charter, of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security,

Welcomes the solemn undertaking by the nuclear-weapon States not to use or threaten to use nuclear weapons against any non-nuclear-weapon State that has committed itself not to manufacture or receive nuclear weapons (or other nuclear explosive devices) or to acquire control over them, provided that State does not undertake, or partake in, an attack upon (the territory or the armed forces of) a nuclear-weapon State or its allies with the support of another nuclear-weapon State.

ANNEX IV

COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on
Security Assurances

CD/SA/WP.3/Rev.1*/
7 April 1982
Original: ENGLISH

PAKISTAN: WORKING PAPER

Possible draft resolution for adoption by United Nations Security Council as an interim measure on "Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons"

The Security Council,

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

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

Deeply concerned at the continued escalation of the arms race, in particular the nuclear arms race, and the possibility of the use or threat of use of nuclear weapons,

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

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

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

Bearing in mind paragraph 59 of the Final Document of the Tenth Special Session of the United Nations General Assembly, in which it requested the nuclear-weapon States urgently to conclude, as appropriate, effective arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

Noting the negotiations undertaken in the Committee on Disarmament on the item entitled "Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear-weapons".

Noting the report of the Committee on Disarmament,

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*/ Reissued for technical reasons.

Further noting the general support expressed for the elaboration of an international convention to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons and that there is no objection, in principle to the idea of an international convention,

Acting under the provisions of Chapter VII of the Charter in response to the threat to peace posed by the possibility of the use or threat of use of nuclear weapons:

1. Calls upon those States possessing nuclear weapons to undertake in a legally binding instrument not to use or threaten to use nuclear weapons against non-nuclear-weapon States;

2. Urges the Committee on Disarmament to pursue negotiations for this purpose and conclude, without delay, a binding international instrument to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons;

3. Requests the nuclear-weapon States to pursue these negotiations in good faith and to demonstrate the political will necessary to reach agreement on a legally binding instrument, in particular by appropriately revising their respective unilateral declarations on this question, taking into account especially the views and positions of the non-nuclear-weapon States which are not parties to the nuclear security arrangements of the two major military alliances;

4. Urges the nuclear-weapon States, as a provisional and immediate measure, to confirm, in a legally binding manner, that they will not use or threaten to use nuclear weapons against non-nuclear-weapon States which are not parties to the nuclear security arrangements of the two major military alliances;

5. Decides to remain seized of this matter.

CD/280
14 April 1982

Original: ENGLISH

ANNEX V

STATEMENT[1/] OF THE GROUP OF 21 ON EFFECTIVE INTERNATIONAL ARRANGEMENTS TO ASSURE NON-NUCLEAR WEAPON STATES AGAINST THE USE OR THREAT OF USE OF NUCLEAR WEAPONS

1. The Group of 21 believes that the most effective assurances of security against the use or threat of use of nuclear weapons is nuclear disarmament and prohibition of the use of nuclear weapons. The nuclear weapon States should refrain from any activity in the nuclear field which would jeopardize the security and well-being of the peoples of non-nuclear weapon States. The nuclear weapon States have an obligation to guarantee that the non-nuclear-weapon States will not be threatened or attacked with nuclear weapons. The Group of 21, therefore, welcomed the establishment of an ad hoc Working Group to reach agreement on "effective international arrangements to assure non-nuclear weapon States against the use or threat of use of nuclear weapons".

2. Most regrettably, three years of negotiations in the ad hoc Working Group have produced only marginal progress. This is due principally to the inflexible positions taken by some nuclear weapon States.

3. The Group of 21 is firmly convinced that the limitations, conditions and exceptions contained in the unilateral declarations of some nuclear weapon States reflect their subjective approach and that these declarations are based on the doctrine of nuclear deterrence. Taken together, these conditions, limitations and exceptions have the effect of severely restricting such positive features as may be contained in these unilateral declarations and they are, therefore, unacceptable to members of the Group of 21. The declarations do not offer a credible assurance to non-aligned, neutral and other non-nuclear-weapon States that they will not be threatened or attacked with nuclear weapons.

4. The Group of 21 notes that in accordance with paragraph 62 of the Final Document, the nuclear weapon States have given undertakings to refrain from the use or threat of use of nuclear weapons against States which are members of the existing nuclear weapon free zone. Besides these States, other neutral, non-aligned and developing countries outside the two major military alliances are committed not to acquire or manufacture nuclear weapons. There is therefore every reason for these States being covered by the same legally binding assurances, especially if one takes into account that the nuclear weapon States were urged in paragraph 59 to conclude, as appropriate, effective arrangements to assure non-nuclear weapon States against the use or threat of use of nuclear weapons.

5. The Group of 21 emphasizes that an agreement on the question of "effective international arrangements to assure non-nuclear weapon States against the use or threat of use of nuclear weapons" should be based on the following principles:

(i) The nuclear weapon States have an obligation to assure the non-nuclear weapon States against the use or threat of use of nuclear weapons;

1/ The Statement represents the common denominator of the positions of the members of the Group of 21.

(ii) Non-nuclear weapon States have the right to be assured by the nuclear weapon States against the use or threat of use of nuclear weapons;

(iii) Such assurances should be provided in a legally binding and multilaterally negotiated international instrument. The Group of 21 notes with satisfaction that there is no objection, in principle, within the Committee on Disarmament to the idea of an international convention;

(iv) A common formula or common approach to be included in an international instrument on this question should be clear and credible, and respond both to the legitimate security concerns of the non-aligned, neutral and other non-nuclear weapon States as well as to the views of the Group of 21 stated above;

(v) The agreement on this question should encompass commitments by the nuclear weapon States to achieve nuclear disarmament and pending the achievement of nuclear disarmament to prohibit the use or threat of use of nuclear weapons.

6. The Group of 21 considers that further negotiations in the ad hoc working group on this item are unlikely to be fruitful so long as the nuclear weapon States do not exhibit a genuine political will to reach a satisfactory agreement. The Group, therefore, urges the nuclear weapon States concerned to review their policies and to present revised positions on the subject to the second special session of the General Assembly devoted to disarmament which shall fully take into account the position of the non-aligned, neutral and other non-nuclear weapon States. Such an undertaking would facilitate the task of elaborating an agreed international instrument on effective international arrangements to assure non-nuclear weapon States against the use or threat of use of nuclear weapons. It would also contribute towards progress in achieving an international agreement on the prohibition of the use or threat of use of nuclear weapons pending nuclear disarmament.

COMMITTEE ON DISARMAMENT

CD/321
27 August 1982

ENGLISH
Original: FRENCH

FRANCE

Working paper

Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons

France, aware in particular of the concerns of the non-nuclear-weapon States which, while in favour of the creation of nuclear-weapon-free zones, find themselves in a situation in which it seems unlikely at present that all the States of a region can agree on the establishment of such a zone, has decided to extend its assurance that it will not use or threaten to use nuclear weapons to States not possessing such weapons individually.

Accordingly on 11 June last France declared, through Mr. Claude CHEYSSON, its Minister for Foreign Affairs, speaking before the General Assembly at its second special session devoted to disarmament, that "for its part ... it will not use nuclear arms against a State that does not have them and that has pledged not to seek them, except if an act of aggression is carried out in association or alliance with a nuclear-weapon State against France or against a State with which France has a security commitment".

France also hopes thereby to make it easier for the Security Council to take note of the common elements in the assurances not to use or to threaten to use nuclear weapons against States which do not possess such weapons.

GE.82-66179

COMMITTEE ON DISARMAMENT

CD/407
4 August 1983
Original: ENGLISH

STATEMENT OF THE GROUP OF 21 ON EFFECTIVE INTERNATIONAL ARRANGEMENTS TO ASSURE NON-NUCLEAR WEAPON STATES AGAINST THE USE OR THREAT OF USE OF NUCLEAR WEAPONS

1. In its statement (CD/280) of 14 April 1982 the Group of 21 had stated that "further negotiations in the ad hoc working group on this item are unlikely to be fruitful so long as the nuclear weapon States do not exhibit a genuine political will to reach a satisfactory agreement. The Group, therefore, urges the nuclear weapon States concerned to review their policies and to present revised positions on the subject to the second special session of the General Assembly devoted to disarmament which shall fully take into account the position of the non-aligned, neutral and other non-nuclear weapon States".

2. At the second special session the Nuclear Weapon States failed to meet the concerns of the Group of 21 in this regard.

3. In subsequent discussions in the Working Group the nuclear weapon States have persistently upheld their existing unilateral declarations which reflect their own subjective approach, with the result that the negotiations on this item cannot be carried any further.

4. The Group of 21 deeply regrets this situation.

5. The Group of 21 reiterates its belief that the most effective assurances of security against the use or threat of use of nuclear weapons is nuclear disarmament and prohibition of the use of nuclear weapons. The Group of 21 reaffirms its adherence to the principles enunciated in the Group's statement (CD/280) of 14 April 1982, regarding an agreement on the question of "effective international arrangements to assure non-nuclear weapon States against the use or threat of use of nuclear weapons".

6. The nuclear weapon States have an obligation to guarantee in clear, unambiguous terms that the non-nuclear weapon States will not be threatened or attacked with nuclear weapons. The inflexibility of the concerned nuclear weapon States to remove the limitations, conditions and exceptions contained in their unilateral declarations runs counter to their obligations to extend credible assurances to the non-nuclear weapon States against the use or threat of use of nuclear weapons. The resulting impasse is preventing the working group from proceeding to the elaboration of a common formula or common approach acceptable to all to be included in an international instrument as called for by the relevant resolutions of the United Nations.

7. The Group of 21, therefore, once again urges the concerned nuclear weapon States to display the necessary understanding and political will in this respect thus enabling the working group to resume work at the beginning of the next session.

E.83-63554

COMMITTEE ON DISARMAMENT

CD/417
22 August 1983

Original: ENGLISH

AD HOC WORKING GROUP ON EFFECTIVE INTERNATIONAL ARRANGEMENTS TO ASSURE NON-NUCLEAR-WEAPON STATES AGAINST THE USE OR THREAT OF USE OF NUCLEAR WEAPONS

Report to the Committee on Disarmament

I. Introduction

1. At its 207th plenary meeting, on 29 March 1983, the Committee on Disarmament adopted the following decision, relating to item 3 on its agenda, contained in document CD/358, which, inter alia, reads:

"...

The Committee decides to re-establish for the duration of its 1983 session the Ad Hoc Working Groups on a Nuclear Test Ban, Effective International Arrangements to Assure Non-Nuclear-Weapon States Against the Use or Threat of Use of Nuclear Weapons, Chemical Weapons and Radiological Weapons ...

It is understood that the ad hoc working groups may start their work on the basis of their former mandates. The mandate of the Ad Hoc Working Group on a Nuclear Test Ban may thereafter be revised as decided by the Committee which will consider this question with appropriate urgency.

The ad hoc working groups will report to the Committee on the progress of their work before the conclusion of its 1983 session."

II. Organization of Work and Documentation

2. At its 207th plenary meeting, on 29 March 1983, the Committee on Disarmament appointed Ambassador Mansur Ahmad, representative of Pakistan, as Chairman of the Ad Hoc Working Group. Mr. S.K. Buo and Mr. M. Cassandra of the United Nations Department for Disarmament Affairs served as Secretary of the Ad Hoc Working Group during the first and second parts of the 1983 session respectively.

3. The Ad Hoc Working Group held nine meetings between 26 April and 29 April and between 16 June and 22 August 1983.

4. At their request, the Committee on Disarmament, at its 208th plenary meeting on 31 March 1983, decided to invite the representatives of the following States not members of the Committee to participate in the meetings of the Ad Hoc Working Group during the 1983 session: Austria, Finland, Norway.

5. In carrying out its mandate, the Ad Hoc Working Group took into account paragraph 59 of the Final Document of the tenth special session of the General Assembly devoted to disarmament, in which "... the nuclear-weapon States are called upon to take steps to assure the non-nuclear-weapon States against the use or threat of use of nuclear weapons. The General Assembly notes the

declarations made by the nuclear-weapon States and urges them to pursue efforts to conclude, as appropriate, effective arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons". During the course of its work, the Working Group also took into account other relevant paragraphs of the Final Document.

6. The Ad Hoc Working Group also took note of the letter of the Secretary-General in document CD/336 transmitting resolutions adopted by the General Assembly at its thirty-seventh session, and took note in particular of resolutions 37/80 and 37/81. Paragraphs 3, 4 and 5 of resolution 37/80 read as follows:

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

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

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

Paragraphs 3, 4 and 5 of resolution 37/81 read as follows:

"3. Appeals to all States, especially the nuclear-weapon States, to demonstrate the political will necessary to reach agreement on a common approach and, in particular, on a common formula which could be included in an international instrument of a legally binding character;

4. Recommends that further intensive efforts should be devoted to the search for such a common approach or common formula and that the various alternative approaches, including in particular those considered in the Committee on Disarmament, should be further explored in order to overcome the difficulties;

5. Recommends that the Committee on Disarmament should actively continue negotiations with a view to reaching early agreement and concluding effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, taking into account the widespread support for the conclusion of an international convention and giving consideration to any other proposals designed to secure the same

7. In addition to the previous documents before the Ad Hoc Working Group listed in CD/SA/WP.1/Rev.4, two documents from the 1981 session were recirculated to the Group: a working paper presented by the Netherlands (CD/SA/CRP.6) and another presented by Pakistan (CD/SA/CRP.7). A working paper was prepared by the Secretariat during the 1983 session, entitled "Declarations on Security Assurances to non-nuclear-weapon States made by the five nuclear-weapon States; including references to nuclear-weapon-free-zones; and Protocol II of the Treaty for the Prohibition of Nuclear Weapons in Latin America" (CD/SA/WP.10), 1/ which updated the declarations of the nuclear-weapon States contained in CD/SA/WP.2. The Group of 21 presented a document (CD/407) to the Committee on the subject. 2/ The Secretariat also prepared a document dated 20 April 1983, entitled "A compilation of statements made at the twelfth special session of the General Assembly and during the thirty-seventh regular session of the General Assembly, in 1982, on the question of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons".

SUBSTANTIVE NEGOTIATIONS

8. In pursuing the task entrusted to it, the Working Group bore particularly in mind its special report to the Committee on Disarmament in view of the second special session of the General Assembly devoted to disarmament (CD/285*) wherein it reviewed substantive negotiations on "Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons" during the 1979, 1980 and 1981 sessions of the Committee on Disarmament, as well as the state of negotiations on the subject before the second special session in 1982. The Working Group had held no meetings since that report until it was re-established in 1983 and the prospect of further progress on this issue was debated.

9. A number of delegations generally regretted the fact that there had been little positive movement forward in the negotiations on the question since the Group last met a year ago and they reiterated the Group of 21's view, contained in document CD/280, that further negotiations in the Group were unlikely to be fruitful as long as nuclear-weapon States did not exhibit a genuine political

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1/ See Annex I.

2/ See Annex II.

will to reach a satisfactory agreement. They were of the view that nuclear-weapon States were under the obligation to guarantee in clear and categorical terms that non-nuclear-weapon States will not be made victims of threats or attacks with nuclear weapons. One nuclear-weapon-State emphasized that these appreciations should take full account of the movement in its position that occurred at the second special session of the General Assembly devoted to disarmament. Many delegations, including two nuclear-weapon States, shared the view that political will was the central requirement for progress on this issue. In this regard other delegations pointed to the specific difficulties that had been revealed in negotiations which stemmed from the differing perceptions of the security interests of some nuclear and non-nuclear-weapon States and showed that the question of negative security assurances, in their view, cannot in fact be divorced from the wider issues of security in general. Some delegations expressed their view on the inadmissibility of this concept and stated that perceptions of security interests could not be used as an excuse for not granting negative guarantees or for the placing of conditions on those declarations. One nuclear-weapon State declared that its unilateral commitment never to use or threaten to use nuclear weapons against those States which renounce the production and acquisition of such weapons and do not have them on their territories was effective, reliable and met the vital interests of non-nuclear-weapon States.
A number of delegations from non-nuclear-weapon States held that the inflexibility of the concerned nuclear-weapon States to remove the limitations, conditions and exceptions contained in their unilateral declarations reduced to nothing the credibility of their declarations. Three nuclear-weapon States rejected this argument and stated that the assurances they had provided had been solemnly and formally given and remained fully in force.

10. Some delegations held that the unilateral declarations of two nuclear-weapon States were incompatible with the obligations of those two States under Additional Protocol II of the Treaty of Tlatelolco. Those delegations further noted that the effectiveness of the treaty had been adversely affected by interpretative declarations to the Protocols which they held imposed conditions contrary to the letter and spirit of the Treaty and derived from multilateral instruments that in their view were inherently discriminatory. They also stated that the interpretative declarations amounted to reservations since they modified the terms of the Treaty of Tlatelolco and recalled in that connection the provisions of Article IV of Additional Protocol II. The nuclear-weapon States concerned disagreed that any such incompatibility existed. They maintained that

the declarations made on ratification of the Additional Protocols to the Treaty of Tlatelolco were entirely consistent with the provisions of those Protocols and the Treaty.

11. The importance of effective security assurances to non-nuclear-weapon States was re-affirmed. It was widely held that there was an urgent need to reach agreement on a "common formula" which could be included in an international instrument of a legally binding character. There was also no objection, in principle, to the idea of an international convention; however, the difficulties involved were also pointed out. Some delegations were of the view that the Working Group had exhausted its discussions on the subject.

12. The Chairman suggested three mutually non-exclusive approaches for possible adoption by the Working Group in its consideration of the subject, namely, (1) to continue negotiations towards an agreement on a common formula which could be included in an international instrument of a legally binding character; (2) to examine the relevance and the direct implications of the non-first-use of nuclear weapons to the so-called negative security assurances; and (3) to adopt any other approach which might help in the resolution of some of the problems.

13. Some delegations expressed the view that the Working Group should proceed immediately to the concrete elaboration of an international convention. It was pointed out however that an agreement first on the substance of the assurances would facilitate an agreement on the form.

14. An exchange of views was held on the relevance of non-first-use of nuclear weapons to security assurances offered to non-nuclear-weapon States. Some delegations felt that a non-first-use pledge evidently amounted to a clear guarantee that nuclear weapons would not be used against non-nuclear-weapon States since these States by virtue of their non-possession of nuclear weapons could never provoke retaliation.

15. A number of delegations underlined the significance of the non-first-use obligations and pointed out that a unilateral non-first-use undertaking, if assumed by all nuclear-weapon States without exception, would constitute an important measure aimed at strengthening the security of non-nuclear-weapon States, and therefore had direct implications and relevance to the Group's work. Some other delegations stated that the commitment not to be the first to use nuclear weapons cannot constitute an effective and credible guarantee for non-nuclear-weapon States, in so far as its validity erga omnes may at any moment be called into question by the actions of another nuclear-weapon State. Divergent views on this issue remained.

16. In the course of deliberations and with a view to clarifying the subject matter, a proposal was put forward that the question be examined according to the categories of non-nuclear-weapon States contained in the five unilateral declarations by the nuclear-weapon powers. These categories would be: (1) non-nuclear-weapon States that belong to a military alliance with nuclear-weapon States; (2) non-nuclear-weapon States that belong to a military alliance and have nuclear weapons stationed on their territory; (3) non-nuclear-weapon States that belong to a military alliance and do not have nuclear weapons stationed on their territory; (4) non-nuclear-weapon States who do not belong to a military alliance, but have military arrangements with a nuclear-weapon State involving nuclear weapon assurances; (5) non-nuclear-weapon States that do not belong to a military alliance and enjoy a denuclearized status deriving from their participation in a nuclear-weapon-free zone. In this context it was pointed out that some of the existing unilateral declarations made by the nuclear-weapon States specifically referred to non-nuclear-weapon States which are parties to the Non-Proliferation Treaty or to other internationally binding commitments not to acquire nuclear explosive devices. Many delegations pointed out that non-nuclear-weapon States as a whole should be given clear and unambiguous guarantees against the use or threat of use of nuclear weapons. Some delegations reiterated their position that in view of the manifest difficulties in providing effective assurances to all non-nuclear-weapon States, at least those not belonging to any of the military alliances should receive such guarantees. The discussion on the suggested approach however remained inconclusive.

17. Some delegations, referring to what, in their view, has come to be known as the geographic proliferation of nuclear weapons, noted that the increasing introduction and deployment of nuclear weapons in various areas of the world should be averted, as it has serious implications for the non-nuclear-weapon States in their respective regions. Other delegations stated that this notion of geographic proliferation fails to take into account existing geographic asymmetries.

18. One nuclear-weapon State reiterated that it undertook unconditionally not to use or threaten to use nuclear weapons against non-nuclear States and nuclear-free zones.

19. One nuclear-weapon State stressed the importance of its unilateral obligation not to be the first to use nuclear weapons. The same nuclear-weapon State confirmed that its unilateral commitment never to use or threaten to use nuclear weapons against those States which renounce the production and acquisition of such weapons and do not have them on their territories remained fully valid.

20. One nuclear-weapon State recalled the substantial expansion of its position presented during the second special session of the General Assembly devoted to disarmament and as contained in document CD/SA/WP.10.

21. Two nuclear-weapon States pointed out that their unilateral assurances had been offered in response to, and given in recognition of the security concerns expressed by the non-nuclear-weapon States, and that these assurances were credible and reliable and represented firm declarations of policy.

22. In connection with those unilateral declarations, some delegations expressed the view that Article 51 of the Charter of the United Nations cannot be invoked to justify the use or threat of use of nuclear weapons in the exercise of the right of self-defence in case of armed attack not involving the use of nuclear weapons. Other delegations maintained that no provision of the United Nations Charter limits the right of States to make use of the means they deem the most appropriate, subject to existing international agreements, in exercise of their inherent right of individual or collective self-defence as recognized in Art. 51.

23. Many delegations reiterated their belief that nuclear disarmament constituted the most effective security assurance against the use or threat of use of nuclear weapons. A number of delegations further stated that if non-nuclear-weapon States were required to accept unilateral declarations, as a sufficient assurance of security, similarly nuclear-weapon States should accept unilateral declarations of non-nuclear-weapon States as sufficient assurance that they do not possess nuclear weapons nor intended to acquire such weapons.

CONCLUSIONS AND RECOMMENDATIONS

24. The Ad Hoc Working Group reaffirmed that non-nuclear-weapon States should be effectively assured by the nuclear-weapon States against the use or threat of use of nuclear weapons pending effective measures of nuclear disarmament. Negotiations on the substance of the effective arrangements however revealed that specific difficulties related to differing perceptions of security interests of some nuclear-weapon States and non-nuclear-weapon States persisted and that the complex nature of the issues involved in evolving a common formula acceptable to all continued to prevent agreement on such a formula, as well as on an international convention. Under these circumstances, no progress was achieved.

25. Against this background, the Working Group recommends to the Committee on Disarmament that ways and means should be explored to overcome the difficulties encountered in the negotiations to reach an appropriate agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. Accordingly, a working group should be re-established at the beginning of the 1984 session and consultations should take place in order to determine the most appropriate course of action, including the

COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on
Security Assurances

DECLARATIONS ON SECURITY ASSURANCES TO NON-NUCLEAR-WEAPON STATES MADE BY THE FIVE NUCLEAR WEAPON STATES, INCLUDING REFERENCES TO NUCLEAR WEAPON FREE ZONES; AND PROTOCOL II OF THE TREATY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA

I. DECLARATIONS ON SECURITY ASSURANCES

CHINA: "Pending the realization of complete prohibition and thorough destruction of nuclear weapons, all nuclear countries must undertake unconditionally not to use or threaten to use such weapons against non-nuclear countries and nuclear-free zones.

As is known to all, the Chinese Government has long declared on its own initiative and unilaterally that at no time and under no circumstances will China be the first to use nuclear weapons, and that it undertakes unconditionally not to use or threaten to use nuclear weapons against non-nuclear countries and nuclear-free zones."

Letter from the Chinese Government to the Secretary-General of the United Nations on the Prevention of Nuclear War, 28 April 1982, A/S-12/11 of 4 May 1982.

FRANCE: declares that "for its part ... it will not use nuclear arms against a State that does not have these weapons and has pledged not to seek them, except in the case of an act of aggression carried out in association or alliance with a nuclear-weapon State against France or against a State with which France has a security commitment".

Address by Mr. Claude Cheysson, Minister for Foreign Affairs, to the 12th Special Session of the General Assembly (SSOD II) on 11 June 1982, A/S-12/PV.9, p.69.

It remains also ready "to negotiate with nuclear-free zones participants in order to contract effective and binding commitments, as appropriate, precluding any use or threat of use of nuclear weapons against the States of these zones".

CD/SA/WP.2 of 25 June 1980.

USSR: "From the rostrum of the special session our country declares that the Soviet Union will never use nuclear weapons against those States which renounce the production and acquisition of such weapons and do not have them on their territories.

We are aware of the responsibility which would thus fall on us as a result of such a commitment. But we are convinced that such a step to meet the wishes of non-nuclear States to have stronger security guarantees is in the interests of peace in the broadest sense of the word. We expect that the goodwill evinced by our country in this manner will lead to more active participation by a large number of States in strengthening the non-proliferation régime.

The Soviet Union is prepared to enter into an appropriate bilateral agreement with any non-nuclear State. We call upon all the other nuclear Powers to follow our example."

Address by Mr. A. Gromyko, Minister for Foreign Affairs of the USSR, to the 10th Special Session of the General Assembly (SSOD I), 26 May 1978, Official Records of the General Assembly Tenth Special Session Plenary Meetings, Verbatim Records, 5th meeting, paras. 84-86, p.78.

UNITED KINGDOM: "The United Kingdom is now ready formally to give ... the following assurance ... to non-nuclear-weapon States which are parties to the Non-Proliferation Treaty or to other internationally binding commitments not to manufacture or acquire nuclear explosive devices: Britain undertakes not to use nuclear weapons against such States except in the case of an attack on the United Kingdom, its dependent territories, its armed forces, or its allies by such a State in association or alliance with a nuclear-weapon State."

United Kingdom Working Paper on the Subject of Effective International Arrangements to Assure Non-Nuclear Weapon States against the Use or Threat of Use of Nuclear Weapons, CD/177 of 10 April 1981.

UNITED STATES: "The United States will not use nuclear weapons against any non-nuclear-weapon State party to the Non-Proliferation Treaty or any comparable internationally binding commitment not to acquire nuclear explosive devices, except in the case of an attack on the United States, its territories or armed forces, or its allies, by such a State allied to or associated with a nuclear-weapon State in carrying out or sustaining the attack."

Most recently reaffirmed by Mr. Eugene Rostow, Director United States Arms Control and Disarmament Agency, at the 152nd plenary meeting of the CD on

II. TREATY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA (TLATELOLCO)

Additional Protocol II

The undersigned Plenipotentiaries, furnished with full powers by their respective Governments,

Convinced that the Treaty for the Prohibition of Nuclear Weapons in Latin America, negotiated and signed in accordance with the recommendations of the General Assembly of the United Nations in Resolution 1911 (XVIII) of 27 November 1963, represents an important step towards ensuring the non-proliferation of nuclear weapons,

Aware that the non-proliferation of nuclear weapons is not an end in itself but, rather, a means of achieving general and complete disarmament at a later stage, and

Desiring to contribute, so far as lies in their power, towards ending the armaments race, especially in the field of nuclear weapons, and towards promoting and strengthening a world at peace, based on mutual respect and sovereign equality of States,

Have agreed as follows:

Article 1

The statue of denuclearization of Latin America in respect of warlike purposes, as defined, delimited and set forth in the Treaty for the Prohibition of Nuclear Weapons in Latin America of which this instrument is an annex, shall be fully respected by the Parties to this Protocol in all its express aims and provisions.

Article 2

The Governments represented by the undersigned Plenipotentiaries undertake, therefore, not to contribute in any way to the performance of acts involving a violation of the obligations of article 1 of the Treaty in the territories to which the Treaty applies in accordance with article 4 thereof.

Article 3

The Governments represented by the undersigned Plenipotentiaries also undertake not to use or threaten to use nuclear weapons against the Contracting Parties of the Treaty for the Prohibition of Nuclear Weapons in Latin America.

Article 4

The duration of this Protocol shall be the same as that of the Treaty for the Prohibition of Nuclear Weapons in Latin America of which this Protocol is an annex, and the definitions of territory and nuclear weapons set forth in articles 3 and 5 of the Treaty shall be applicable to this Protocol, as well as the provisions

regarding ratification, reservations, denunciation, authentic texts and registration contained in articles, 26, 27, 30 and 31 of the Treaty.

Article 5

This Protocol shall enter into force, for the States which have ratified it, on the date of the deposit of their respective instruments of ratification.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, having deposited their full powers, found to be in good and due form, hereby sign this Additional Protocol on behalf of their respective Governments.

Extracted from Status of multilateral arms regulation and disarmament agreements Special Supplement to the United Nations Disarmament Yearbook, Volume II: 1977; pages 60-61. Sales No. E.78.IX.2.

CONFERENCE ON DISARMAMENT

CD/536
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AD HOC COMMITTEE ON EFFECTIVE INTERNATIONAL ARRANGEMENTS TO ASSURE NON-NUCLEAR-WEAPON STATES AGAINST THE USE OR THREAT OF USE OF NUCLEAR WEAPONS

Report to the Conference on Disarmament

I. Introduction

1. At its 245th plenary meeting, on 28 February 1984, the Conference on Disarmament decided to re-establish for the duration of its 1984 session, an ad hoc subsidiary body on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons on the basis of its former mandate. The Conference further decided that the ad hoc subsidiary body would report to the Conference on the progress of its work before the conclusion of the 1984 session. The term "ad hoc subsidiary body" was used pending a decision by the Conference on its designation (document CD/441).

2. At its 248th plenary meeting, on 8 March 1984, the Conference decided to designate the ad hoc subsidiary body as an "Ad Hoc Committee" (document CD/446).

II. Organization of work and documents

3. At its 270th plenary meeting, on 5 July 1984, the Conference on Disarmament appointed Ambassador Borislav Konstantinov (Bulgaria) as Chairman of the Ad Hoc Committee. Mr. M. Cassandra, United Nations Department for Disarmament Affairs, served as Secretary to the Ad Hoc Committee.

4. The Ad Hoc Committee held 11 meetings between 16 July and 15 August 1984.

5. At their request, the Conference on Disarmament decided to invite the representatives of the following States not members of the Conference to participate in the meetings of the Ad Hoc Committee during the 1984 session: Colombia, Democratic Yemen, Finland, Norway, Senegal and Spain.

6. In carrying out its mandate, the Ad Hoc Committee took into account paragraph 59 of the Final Document of the Tenth Special Session of the General Assembly devoted to disarmament, in which "... the nuclear-weapon States are called upon to take steps to assure the non-nuclear-weapon States against the use or threat of use of nuclear weapons. The General Assembly notes the declarations made by the nuclear-weapon States and urges them to pursue efforts to conclude, as appropriate, effective arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons". During the course of its work, the Committee also took into account other relevant paragraphs of the Final Document.

7. In addition to the documents of previous sessions related to the item, 1/ the Ad Hoc Committee had before it the following two documents prepared by the Secretariat:

(a) A compilation of statements made and action taken during the thirty-eighth regular session of the General Assembly in 1983;

(b) A compilation of statements made in plenary meetings of the Conference on Disarmament during the Spring session of 1984.

III. Substantive work

8. Bearing in mind the conclusions and recommendations contained in the report of the Ad Hoc Working Group on the item to the Committee on Disarmament in 1983 (CD/417), consultations and discussions took place with a view to overcoming difficulties faced ever since the inception of discussions on this item in 1979.

9. Many delegations stated that so long as nuclear weapons exist and can be used, there will be no security for anyone. They further reiterated their belief that nuclear disarmament constituted the most effective security assurance against the use or threat of use of nuclear weapons.

10. Other delegations, including three nuclear-weapon States, expressed the view that, while nuclear disarmament was undoubtedly of the greatest importance, vital significance was attached to the unconditional adherence by all States to the commitment contained in Article 2 of the United Nations Charter to refrain from the threat or use of force except in the exercise of their inalienable right to individual or collective self-defence. In this context, they reaffirmed the position of their States that none of their weapons, nuclear or conventional, would ever be used except in response to armed attack. In the opinion of other delegations including one nuclear-weapon State the United Nations Charter cannot be invoked to justify the first-use of nuclear weapons. Those same delegations expressed their regret that despite the repeated declarations of one group of States about its peaceful intentions it had failed to respond adequately to the proposal for concluding a treaty on the mutual non-use of military force and the maintenance of relations of peace between the Warsaw Treaty Member-States and the Member-States of the North Atlantic Alliance, a treaty which would be open to all other States as well.

11. A number of delegations generally regretted the fact that there had been no forward movement in the negotiations on the question since last year and they reiterated the Group of 21's view, contained in document CD/280, and again in document CD/407, that further negotiations in the Committee were unlikely to be fruitful so long as nuclear-weapon States did not exhibit a genuine political will to reach a satisfactory agreement. They were of the view that nuclear-weapon States were under the obligation to guarantee in clear and categorical terms that non-nuclear-weapon States will not be subjected to attacks or threats of attacks with nuclear weapons.

1/ The list of documents of previous sessions up to and including the 1982 session is contained in the report of the Ad Hoc Working Group on Effective International Arrangements to Assure Non-Nuclear Weapon States against the Use or Threat of Use of Nuclear Weapons to the Committee on Disarmament, in view of the second special session of the General Assembly devoted to disarmament (CD/285). The list of documents submitted to the 1983 session is contained in the report of the Ad Hoc Working Group to the Committee on Disarmament (CD/417).

12. One nuclear-weapon State reiterated its unconditional guarantee not to use or threaten to use nuclear weapons against non-nuclear States and nuclear-free-zones. Another nuclear-weapon State stressed the importance of its unilateral obligation never to use nuclear weapons against those States which renounce the production and acquisition of such weapons and do not have them on their territory. Three other nuclear-weapon States underlined that the unilateral declarations they had made were credible and reliable and amounted to firm declarations of policy. Many of the delegations from non-nuclear-weapon States, however, held that the inflexibility of the concerned nuclear-weapon States to remove the limitations, conditions and exceptions contained in their unilateral declarations reduced to nothing the credibility of these declarations. Those delegations further stated that with only one exception the so-called "assurances", that had been unilaterally proclaimed, were more in the nature of permissible scenarios for the use of weapons that may end human civilization. Three nuclear-weapon States rejected this argument and stated that the assurances they had provided had been solemnly and formally given and remained fully in force. One nuclear-weapon State declared that its unilateral commitment never to use or threaten to use nuclear weapons against those States which renounce the production and acquisition of such weapons and do not have them on their territories was effective, reliable and met the vital interests of non-nuclear weapon States.

13. In the view of many delegations the point of view expressed above by four nuclear-weapon States confirmed their opinion that the question of negative security assurances continued to be approached by nuclear-weapon States from the narrow point of view of their security perceptions vis-à-vis each other, and not as a provisional measure aimed at providing effective guarantees to assure the security of non-nuclear-weapon States pending concrete measures of nuclear disarmament.

14. The importance of effective security assurances to non-nuclear weapon States against the use or threat of use of nuclear weapons was reaffirmed. Some delegations held that there was an urgent need to reach agreement on a "common formula" which could be included in an international instrument of a legally binding character. There was no objection in principle to the idea of an international convention; however, the difficulties involved were also pointed out. Some delegations suggested that pending agreement on those matters elements of interim arrangements should be explored. In this regard different aspects as to the form and the substance of such arrangements were analysed.

15. Some delegations were of the view that, since nuclear-weapon States had not revised their positions, the Ad Hoc Committee had exhausted the present possibilities of discussion on the subject. Several delegations expressed the view that further ways and means should be explored to overcome the difficulties encountered in the negotiations to reach an appropriate agreement on effective international arrangements to assure non-nuclear-weapon States against the threat or use of nuclear weapons.

16. The question of how to harmonize different views and find a common formula was considered. A number of delegations expressed the view that the common formula should be based on a non-use or non-first-use clause. Other delegations, including three nuclear-weapon States, maintained that the common ground should embody two elements - the status of non-nuclear-weapon States and a non-attack provision. It was stressed that the common formula should first of all meet the wishes of the non-nuclear-weapon States and be conducive to the strengthening of their security.

17. Many delegations felt that the very term "non-nuclear-weapon States" was unambiguous and self-explanatory and it ruled out, by definition, any further need to elaborate on the status of such States. In connection with the non-attack provision, many delegations expressed the view that Article 51 of the United Nations Charter cannot be invoked to justify the use or threat of use of nuclear weapons in the exercise of the right of self-defence in the case of armed attack not involving the use of nuclear weapons, since nuclear war would threaten the very survival of mankind. Other delegations maintained that no provision of the United Nations Charter limits the right of States to make use of the means they deem the most appropriate, subject to existing international agreements, in exercise of their inherent right of individual or collective self-defence as recognized in Article 51.

18. Some delegations considered that a resolution of the Security Council containing a common denominator could be an acceptable interim solution but not a substitute to a final solution. Many delegations expressed the view that a common denominator should be an unconditional guarantee similar to that given by one nuclear-weapon State. Some delegations bearing in mind the difficulties involved in formulating a common approach suggested that interpretative statements might be envisaged. At the same time views were expressed that such statements should be similar, if not identical, but at least not mutually exclusive. Many delegations stated that a common formula was politically, legally and technically possible if four of the five nuclear-weapon States were to review their policies and formulate revised positions so as to respond positively to the legitimate concerns of the neutral and non-aligned States.

19. A number of delegations proposed that security assurances to non-nuclear-weapon States be considered in a broad perspective. To that effect, they suggested an examination of the relevance of the non-first-use of nuclear weapons commitment to the granting of security assurances to non-nuclear-weapon States. It was pointed out that a non-first-use undertaking if agreed by all nuclear-weapon States and applied generally had global bearing. They also suggested that a mutual non-use of force commitment would serve to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. They also underlined the importance to the question of the establishment of nuclear-weapon-free zones, especially in Europe, which should be subject to security assurances. Many delegations considered that for the establishment of such zones to be effective, they should be fully complied with and nuclear-weapon States should effectively respect the status of such zones through adequate verification procedures, thus ensuring that the zones are genuinely free from nuclear weapons. In that connection they further stated the view that the security of non-nuclear-weapon States would be enhanced if the nuclear weapons deployed by nuclear-weapon States in oceans and in other territories should be withdrawn. They also expressed the view that nuclear-weapon States should refrain from military manoeuvres with nuclear weapons in close proximity to States not possessing nuclear weapons, thus endangering their security.

20. Other delegations were of the view that an undertaking not to be the first to use nuclear weapons did not constitute an effective and credible guarantee to non-nuclear-weapon States, in so far as its validity erga omnes may at any moment be called into question by the actions of another nuclear-weapon State. These delegations furthermore argued that a commitment not to be the first to use nuclear weapons, by its very nature, could only be thought of in the context of the relations between the nuclear-weapon States themselves, and therefore had no relevance to the subject matter. They also maintained that a mutual non-use of force commitment was already contained in the Charter of the United Nations. Other delegations pointed

out in that respect that a unilateral non-first-use undertaking, if assumed by all nuclear-weapon States without exception, would constitute an effective guarantee erga omnes and thus it would strengthen the security of all non-nuclear-weapon States. Those same delegations expressed the view that a non-first-use commitment assumed by all nuclear-weapon States would amount to a clear guarantee that nuclear weapons would not be used against non-nuclear-weapon States since these States by virtue of their non-possession of nuclear weapons could never provoke retaliation. A number of delegations pointed out that it was precisely for this latter reason that they had stated that the notion of non-first-use was not relevant in connection with the relations between nuclear-weapon-States and non-nuclear-weapon States.

21. Many delegations strongly felt that because of the obvious vulnerability of the non-nuclear-weapon States to attacks or threats of attacks with nuclear weapons, the nuclear-weapon States were under an obligation to undertake a legally binding commitment, without any pre-conditions or caveats, not to attack or threaten to attack the former with nuclear weapons. These States were further of the view that such assurances should not be subject to divergent interpretations. They also rejected the option to use nuclear weapons contained in some declarations, and felt that all States not in possession of nuclear weapons qualified irrespective of any other considerations. Moreover, the provision of negative security assurances did not require any further commitments from those receiving such assurances. These delegations also held that provision of conditional guarantees could not extenuate the danger posed by the existing nuclear arsenals, and that nuclear disarmament and the complete elimination of nuclear weapons were essential to remove the danger of nuclear war.

22. Some delegations argued that the question of non-stationing of nuclear weapons on the territories of non-nuclear-weapon States could not form an additional criterion for the eligibility of non-nuclear-weapon States. These delegations appealed to the nuclear-weapon State that had so far insisted on the non-stationing criterion to drop it from its security guarantee so as to bring it in line with other guarantee declarations and move closer to a common formula. In this connection, these delegations argued that the addition of a non-stationing criterion deviated from the definition of a non-nuclear-weapon State as contained in Security Council resolution 25 of 19 June 1968, as well as in the Non-Proliferation Treaty and other internationally binding commitments, definitions on which a great number of non-nuclear-weapon States had predicated their renunciation of the nuclear option. They also pointed out that the credibility of the non-stationing criterion was undermined by the fact that the same nuclear-weapon State that had introduced that criterion had subsequently deployed nuclear weapons on the territory of several other non-nuclear-weapon States. The importance of the non-stationing criterion was stressed by a number of delegations. They expressed the view that the non-stationing of nuclear weapons on the territory of non-nuclear-weapon States was in full conformity with the vital interests of those States and represented a credible and realistic basis for the strengthening of the security of non-nuclear-weapon States. These delegations felt that attempts by some delegations to complicate discussion and detract the Ad Hoc Committee from its main task by addressing various aspects of the problem of nuclear weapons in Europe were firmly rejected. These delegations expressed the view that the policies pursued by some countries represented in the Ad Hoc Committee led to further worsening of the situation in Europe. These delegations strongly appealed to the nuclear-weapon States that had so far insisted on the non-attack and alliance or association criteria to drop them from their declarations on security assurances and to bring them in line with the other commitments of security assurances by adopting the non-stationing criterion thus making it possible to move towards a common formula. They also pointed out that it was wrong to interpret the non-stationing criterion as in any way deviating from the non-nuclear-weapon status since it constituted an important additional element for providing effective security assurances. In this connection

they also argued that the addition of the non-attack and alliance or association criteria contradicted the security assurances as contained in Security Council resolution 255 of 19 June 1968. They also emphasized that the stationing of new medium range nuclear weapons on the territories of non-nuclear-weapon States and the subsequent increase in the danger of nuclear war had made the non-stationing criterion even more relevant. They also stressed that the absence of the non-stationing criterion in negative security assurances which would open the way for deployment of nuclear weapons in different regions of the world, cannot but have an adverse effect on the security of non-nuclear-weapon States.

23. Some delegations pointed out that another contradiction existed in the security guarantee of the nuclear-weapon State that had also insisted on the non-stationing criterion. They also felt that, while that nuclear-weapon State did not include in its declaration a non-attack clause, collateral utterances by high representatives of that country, as well as a declaration of that country made on adhering to Additional Protocol II of the Treaty of Tlatelolco suggested that that nuclear-weapon State would practice a non-attack clause almost identical with that contained in three other security guarantee declarations. However, other delegations simultaneously pointed out that the utterances by several delegations expressed above were completely unfounded. The subjective interpretation of matters relevant to a specific international instrument of a regional nature only further complicated the search for a common formula of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. A number of delegations expressed strong preference for positions of countries to be advanced and explained by the representatives of the respective countries themselves.

24. One delegation observed that the issue of negative security assurances which had started as a legitimate demand of the non-nuclear-weapon States was increasingly becoming an East-West question, thus making any progress even more difficult. This delegation, therefore, was of the opinion that a possible way out of the existing impasse could be to provide negative security assurances only to those non-nuclear-weapon States which were outside the two major alliance systems of the present world. This delegation argued that the States parties to these alliances had already made their choice and were enjoying positive security assurances, i.e., the nuclear protection offered by the super-Power to which they were aligned. However, in case any State from any of these two alliances was interested in negative security assurances it could qualify for the same by opting out of its alliance system.

25. The discussion of the suggested approaches and proposals remained inconclusive. Hence, regarding the future work of the Conference on Disarmament on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, several delegations expressed the view that it should be determined whether there has been a change in the positions of nuclear weapon States toward the issue, as stated in paragraph 10 above, before any substantive progress can be achieved.

IV. Conclusions and recommendations

26. The Ad Hoc Committee reaffirmed that non-nuclear-weapon States should be effectively assured by the nuclear-weapon States against the use or threat of use of nuclear weapons pending effective measures of nuclear disarmament. Work on the substance of the effective arrangements and discussion on various aspects and elements of an interim solution however revealed that specific difficulties relating to differing perceptions of security interests of nuclear-weapon States and non-nuclear-weapon States persisted and that the complex nature of the issues involved continued to prevent agreement.

27. Against this background, the Ad Hoc Committee recommends to the Conference on Disarmament that ways and means should continue to be explored to overcome the difficulties encountered in its work and to carry out negotiations on the question of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. Accordingly, it was generally agreed that the Ad Hoc Committee should be re-established at the beginning of the 1985 session on the understanding that consultations should take place in order to determine the most appropriate course of action, including the resumption of the activities of the Ad Hoc Committee itself.

CONFERENCE ON DISARMAMENT

CD/628
2 August 1985

Original: ENGLISH

Decision on the re-establishment of an ad hoc committee on effective international arrangements to assure non-nuclear weapon States against the use or threat of use of nuclear weapons

(Adopted at the 326th plenary meeting held on 1 August 1985)

The Conference on Disarmament decides to re-establish for the remainder of its 1985 session an ad hoc committee to continue to negotiate with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

The ad hoc committee will report to the Conference on the progress of its work before the conclusion of the 1985 session.

GE.85-63416

CONFERENCE ON DISARMAMENT

CD/640
22 August 1985
Original: ENGLISH

AD HOC COMMITTEE ON EFFECTIVE INTERNATIONAL ARRANGEMENTS TO ASSURE NON-NUCLEAR-WEAPON STATES AGAINST THE USE OR THREAT OF USE OF NUCLEAR WEAPONS

Report to the Conference on Disarmament

I. Introduction

1. At its 326th plenary meeting, on 1 August 1985, the Conference on Disarmament decided to re-establish for the remainder of its 1985 session, an ad hoc committee to continue to negotiate with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. The Conference further decided that the ad hoc committee would report to the Conference on the progress of its work before the conclusion of the 1985 session (document CD/628).

II. Organization of work and documents

2. Also at its 326th plenary meeting, the Conference on Disarmament appointed Ambassador Mansur Ahmad (Pakistan) as Chairman of the Ad Hoc Committee. Mr. M. Cassandra, United Nations Department for Disarmament Affairs, served as Secretary to the Ad Hoc Committee.

3. The Ad Hoc Committee held 3 meetings between 12 and 22 August 1985.

4. At their request, the Conference on Disarmament decided to invite the representatives of the following States not members of the Conference to participate in the meetings of the Ad Hoc Committee during the 1985 session: Austria, Bangladesh, Cameroon, Finland, Greece, Norway, Senegal and Spain.

5. The Committee had before it the documents of previous sessions related to the item. 1/

1/ The list of documents of previous sessions up to and including the 1982 session is contained in the report of the Ad Hoc Working Group on Effective International Arrangements to Assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons to the Committee on Disarmament, in view of the second special session of the General Assembly devoted to disarmament (CD/285). The list of documents submitted to the 1983 session is contained in the report of the Ad Hoc Working Group to the Committee on Disarmament (CD/417). The list of documents submitted to the 1984 session is contained in the report of the Ad Hoc Committee to the Conference on Disarmament (CD/536 and Corr.1).

GE.85-63958

III. Substantive work

6. Owing to the time constraint imposed by the late establishment of the Ad Hoc Committee, the Chairman held informal consultations with delegations with a view to determining the most efficacious manner to address the item during the remaining part of the session. As a result of his informal consultations, the Chairman concluded that the positions espoused by the nuclear-weapon States during previous years had not changed. However, an overwhelming number of delegations, including those of the nuclear-weapon States, stressed the importance of the agenda item and their readiness to engage in a substantive dialogue on the issue. Those delegations believed that nuclear disarmament and the complete elimination of nuclear weapons was the most effective guarantee against the use or threat of use of nuclear weapons. They believed that until nuclear disarmament was achieved on a universal basis, it was imperative for the international community to develop effective measures to assure the security of non-nuclear-weapon States against the use or threat of use of nuclear weapons from any quarter. Those delegations reaffirmed the need to find a common approach, acceptable to all, which could be included in an international instrument of a legally binding character.

7. During the course of consultations, several delegations observed that in their view in the absence of a nuclear disarmament process, no useful purpose could be served by a substantive consideration of the item and that the most effective assurance of security against the use or threat of use of nuclear weapons is nuclear disarmament and prohibition of the use of nuclear weapons. In addition, some delegations recalled the statements of the Group of 21, contained in documents CD/280 and CD/407 and said that until the nuclear-weapon States were ready to change their positions, there would be no prospects of reaching agreements on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons and that further negotiations in the Ad Hoc Committee on this item were unlikely to be fruitful so long as the nuclear-weapon States do not exhibit a genuine political will to reach a satisfactory agreement. Other delegations said that in their view the earlier re-establishment of an Ad Hoc Committee on the subject might have permitted some progress.

IV. Conclusions and Recommendations

8. Against the afore-mentioned background the Ad Hoc Committee recommends to the Conference on Disarmament that ways and means should continue to be explored to overcome the difficulties encountered in its work in carrying out negotiations on the question of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. The Ad Hoc Committee generally agreed that the Conference on Disarmament should keep this item under active consideration at the 1986 session taking into account the mandate of the Ad Hoc Committee as well as present and future relevant recommendations of the General Assembly.

CONFERENCE ON DISARMAMENT

CD/768
7 July 1987

Original: ENGLISH

NIGERIA

Proposal for the immediate conclusion of effective international arrangements to assure non-nuclear weapon States against the use or threat of use of nuclear weapons

1. The question of Effective International Arrangements to Assure Non-Nuclear-weapon States Against the Use or Threat of Use of Nuclear Weapons (Negative Security Assurances) is one to which Nigeria attaches great importance and on which it would like to see an early conclusion of a legally binding international agreement.

2. Nigeria believes that international peace is essentially indivisible and that recent nuclear accidents have demostrated incontrovertibly that the disastrous consequences of a nuclear attack cannot be confined to the belligerents alone. It is all States, therefore, that have a stake in the general prohibition of nuclear weapons.

3. As a prohibition will, however, be ineffective without nuclear disarmament, and disarmament is hardly achievable in the immediate future, the comity of nations should at least agree a legally binding instrument by which nuclear-weapon States would undertake not to use or threaten to use nuclear weapons against States which do not possess such weapons, and have undertaken not to manufacture or acquire them.

4. The idea of Negative Security Assurances is not new: it emanated in the mid-60s from a group of States which were concerned by the escalation of the nuclear-arms race and the total stalement in nuclear disarmament negotiations. Indeed, during the elaboration of the Non-Proliferation Treaty of 1968, the group of non-aligned States proposed the inclusion of Negative Security Assurances, but this was opposed by the nuclear-weapon States, who instead recommended assurances given by the Security Council.

5. Resolution 255 adopted by the Council in 1968 was a far cry from the aspiration of the non-aligned States, as it merely reiterated the collective security obligations of the Security Council in times of "aggression". The conference of non-nuclear-weapon States, also of 1968, and the First Review conference of the NPT failed to make any progress on the issue.

6. The first significant steps towards NSA were made at SSOD-I when the five nuclear-weapon States, China, France, United Kingdom, Union of Soviet Socialist Republics and the United States of America made their respective unilateral declarations. The Chinese declaration alone gave an unequivocal and unconditional undertaking not to be the first to use nuclear weapons against any State. France declared her preparedness to negotiate NSA. The USSR made her assurances conditional upon the renunciation of the production or acquisition of nuclear weapons and their non-stationing on the territory of the countries seeking assurances. The declaration of the United Kingdom and the United States not only excluded from NSA non-nuclear-weapon States which had not adhered to some non-proliferation treaty, but also States which attacked them and which were "allied or associated" with a nuclear-weapon State.

7. Although the common thread in all the declarations is essential, the heterogeneity of the conditionalities of the nuclear-weapon States, and the unilateral nature of all the assurances, make them inadequate in international law. In fact, Pakistan, the USSR and the United States submitted draft conventions and proposals at the thirty-third session of the United Nations General Assembly, following SSOD-I to upgrade or harmonize the undertakings. These proposals were referred by the United Nations General Assembly to the Conference on Disarmament for consideration. Unfortunately, the regular examination of the issue at the CD in 1979 has failed to remove the disparities in the conditionalities, thus creating an impasse in the negotiations.

8. Nigeria believes that it is important and urgent to find a way out of the present impasse. Such a breakthrough would not only help the cause of nuclear disarmament and non-proliferation, it would also serve the cause of international peace and harmony.

9. There can be no headway in the negotiations on this issue without positive changes in attitudes. Both nuclear-weapon and non-nuclear-weapon States must demostrate a greater degree of flexibility and understanding of each other's perception of his security needs. Concessions will have to be made. The nuclear-weapon States must not insist on imposing on the weaker States a set of disparate, unenforceable, intangible unilateral declarations; and the non-nuclear-weapon States must not close their eyes to the diversity of their military situations. Some categorization seems necessary if we are to design an internationally binding agreement that will stand the test of time. Nigeria's proposals set up below are intended to contribute to the elaboration of such an agreement.

10. The following can form the main elements of a genreally acceptable agreement and we hereby formally present them to the Conference for consideration:

(i) Nuclear-weapon States undertake not to use or threaten to use nuclear weapons against any State which does not possess nuclear weapons, and does not belong to a military alliance with a nuclear-weapon State. The non-nuclear-weapon States referred to in this paragraph undertake not to manufacture or acquire nuclear weapons;

(ii) Nuclear-weapon States undertake not to use or threaten to use nuclear weapons against any non-nuclear-weapon State which belongs to a military alliance with a nuclear-weapon State but has no nuclear weapons stationed on its territory. The non-nuclear-weapon State referred to in this paragraph undertakes not to manufacture or acquire nuclear weapons or contribute to any military attack of any State party, except in self-defence and in accordance with the Charter of the United Nations;

(iii) Nuclear-weapon States undertake not to use or threaten to use nuclear weapons against a non-nuclear-weapon State which belongs to a military alliance comprising a nuclear-weapon State, and has nuclear weapons installed on its territory. The non-nuclear-weapon State referred to in this paragraph undertakes not to manufacture or acquire nuclear weapons and to provide, in forms that are satifactory to the nuclear-weapon States, assurances that weapons stationed on their territory will not be used against any State, except in self-defence and in accordance with the Charter of the United Nations.

(iv) Nuclear-weapon States undertake to commence without delay, and conscientiously, negotiations with a view to concluding agreements to remove their nuclear weapons stationed on the territories of other States, prohibit the use of nuclear weapons, and reduce and eliminate existing stocks.

In making the foregoing proposals, Nigeria has sought to be fair in the treatment of the anxieties of every category of States. We are convinced that concessions by all should provide the desired security for all, nuclear or non-nuclear-weapon States alike.

CONFERENCE ON DISARMAMENT

CD/784
21 August 1987

Original: ENGLISH

AD HOC COMMITTEE ON EFFECTIVE INTERNATIONAL ARRANGEMENTS TO ASSURE NON-NUCLEAR-WEAPON STATES AGAINST THE USE OR THREAT OF USE OF NUCLEAR WEAPONS

Report to the Conference on Disarmament

I. Introduction

1. At its 387th plenary meeting, on 10 February 1987, the Conference on Disarmament decided to re-establish for the duration of its 1987 session, an ad hoc committee to continue to negotiate with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. The Conference further decided that the Ad Hoc Committee would report to the Conference on the progress of its work before the conclusion of the 1987 session (document CD/737).

II. Organization of work and documents

2. At its 410th meeting, on 30 April 1987, the Conference on Disarmament appointed Ambassador Paul von Stülpnagel (Federal Republic of Germany) as Chairman of the Ad Hoc Committee. Mr. M. Cassandra, United Nations Department for Disarmament Affairs, served as Secretary to the Ad Hoc Committee.

3. The Ad Hoc Committee held 10 meetings between 7 July and 21 August 1987.

4. At their request, the Conference on Disarmament decided to invite the representatives of the following States not members of the Conference to participate in the meetings of the Ad Hoc Committee during the 1987 session: Austria, Bangladesh, Finland, Greece, New Zealand, Norway, Portugal, Spain and Zimbabwe.

5. The following new documents were submitted to the Conference in connection with the item during the 1987 session:

Document CD/768 dated 7 July 1987, submitted by the delegation of Nigeria, entitled "Proposal for the immediate conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons".

Document CD/SA/WP.11 dated 29 July 1987, submitted by the delegation of the People's Republic of Bulgaria, entitled "Excerpts from the 1987 Berlin documents of the States Parties to the Warsaw Treaty, relevant to item 6 "Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons".

In addition, the Secretariat prepared, upon request, a revision of document CD/SA/WP.10 of 30 June 1983, contained in document CD/SA/WP.10/Rev.2 of 31 July 1987, entitled "Declaration of Security Assurances to Non-Nuclear-Weapon States made by the Five Nuclear Weapon States, including references to Nuclear-Weapon-Free Zones; Protocol II of the Treaty for the Prohibition of Nuclear Weapons in Latin America; and Protocol 2 of the South Pacific Nuclear-Free Zone Treaty (Treaty of Rarotonga).

III. Substantive Work

6. In light of the relatively limited exchange of views on the question of assuring non-nuclear-weapon States against the use or threat of use of nuclear weapons in the 1985 and 1986 sessions, the Chairman decided to hold consultations with interested individual delegations as well as in an open-ended consultation. These discussions revealed to the Chair, first, that delegations attached highest priority to the question and, second, that the item should be examined in light of relevant new developments. There also emerged in these consultations that the crucial question for deliberations during the 1987 session was whether there was new impetus to overcome the standstill from which the work of the Ad Hoc Committee had suffered in the last several years. To assist the Committee in its exploration of possibilities of new approaches and perhaps consensus on further elements relevant to the question, the Chair put forward, in its own capacity, the following topics for discussion:

1. General exchange of views on the subject.
2. Review of positions and considerations of new proposals in the light of recent developments in arms control and international relations.
3. Conclusions (including consideration, inter alia, of possibilities for interim measures and alternatives for action).
4. Consideration and adoption of the Report of the Ad Hoc Committee to the Conference.

7. In the general exchange of views, some delegations reiterated their belief that the most effective guarantee against the use or threat of use of nuclear weapons was nuclear disarmament and the prohibition of nuclear weapons. In their view, until nuclear weapons were eliminated, nuclear-weapon States had an obligation to guarantee, in clear and categorical terms, in an internationally binding instrument, that non-nuclear-weapon States would not be attacked or threatened with nuclear weapons. These delegations reaffirmed the views expressed by the Group of 21 in document CD/280 of 14 April 1982 and CD/407 of 4 August 1983. In the view of these delegations, the declarations of four of the five nuclear-weapon States were based solely on their own strategic considerations and did not respond to the legitimate security concerns of the non-nuclear-weapons States. In order to be credible and effective, assurances by nuclear-weapon States to the non-nuclear-weapon States on the non-use and threat of use of nuclear weapons must be unconditional, without qualifications and unlimited in scope, application and duration. In the view of these delegations the positions of four nuclear-weapon States confirmed their opinion that the question of negative security assurances continued to be approached by nuclear-weapon States from the narrow point of view of their security perceptions vis-à-vis each other and not as a provisional measure aimed at providing effective and credible

guarantees to assure the security of non-nuclear-weapon States pending concrete measures of nuclear disarmament. Those delegations maintained that Article 51 of the United Nations Charter could not be invoked to justify the use or threat of use of nuclear weapons in the exercice of the right of self-defence in the case of armed attack not involving the use of nuclear weapons, since nuclear war would threaten the very survival of mankind. They deeply regretted the lack of willingness on the part of the concerned nuclear-weapon States to heed repeated appeals made to them to reconsider their declarations and again called upon these States to review their positions, taking fully into account the concerns of the non-nuclear-weapon States. Some delegations expressed their disappointment at the continued stalemate on the question and their belief that the attachment by various delegations and groups of delegations to their previously stated positions only helped to entrench the stalemate and undermined the spirit of negotiation. These delegations appealed to all to review their positions in order to facilitate the much needed breakthrough on the question.

8. A number of delegations, including a nuclear-weapon State, shared the belief that the most effective and reliable guarantee against the use or threat of use of nuclear weapons was nuclear disarmament and the complete elimination of nuclear weapons. They held the view that pending the achievement of that objective, various interim measures should be taken to strengthen the security of non-nuclear-weapon States. These delegations referred to proposals, such as the probibition of the use of nuclear weapons by an appropriate international convention, the assumption of a policy of non-first use of such weapons by all nuclear-weapon States which would actually preclude the use of nuclear weapons against all States, including the non-nuclear weapon States, the establishment of nuclear-weapon-free zones as an effective means to ensure the necessary prerequisites for all nuclear-weapon States to assume obligations not to use or threaten to use nuclear weapons against the zonal non-nuclear-weapon States. They maintained their support for the conclusion of an international legally binding instrument to assure effectively, uniformly and unconditionally the non-nuclear-weapon States having no nuclear weapons on their territories against the use or threat of use of such weapons. The nuclear-weapon State belonging to that group of delegations reaffirmed the continuing validity of its guarantee of non-use of nuclear weapons with respect to such non-nuclear-weapon States. These delegations reaffirmed their readiness to participate in the search for a solution to the "negative security assurances" problem, which would eventually arrive at a "common formula" to be included in an international legally-binding document. They rejected the doctrine of nuclear deterrence and pointed to the need for a fresh political and military approach to urgent security issues, many of which relate to the security of non-nuclear-weapon States as well. They supported the view that Article 51 of the United Nations Charter could not be invoked to justify the use or threat of use of nuclear weapons in the exercise of the right of self-defence in the case of armed attack not involving the use of nuclear weapons, since nuclear war would threaten the very survival of mankind. These delegations strongly favoured the adoption of a comprehensive system of international peace and security, which would lead to a world free of nuclear weapons and a non-violent world. They drew the attention to the proposal included in the document adopted in Berlin on 29 May 1987, entitled "On the Military Doctrine of the States Parties to the Warsaw Treaty" as contained in CD/755, calling

for consultations at expert level between the WTO and NATO "in order to compare the military doctrines of the two alliances, analyse their nature and jointly discuss the patterns of their future development". These delegations reaffirmed the position of their States, as expressed in that document, that i) they will never under any circumstances initiate military action against any State or alliance of States unless they are themselves the target of an armed attack, and that ii) they will never be the first to employ nuclear weapons, which, together with other provisions of the document, underlined, in their view, the defensive character of their military doctrine.

9. A number of delegations were of the view that the most appropriate starting point for consideration of the question was the fundamental importance attached to adherence by member States to the commitment contained in Article 2 of the United Nations Charter to refrain from the threat or use of force against the territorial integrity or political independence of any State. Moreover, Article 51 of the Charter states that nothing shall impair the inherent right of individual or collective self-defence if an armed attack occurred against a member. In that context, these delegations reaffirmed the position of their States as expressed in the Bonn Declaration of June 1982 that none of their weapons would ever be used except in response to attack. Against this background, three nuclear weapon States reasserted that their States' unilateral declarations of policy on this question were firm, credible and reliable commitments to non-nuclear-weapon States. Further, they pointed out that these declarations were in full conformity with the principles on which these States based their security: a fact which reinforced their credibility. They stated that the condition that the guarantee lapses in the event of an attack carried out in association with a nuclear weapon State covers all contingencies and indeed strengthens the reliability of the assurances. These delegations stated that the insistence of some States on referring to non-first use of nuclear weapons was not relevant to the topic addressed by the Committee, viz., assurances to non-nuclear-weapon States. Finally, these delegations reaffirmed their willingness to participate in the search for a "common formula" for assuring non-nuclear-weapon States that would be acceptable to all, but pointed to the difficulties they perceived in attaining that goal. In this regard, they stressed that in any case such a common formula would of necessity contain two elements: the status of non-nuclear-weapon States and a non-attack provision as discussed above.

10. One nuclear-weapon State was of the view that the most effective guarantee of the security of non-nuclear-weapon States was the complete prohibition and total destruction of nuclear weapons. Pending the achievement of this goal, the nuclear-weapon States, in order to reduce the nuclear threat to non-nuclear-weapon States, should undertake not to use or threaten to use nuclear weapons against the non-nuclear-weapon States. This was their minimum obligation. The same State reiterated its unconditional guarantee not to use or threaten to use nuclear weapons against non-nuclear-weapon States and nuclear-weapon-free zones. At the same time, it hoped that the major nuclear-weapon States would adjust their positions toward the question of assuring the security of non-nuclear-weapon States so as to make it possible for the Ad Hoc Committee to move forward in its work. It expressed its support for the conclusion, through negotiations, of an international convention to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons and its readiness to make further efforts to seek a "common formula" in consonance with the demands of non-nuclear-weapon States.

11. Many delegations considered that relevant new developments in the field of arms limitations and international relations, although having a different degree of relevance to the subject matter, had important consequences for the security of all States, including non-nuclear-weapon States. Many other delegations pointed to the agreement reached between General Secretary Gorbachev and President Reagan at the Geneva summit meeting of November 1985, which states that "a nuclear war cannot be won and must never be fought". In addition, many delegations underlined the importance of the meeting between General Secretary Gorbachev and President Reagan in Reykjavik in 1986, which opened the prospects for progress in nuclear disarmament. Furthermore, they underscored the significance of the ongoing USSR and United States bilateral negotiations on nuclear and space arms. Some delegations stressed the relevance to the issue at hand of the Bonn Declaration of the NATO States of June 1982. Other delegations stressed the relevance of the Communiqué and the Military Doctrine document adopted in Berlin in May 1987 by the States Parties to the Warsaw Treaty. Several delegations were of the view that of direct relevance to the work of the Committee was the political undertaking by States Parties included in the September 1986 document of the Conference on Confidence and Security Building Measures and Disarmament in Europe to refrain from the use of force be it nuclear or conventional. It was suggested that the relevant part of that document be used as reference material in the future work of the Committee.

12. Some delegations were of the view that while recent developments in the field of disarmament and international relations referred to in the preceding paragraph were welcome in themselves, they had little or no relevance to the question of assurances to non-nuclear-weapons States against the use or threat of use of nuclear weapons. In their view, this was evident from the fact that there had been no positive impact of these developments on the unilateral declarations of the concerned nuclear-weapon States. At the same time, these delegations pointed to certain negative trends in the field of disarmament which had been observed recently and which indicated that the commitment of certain States to the goal of nuclear disarmament had weakened. In view of these trends, these delegations emphasised that the need for credible and effective assurances to the non-nuclear-weapon States against the use or threat of use of nuclear weapons had become even more urgent.

13. Many delegations pointed to the Political Declaration of the Eighth Conference of Heads of State or Government of Non-Aligned Countries (1986) which states as follows:

> "The Heads of State or Government reiterated their view that the only credible guarantee for non-nuclear-weapon States against the use or threat of use of nuclear weapons lies in the complete elimination of nuclear weapons. Pending the achievement of total nuclear disarmament, however, it is essential that non-nuclear States be insured against being threatened or attacked with nuclear weapons. In this regard, the Heads of State or Government stressed the obligation of nuclear-weapon States to guarantee non-nuclear-weapon States against attack or threat of attack with nuclear weapons by any nuclear Power, including themselves. Consequently, they urged that negotiations should proceed without delay for the early conclusion of a binding international instrument on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons".

Several delegations also recalled that the 16th Islamic Conference of Foreign Ministers held at Fez in 1986 had requested the members of the Conference on Disarmament to work urgently towards an international convention to assure non-nuclear-weapon States against the threat or use of nuclear weapons.

14. In an effort to find a way out of the present impasse on the question, the delegation of Nigeria put forward a proposal categorizing the non-nuclear weapon States according to the diversity of their military situations (contained in document CD/768). It proposed that the following main elements could be used to form a generally accepted agreement:

(i) Nuclear-weapon States undertake not to use or threaten to use nuclear weapons against any State which does not possess nuclear weapons, and does not belong to a military alliance with a nuclear-weapon State. The non-nuclear-weapon States referred to in this paragraph undertake not to manufacture or acquire nuclear weapons;

(ii) Nuclear-weapon States undertake not to use or threaten to use nuclear weapons against any non-nuclear-weapon State which belongs to a military alliance with a nuclear-weapon State but has no nuclear weapons stationed on its territory. The non-nuclear-weapon State referred to in this paragraph undertakes not to manufacture or acquire nuclear weapons or contribute to any military attack of any State party, except in self-defence and in accordance with the Charter of the United Nations;

(iii) Nuclear-weapon States undertake not to use or threaten to use nuclear weapons against a non-nuclear-weapon State which belongs to a military alliance comprising a nuclear-weapon State, and has nuclear weapons installed on its territory. The non-nuclear-weapon State referred to in this paragraph undertakes not to manufacture or acquire nuclear weapons and to provide, in forms that are satisfactory to the nuclear-weapon States, assurances that weapons stationed on their territory will not be used against any State, except in self-defence and in accordance with the Charter of the United Nations.

(iv) Nuclear-weapon States undertake to commence without delay, and conscientiously, negotiations with a view to concluding agreements to remove their nuclear weapons stationed on the territories of other States, prohibit the use of nuclear weapons, and reduce and eliminate existing stocks.

Several delegations considered that the proposal was a reflection of the need for all States to show more flexibility in light of legitimate security concerns of other States, but the primary responsibility of the nuclear-weapon States concerning this issue was strongly stressed. An exchange of views was held on the proposal and it was generally agreed that it contained elements that required further study by the Committee.

15. In connection with the concept of a "common formula" or "common approach", one delegation resubmitted a proposal on the form in which the common elements of such a formula could be embodied. After pointing out the difficulties it saw in attempting to embody them in an international binding convention, it proposed again that the views of the nuclear-weapon States, which need not be identical, be integrated into a Security Council resolution. It suggested that the Conference on Disarmament agree to put a paragraph in its report to the General Assembly stating that the Conference noted that all nuclear-weapon States had made solemn declarations regarding the assurances of non-nuclear-weapon States against the use or threat of use of nuclear weapons. That paragraph would continue to state that although these declarations were differently formulated they had in common that all non-aligned and neutral non-nuclear-weapon States, that is, in the view of the delegation that made the proposal, States that had made an internationally binding commitment not to acquire nuclear weapons and were not a military ally of a nuclear-weapon State, had received solemn assurances by all nuclear-weapon States against the use or threat of use of nuclear weapons. The paragraph would also have the Conference conclude that a repetition of these assurances in the Security Council as an interim measure would be helpful, assuming that the Security Council would be in a position to welcome these solemn undertakings in a resolution.

16. Other delegations reiterated their view that in order to be credible and effective, security assurances to non-nuclear-weapon States must be provided in an international instrument with binding legal effect and that a resolution of the Security Council embodying disparate declarations of the nuclear-weapon States could not serve as the effective arrangement sought by the non-nuclear-weapon States and envisaged by paragraph 59 of the Final Document of the first Special Session of the General Assembly devoted to disarmament. In view of the limitations, conditions and exceptions contained in the declarations made by some nuclear-weapon States, these delegations pointed out that they could not agree with the statement suggested in paragraph 15 by one delegation for inclusion in the report to the General Assembly to the effect that all non-aligned and neutral non-nuclear-weapon States had received solemn assurances from all nuclear-weapon States against the use or threat of use of nuclear weapons. These delegations also questioned the validity of the definition of non-aligned and neutral non-nuclear-weapon States suggested by that delegation.

17. Discussions on the conclusions that could be drawn from the work of the Committee this session, including consideration, inter alia, of the possibilities for interim measures and alternatives for action, had again proved inconclusive. The importance of making progress on this issue was underlined in light of the forthcoming third Special Session of the General Assembly devoted to disarmament. Many delegations shared the view that the nuclear-weapon States held special responsibility to review their positions in order to break the deadlock in which the item had found itself for several years.

IV. Conclusions and recommendations

18. The Ad Hoc Committee reaffirmed that non-nuclear-weapon States should be effectively assured by the nuclear-weapon States against the use or threat of use of nuclear-weapons pending effective measures of nuclear disarmament. Work on the substance of the effective arrangements and discussion on various aspects and elements of an interim solution, however, revealed that specific difficulties relating to differing perceptions of security interests of nuclear-weapon States and non-nuclear-weapon States persisted and that the complex nature of the issues involved continued to prevent agreement on a "common formula". At the same time, the discussion underlined the wide support for continuing the search for such a "common formula" which could be included in an international legally binding instrument to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

19. Against the aforementioned background the Ad Hoc Committee recommends to the Conference on Disarmament that ways and means should continue to be explored to overcome the difficulties encountered in its work in carrying out negotiations on the question of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. Accordingly, it was generally agreed that the Ad Hoc Committee should be re-established at the beginning of the 1988 session.

CONFERENCE ON DISARMAMENT

CD/825
11 April 1988

Original: ENGLISH

AD HOC COMMITTEE ON EFFECTIVE INTERNATIONAL ARRANGEMENTS TO ASSURE NON-NUCLEAR-WEAPON STATES AGAINST THE USE OR THREAT OF USE OF NUCLEAR WEAPONS

Special Report to the Conference on Disarmament

I. Introduction

1. At its 436th plenary meeting on 2 February 1988 the Conference on Disarmament decided to re-establish for the duration of its 1988 session, an ad hoc committee to continue to negotiate with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. It further decided that the Ad Hoc Committee would report to the Conference on the progress of its work before the conclusion of the first part of the 1988 session in view of the forthcoming third special session of the General Assembly devoted to disarmament (CD/801). Pursuant to that request, the Ad Hoc Committee submits its report to the Conference regarding the present state of negotiations on the subject, taking into account negotiations conducted since August 1982.

2. In 1982 and 1983 Ambassador Mansur Ahmad of Pakistan was Chairman of the Ad Hoc Working Group on the agenda item. After that, the following Ambassadors were appointed Chairman of the Ad Hoc Committee on the agenda item: Ambassador Borislav Konstantinov of Bulgaria in 1984; Ambassador Mansur Ahmad of Pakistan in 1985; Ambassador Paul von Stülpnagel of the Federal Republic of Germany in 1987; Ambassador Dimitar Kostov of Bulgaria in 1988 and, in his absence, Ambassador Konstantin Tellalov. In 1986, the Ad Hoc Committee was not re-established. In the course of the second part of the 1982 session, as well as the sessions from 1983 to 1985 and 1987 to 1988, the Ad Hoc Working Group and Ad Hoc Committee held 41 meetings.

3. At their request, representatives of the following States not members of the Conference on Disarmament were invited to participate in the various sessions of the subsidiary body since August 1982: Austria, Bangladesh, Cameroon, Colombia, Democratic Yemen, Finland, Greece, Ireland, New Zealand, Norway, Portugal, Senegal, Spain and Zimbabwe.

II. Substantive Negotiations during the second part of the 1982 session and the sessions from 1983 through 1987

4. At the beginning of the second part of the 1982 session, one delegation recalled in a statement before the plenary that in document CD/280 the Group of 21 had urged the nuclear-weapon States concerned to review their policies and to present revised positions on the subject to the second Special

Session. That delegation then stated that at the special session there had been no response at all to these concerns of the Group of 21 from two of the nuclear-weapon States concerned, and that the work on this item had reached an impasse. Having taken note of the above-mentioned assessment of the state of negotiations, it was generally understood that the Working Group would not hold any meetings during the second half of 1982. One delegation disagreed with the assessment of the state of negotiations expressed in CD/280 and with the views expressed by the delegation referring to the Group of 21 statement and stated it had been prepared to resume work on the issue.

5. During the course of the meetings of the Ad Hoc Working Group in 1983 the prospects for further progress on the issue were debated. The Chairman of the Ad Hoc Working Group suggested three mutually non-exclusive approaches for possible adoption by the Working Group in its consideration of the subject, namely, (1) to continue negotiations towards an agreement on a common formula which could be included in an international instrument of a legally binding character; (2) to examine the relevance and the direct implications of the non-first-use of nuclear weapons to the so-called negative security assurances; and (3) to adopt any other approach which might help in the resolution of some of the problems. Negotiations on a "common formula" did not result in substantive progress but the importance of effective security assurances to non-nuclear-weapon States was re-affirmed. It was widely held that there was an urgent need to reach agreement on a "common formula" which could be included in an international instrument of a legally binding character. There was also no objection, in principle, to the idea of an international convention; however, the difficulties involved were also pointed out. The relevance of the non-first-use of nuclear weapons to negative security assurances was debated, but divergent views remained on the subject. One nuclear-weapon State reiterated that it undertook unconditionally not to use or threaten to use nuclear weapons against non-nuclear States and nuclear-free zones. One nuclear-weapon State stressed the importance of its unilateral obligation not to be the first to use nuclear weapons, assumed during the second special session of the General Assembly devoted to disarmament. Another approach was proposed that the question of security assurances be examined according to the categories of non-nuclear-weapon States contained in the five unilateral declarations of the nuclear-weapon powers. The discussions on this approach remained inconclusive. In addition, during the course of the meetings, the five nuclear-weapon States reiterated their unilateral assurances. One nuclear-weapon State recalled the substantial expansion of its position presented during the second special session on disarmament (CD/321). Different views were expressed in connection with those statements. Furthermore, the Group of 21 presented document CD/407 to the Committee on Disarmament containing a statement that further negotiations in the Committee were unlikely to be fruitful so long as nuclear-weapon States did not exhibit a genuine political will to reach a satisfactory agreement.

6. During the 1984 session of the Conference, the Ad Hoc Committee held consultations and discussions with a view to overcoming those difficulties. The importance of effective security assurances to non-nuclear-weapon States against the use or threat of use of nuclear weapons was reaffirmed. Discussions were held to attempt to reach agreement on a "common formula" of a legally binding character. The question of how to harmonize different views and find such a formula was considered. A number of delegations expressed the view that the "common formula" should be based on a non-use or non-first-use

clause and stressed the importance of the non-stationing criterion. Other delegations, including three nuclear-weapon States, challenged that approach and maintained that the common ground should embody two elements - the status of non-nuclear-weapon States and a non-attack provision. Those States maintained that no provision of the United Nations Charter limits the right of States to make use of the means they deem the most appropriate, subject to existing international agreements, in the exercise of their inherent right of individual or collective self-defence as recognized in Article 51. It was stressed that the "common formula" should first of all meet the wishes of the non-nuclear-weapon States and be conducive to the strengthening of their security. Many delegations felt that the very term "non-nuclear-weapon States" was unambiguous and self-explanatory and it ruled out, by definition, any further need to elaborate on the status of such States. These delegations also maintained that Article 51 of the United Nations Charter could not be invoked to justify the use or threat of use of nuclear weapons in the exercise of the right of self-defence in the case of armed attack not involving the use of nuclear weapons. The question of form was also discussed. Again, there was no objection in principle to the idea of an international convention; however, the difficulties involved were also pointed out. Some delegations suggested that pending agreement on those matters elements of interim arrangements should be explored. Some delegations considered that a resolution of the Security Council containing a common denominator could be an acceptable interim solution but not a substitute to a final solution. Many delegations expressed the view that a common denominator should be an unconditional guarantee similar to that given by one nuclear-weapon State. They stated that a "common formula" was politically, legally and technically possible if four of the five nuclear-weapon States were to review their policies and formulate revised positions so as to respond positively to the legitimate concerns of the neutral and non-aligned States. Other aspects as to the form and substance of such arrangements were also analysed. The question of the relevance of the non-first-use of nuclear weapons commitment to the issue was re-examined as well as the relevance of a mutual non-use of force commitment. Divergent views remained on these subjects. In addition, the importance of the establishment of nuclear-weapon-free zones to the question was raised. A possible way out of the impasse was suggested again to the effect that security assurances could be provided only to those non-nuclear-weapon States which were outside the two major alliance systems. Discussion of this proposal remained inconclusive.

7. At the 1985 Session, owing to the late establishment of the Ad Hoc Committee, the Chairman held informal consultations with a view to determining the most efficacious manner to address the item during the remaining part of the session. As a result of those consultations, the Chairman concluded that positions espoused by the nuclear-weapon States during previous years had not changed. During the course of consultations different views were expressed regarding possibilities for making progress.

8. In the course of the 1986 session of the Conference, consultations were held on the agenda item under the guidance of successive Presidents of the Conference to explore ways and means to overcome the difficulties encountered in its work in carrying out negotiations on the question. These consultations, which were particularly focussed on the re-establishment of the Ad Hoc Committee and the appointment of the Chairman, were inconclusive and it was generally agreed that this question would be taken up at the beginning of the 1987 Session. Some delegations expressed their disappointment at the lack

of progress on the question and reiterated their appeal to the nuclear powers to re-examine their unilaterally declared policies and positions relating to arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. Some of them noted that security assurances to non-nuclear-weapon States was the least nuclear-weapon States could expect to give in exchange for the commitment by other States under the Treaty on the Non-Proliferation of Nuclear Weapons. Some delegations were of the view that security assurances to non-nuclear-weapon States should be without qualification and pre-conditions, not subject to divergent interpretations and unlimited in scope, application and duration. In statements before the plenary, one delegation pointed out that there were three categories of non-nuclear-weapon States and expressed the belief that there were feasible treaty formulations for each category, which would be realistic, discourage the geographical spread of nuclear weapons and satisfy the security considerations of all parties. This delegation also held that finding a consensus formulation required effective negotiations and stated that it was not helpful for delegations to prejudge their outcome. Some delegations strongly favoured conclusion of an international legally binding instrument to assure non-nuclear-weapon States having no nuclear weapons on their territories against the use or threat of use of such weapons and they pointed out that the unilateral declaration made by the nuclear-weapon State belonging to those delegations, was a credible and unconditional assurance which met the security concerns of the non-nuclear-weapon States. Some other delegations drew attention to the unilateral declarations made by three nuclear-weapon States, which they regard as credible and reliable and which amount to firm declarations of policy and they expressed their readiness to continue discussion of the question, though acknowledging that previous experience had shown the difficulties involved in elaborating an international convention on the subject. One delegation, not belonging to any group, held that, pending the complete prohibition and thorough destruction of nuclear weapons, all nuclear-weapon States should undertake not to use or threaten to use nuclear weapons against non-nuclear-weapon States and nuclear-free zones and reiterated that it unconditionally assumed such an obligation. It also supported all efforts conducive to reaching an agreement on effective international arrangements in this regard.

9. At the start of the work of the Ad Hoc Committee in 1987, the Chairman put forward as topics for discussion in the Ad Hoc Committee a review of positions and consideration of new proposals in the light of recent developments in arms control and international relations; and a consideration of conclusions that the Ad Hoc Committee could draw, including, inter alia, the possibilities for interim measures and alternatives for action. During consideration of the first item in the Ad Hoc Committee, delegations pointed to various aspects of recent developments in the field of disarmament and international relations and different views were expressed on their relevance to the question of security assurances.

10. In connection with the second item, one delegation put forward a proposal categorizing the non-nuclear-weapon States according to the diversity of their military situations (document CD/768), namely: (a) non-members of military alliances with a nuclear-weapon State; (b) members of military alliances with a nuclear-weapon State but having no nuclear weapons on their territories; and (c) members of military alliances that have other States' nuclear weapons on their territories. That delegation proposed undertakings to be assumed by the nuclear and the non-nuclear-weapon States in respect of the various

categories, and further proposed that nuclear-weapon States undertake to commence without delay, and conscientiously, negotiations with a view to concluding agreements to remove their nuclear weapons stationed on the territories of other States, prohibit the use of nuclear weapons, and reduce and eliminate existing stocks. An exchange of views was held on the proposal and it was generally agreed that it contained elements that required further study by the Committee.

11. In connection with the concept of "common formula", one delegation resubmitted a proposal of 1982 on the form in which the common elements of such a formula could be embodied. That delegation proposed again, as an interim measure, that the views of the nuclear-weapon States, which need not be identical, be integrated into a Security Council resolution. That delegation further suggested that the Conference on Disarmament agree to put a paragraph in its annual report with regard to elements for a "common formula", that is, in the view of that delegation, that States that had made an internationally binding commitment not to acquire nuclear weapons and were not a military ally of a nuclear-weapon State had received solemn assurances by all nuclear-weapon States against the use or threat of use of nuclear weapons, as well as with regard to the idea of a Security Council resolution as an interim measure. Other delegations reiterated their view that a resolution of the Security Council embodying disparate declarations of the nuclear-weapon States could not serve as the effective arrangement sought by the non-nuclear-weapon States and emphasized that, in view of the limitations, conditions and exceptions contained in the declarations made by some nuclear-weapon States, these delegations could not agree with the above statement that all States that had made an internationally binding commitment not to acquire nuclear weapons and were not a military ally of a nuclear-weapon State had received solemn assurances from all nuclear-weapon States against the use or threat of use of nuclear weapons.

III. Present State of Negotiations

12. At the beginning of the 1988 session, the Chairman of the Ad Hoc Committee, after appropriate consultations, proposed a list of topics for discussion during the first part of the session based on the experience of the 1987 session. In addition to consideration of the present report, the Chairman suggested the following topics: a general exchange of views; a review of positions and consideration of existing proposals and future initiatives in the light of recent developments in the field of disarmament and international relations; and conclusions including consideration, inter alia, of the possibilities for interim measures and alternatives for action.

13. The importance attached to reaching an agreement on effective international arrangements not to use or threaten to use nuclear weapons was reaffirmed once again. As in the previous years, the Ad Hoc Committee concentrated primarily on the scope and the nature of the arrangements on the understanding that an agreement on the substance of the arrangements could facilitate the agreement on the form. Within this context, the proposal made by one delegation at the 1987 session (CD/768) categorizing non-nuclear-weapon States according to the diversity of their military situations was further discussed. The delegation that had sponsored the preceding proposal put forward an alternative option to the effect that nuclear-weapon States set aside their various unilateral declarations to facilitate effective

negotiations and the adoption of a convention on the basis of a common approach or formula. According to that alternative option, any nuclear-weapon State would have the right to make reservations reflecting its unilateral declarations while ratifying such a convention. The proposals were widely recognized as a good basis for discussion and negotiation. This view was not shared by a number of delegations which maintained that these proposals were not likely to facilitate agreement on a "common formula" which could be included in an international instrument of a legally binding character. However, the in-depth discussion on the proposals raised some questions and it was widely felt that more time was needed for reflection. All delegations expressed their readiness to seek agreement on a "common formula" acceptable to all to be included in an international instrument of a legally binding character.

14. Some delegations reiterated their long-standing belief that the most effective guarantee against the use or threat of use of nuclear weapons was nuclear disarmament and the prohibition of nuclear weapons. They held that pending the achievement of that goal, negative security assurances were an indispensable measure to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. In their view, nuclear-weapon States had an obligation to guarantee, in clear and categorical terms and in an internationally binding form, that non-nuclear-weapon States would not be attacked or threatened with nuclear weapons. They remained convinced that the existing assurances and unilateral declarations fell far short of the credible assurances sought by non-nuclear-weapon States. They continued to assert their belief that, in order to be effective, those assurances must be unconditional, without qualification, not subject to divergent interpretation and unlimited in scope, application and duration. In the view of these delegations, the declarations of four of the five nuclear-weapon States were based solely on their own strategic considerations and did not respond to the legitimate security concerns of the non-nuclear-weapon States, which had voluntarily renounced the nuclear weapon option in the larger interest of promoting nuclear disarmament. These delegations held that the positions of those four nuclear-weapon States confirmed the opinion that the question of negative security assurances continued to be approached by nuclear-weapon States from the narrow point of view of their security perceptions vis-à-vis each other and was not aimed at providing effective and credible guarantees to assure the security of non-nuclear-weapon States. Those delegations maintained that Article 51 of the United Nations Charter could not be invoked to justify the use or threat of use of nuclear weapons in the exercise of the right of self-defence in the case of armed attack not involving the use of nuclear weapons, since nuclear war would threaten the very survival of mankind. They once again expressed the apprehension that a situation whereby some nuclear-weapon States claimed the right to use nuclear weapons against non-nuclear-weapon States would weaken the non-proliferation régime. They also continued to maintain that assurances sought by non-nuclear-weapon States could best be provided by an international instrument with binding legal effect. They stressed again that the need for assurances had not lessened but rather increased with the passage of time. They called upon the concerned nuclear-weapon States to demonstrate a genuine will to reach a satisfactory agreement and review their positions so as to remove the limitations, conditions and exceptions contained in their unilateral declarations. Several delegations also held that insistence on unilateral declarations by nuclear-weapon States introduced a new element in multilateral disarmament negotiations which undermined the sovereignty of States. Similarly, these delegations felt that insistence on the part of the non-nuclear-weapon States on unconditional

assurances without due regard to the security concerns of the nuclear-weapon States would be unfruitful, unrealistic and unattainable. These delegations felt that security assurances must be effectively negotiated taking into full consideration the realities of the security situation of the present day. They drew attention to the fact that the majority of States represented at the Conference on Disarmament and of States Members of the United Nations have renounced, in legally binding international instruments, their sovereign right to manufacture nuclear weapons and appealed for greater flexibility and understanding on the question of negative security assurances from both nuclear and non-nuclear-weapon States.

15. A number of delegations, including a nuclear-weapon State, restated that they shared the belief that the most effective and reliable guarantee against the use or threat of use of nuclear weapons was nuclear disarmament and the complete elimination of nuclear weapons. They held the view that pending the achievement of that objective, various interim measures should be taken to strengthen the security of non-nuclear-weapon States. These delegations referred to proposals, such as the prohibition of the use of nuclear weapons by an appropriate international convention, the assumption of a policy of non-first-use of such weapons by all nuclear-weapon States which would actually preclude the use of nuclear weapons against all States, including the non-nuclear-weapon States, the establishment of nuclear-weapon-free zones as an effective means to ensure the necessary prerequisites for all nuclear-weapon States to assume obligations not to use or threaten to use nuclear weapons against the zonal non-nuclear-weapon States. They maintained their support for the conclusion of an international legally binding instrument to assure effectively, uniformly and unconditionally the non-nuclear-weapon States having no nuclear weapons on their territories against the use or threat of use of such weapons. The nuclear-weapon State belonging to that group of delegations reaffirmed the continuing validity of its guarantee of non-use of nuclear weapons with respect to such non-nuclear-weapon States, as well as of its obligation not to be the first to use nuclear weapons. That nuclear-weapon State pointed to the fact that it had provided relevant guarantees to the States Parties to the Tlatelolco Treaty and had ratified Protocols 2 and 3 to the Treaty of Rarotonga without any reservations. It also stated that, in the event of a nuclear-weapon-free zone being created in the Balkans, it would be ready to provide all necessary guarantees to the States parties to the zone. These delegations reaffirmed their readiness to participate in the search for a solution to the "negative security assurances" problem, which would arrive at a "common formula" to be included in an international legally binding document. They were of the view that the military doctrines of military alliances, particularly of the nuclear-weapon States parties to those alliances, had a most direct bearing on the security assurances to non-nuclear-weapon States. These delegations rejected the doctrine of nuclear deterrence and pointed to the need for a fresh political and military approach to urgent security issues, many of which relate to the security of non-nuclear-weapon States as well. They supported the view that Article 51 of the United Nations Charter could not be invoked to justify the use or threat of use of nuclear weapons in the exercise of the right of self-defence in the case of armed attack not involving the use of nuclear weapons, since nuclear war would threaten the very survival of mankind. In a broad perspective, these delegations strongly favoured the adoption of a comprehensive system of international peace and security, which they believed would lead to a world free of nuclear weapons and a non-violent world. They again drew attention to the proposal in the Berlin document of

29 May 1987, entitled "On the Military Doctrine of the States Parties to the Warsaw Treaty" (CD/755) calling for consultations at expert level between the WTO and NATO "in order to compare the military doctrines of the two alliances, analyse their nature and jointly discuss the patterns of their future development". These delegations reaffirmed the position of their States, as expressed in that document, that (i) they will never under any circumstances initiate military action against any State or alliance of States unless they are themselves the target of an armed attack, and that (ii) they will never be the first to employ nuclear weapons, which, together with other provisions of the document, underlined, in their view, the defensive character of their military doctrine.

16. A number of delegations, including three nuclear-weapon States, while reasserting the importance they attached to the question, underlined that for the discussions on the subject to be successful they needed to be placed squarely in the framework of the agreed mandate and should be marked by a spirit of realism. These delegations continued to believe in the fundamental importance of adherence by member States to the commitment contained in Article 2 of the Charter to refrain from the use or threat of use of force against the territorial integrity or political independence of any State. They also stressed again that Article 51 of the United Nations Charter states that nothing shall impair the inherent right of individual or collective self-defence if an armed attack occurred against a member. They reaffirmed the position of their States as expressed in the Bonn Declaration of June 1982 that none of their weapons would ever be used except in response to attack. These delegations stressed, at the same time, that it was justified that the States renouncing the possession of nuclear weapons should receive in return the assurance that these weapons would not be used against them. They held that such an assurance, however, should remain qualified by a provision of non-attack in alliance or in association with a nuclear-weapon State. These delegations underlined the fact that the assurances given by the three nuclear-weapon States among them took this point into account and were valid for all non-nuclear-weapon States, irrespective of their formal adherence to an alliance or of their non-aligned status. They stated that the condition that the guarantee lapses in the event of an attack covers all contingencies and indeed strengthens the credibility of the assurances. They asserted that the unilateral assurances given by the three Western nuclear-weapon States were firm, credible and reliable commitments and that they constituted effective security measures for non-nuclear-weapon States. These delegations stated that the insistence of some States on referring to non-first-use of nuclear weapons was not relevant to the topic addressed by the Committee, viz., assurances to non-nuclear-weapon States. These delegations reaffirmed their readiness to continue to participate in the search for a "common formula" acceptable to all, but pointed again to the difficulty in reaching this goal, given the diversity of positions and interests. They suggested that the existing unilateral assurances reflected different concerns linked to specific security policies and that a "common formula" should probably allow for the expression of these concerns. They reaffirmed the validity of proposals for General Assembly or Security Council resolutions taking stock of the declarations of the nuclear-weapon States.

17. A number of delegations drew attention to the Second Protocol of the South Pacific Nuclear Free Zone Treaty (Treaty of Rarotonga) which contains negative security assurances and expressed the hope that all nuclear-weapon States would adhere to it without reservation.

18. One nuclear-weapon State reasserted its long-held view that it was entirely reasonable and legitimate for non-nuclear-weapon States to demand that nuclear-weapon States undertake not to use or threaten to use nuclear weapons against them. It was of the view that the most effective assurances for the security of non-nuclear-weapon States was the complete prohibition and thorough destruction of nuclear weapons and pending the achievement of that goal, in order to prevent nuclear war and reduce the threat to non-nuclear-weapon States, all nuclear-weapon States should assume obligations not to be the first to use nuclear weapons under any circumstances and undertake unconditionally not to use or threaten to use nuclear weapons against non-nuclear-weapon States and nuclear-weapon-free zones. This was their minimum obligation. It restated that on this basis, an international treaty on the prohibition of the use of nuclear weapons should be concluded, with the participation of all nuclear-weapon States. The same State reiterated its unilateral declaration made in 1964 when it had its first nuclear explosion that at no time and under no circumstances would it be the first to use nuclear weapons and its unconditional guarantee not to use or threaten to use nuclear weapons against non-nuclear-weapon States and nuclear-weapon-free zones. It stated that it was based on this position that it signed the relevant protocols to the Treaty for the Prohibition of Nuclear Weapons in Latin America and the South Pacific Nuclear Free Zone Treaty. At the same time, it hoped that the major nuclear-weapon States would adjust their positions towards the question of assuring the security of non-nuclear-weapon States so as to make it possible for the Ad Hoc Committee to move forward in its work. It expressed its support for the conclusion, through negotiations, of an international convention to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons and its readiness to make further efforts to seek a "common formula" in consonance with the demands of non-nuclear-weapon States. It also welcomed any ideas or specific suggestions aimed at achieving this objective. The same State regretted that difficulties still prevented the Committee from reaching agreement on a "common formula" and hoped that, in light of the favourable climate in the international situation, joint efforts be made to break the deadlock and make progress in the work on this item so as to meet the reasonable demands of the non-nuclear-weapon States.

19. In connection with the topic concerning recent developments, many delegations pointed to the significance of the signature of the INF Treaty of December 1987 and were of the view that it enhanced security on an overall level, and therefore was particularly relevant to the question. Other States, while welcoming the Treaty, questioned its relevance to the subject of negative security assurances.

20. Deliberations on the conclusions that could be drawn from the negotiations during the first part of the 1988 session, including a consideration of the possibilities for interim measures and alternatives for action, once again proved inconclusive. Many delegations expressed again their shared view that the nuclear-weapon States held special responsibility to break the deadlock in which the item has found itself since before the second special session on disarmament.

CONFERENCE ON DISARMAMENT

CD/868
2 September 1988

Original: ENGLISH

AD HOC COMMITTEE ON EFFECTIVE INTERNATIONAL ARRANGEMENTS TO ASSURE NON-NUCLEAR-WEAPON STATES AGAINST THE USE OR THREAT OF USE OF NUCLEAR WEAPONS

Report to the Conference on Disarmament

I. Introduction

1. At its 436th plenary meeting on 2 February 1988 the Conference on Disarmament decided to re-establish for the duration of its 1988 session, an ad hoc committee to continue to negotiate with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. It decided that the Ad Hoc Committee would report to the Conference on the progress of its work before the conclusion of the first part of the 1988 session in view of the forthcoming third special session of the General Assembly devoted to disarmament. It further decided that the Ad Hoc Committee would report to the Conference before the conclusion of the second part of the 1988 session (CD/801).

2. Accordingly, at the conclusion of the first part of the session, the Ad Hoc Committee submitted a special report to the Conference on the state of negotiations on the question, taking into account negotiations conducted since August 1982 (CD/825).

3. In addition, the Ad Hoc Committee is submitting the present report on its work during the 1988 session. This report focusses on the negotiations and discussions held during the second part of the session and does not duplicate the section of the Special Report dealing with the present state of negotiations.

II. Organization of work and documents

4. At its 439th plenary meeting on 11 February 1988, the Conference on Disarmament appointed Ambassador Dimitar Kostov (Bulgaria) as Chairman of the Ad Hoc Committee. During the first part of the session, Ambassador Konstantin Tellalov (Bulgaria) served as Chairman of the Ad Hoc Committee in the absence of Ambassador Kostov. Mr. M. Cassandra, United Nations Department for Disarmament Affairs, served as Secretary of the Ad Hoc Committee.

GE.88-64294

5. The Ad Hoc Committee held 16 meetings between 1 March and 2 September 1988.

6. At their request, the Conference on Disarmament decided to invite the representatives of the following States not members of the Conference to participate in the meetings of the Ad Hoc Committee during the 1988 session: Austria, Finland, Greece, Ireland, New Zealand, Norway, Portugal, Spain and Zimbabwe.

7. The following new documents were submitted to the Conference in connection with the item during the 1988 session:

> Document CD/SA/WP.12 dated 25 August 1988 and Rev.1 dated 2 September 1988, submitted by the Chairman, entitled "Chairman's Discussion Paper: Elements of a 'Common Formula' of Negative Security Assurances (NSA)".

In addition, the Secretariat brought up-to-date the list of documents on the question of Effective International Arrangements to Assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons, as contained in document CD/SA/WP.1/Rev.5 of 2 September 1988.

III. Substantive Work

8. As mentioned above, the state of negotiations at the end of the first part of the 1988 session is reflected in the Ad Hoc Committee's Special Report to the Conference in view of the third special session of the General Assembly devoted to disarmament (CD/825, paras. 12-20). A summary of the general exchange of views during the first part of the session is given below, in paragraphs 9 to 13.

9. A number of delegations reiterated their long-standing belief that the most effective guarantee against the use or threat of use of nuclear weapons was nuclear disarmament and the prohibition of nuclear weapons. They held that pending the achievement of that goal, negative security assurances were an indispensable measure to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. In their view, nuclear-weapon States had an obligation to guarantee, in clear and categorical terms and in an internationally binding form, that non-nuclear-weapon States would not be attacked or threatened with nuclear weapons. They remained convinced that the existing unilateral declarations fell far short of the credible assurances sought by non-nuclear-weapon States. They continued to assert their belief that, in order to be effective, those assurances must be unconditional, without qualification, not subject to divergent interpretation and unlimited in scope, application and duration. Those delegations maintained that Article 51 of the United Nations Charter could not be invoked to justify the use or threat of use of nuclear weapons in the exercise of the right of self-defence in the case of armed attack not involving the use of nuclear weapons, since nuclear war would threaten the very survival of mankind. They once again expressed the apprehension that a situation whereby some nuclear-weapon States claimed the right to use nuclear weapons against non-nuclear-weapon States would weaken the non-proliferation régime. They also continued to maintain that assurances sought by non-nuclear-weapon States could best be provided by an international instrument with binding legal effect. They called upon the

concerned nuclear-weapon States to demonstrate a genuine will to reach a satisfactory agreement and review their positions so as to remove the limitations, conditions and exceptions contained in their unilateral declarations. Several delegations also held that insistence on unilateral declarations by nuclear-weapon States introduced a new element in multilateral disarmament negotiations which undermined the sovereignty of States. Similarly, these delegations felt that insistence on the part of the non-nuclear-weapon States on unconditional assurances without due regard to the security concerns of the nuclear-weapon States would be unfruitful, unrealistic and unattainable. These delegations felt that security assurances must be effectively negotiated taking into full consideration the realities of the security situation of the present day. A number of delegations recalled that the Treaty of Tlatelolco on a nuclear-weapon-free zone in Latin America which includes two Protocols contains negative security assurances.

10. A number of delegations, including a nuclear-weapon State, restated that they shared the belief that the most effective and reliable guarantee against the use or threat of use of nuclear weapons was nuclear disarmament and the complete elimination of nuclear weapons. They held the view that pending the achievement of that objective, various interim measures should be taken to strengthen the security of non-nuclear-weapon States. These delegations referred to proposals, such as the prohibition of the use of nuclear weapons by an appropriate international convention, the assumption of a policy of non-first-use of such weapons by all nuclear-weapon States which would actually preclude the use of nuclear weapons against all States, including the non-nuclear-weapon States, the establishment of nuclear-weapon-free zones as an effective means to ensure the necessary prerequisites for all nuclear-weapon States to assume obligations not to use or threaten to use nuclear weapons against the zonal non-nuclear-weapon States. They maintained their support for the conclusion of an international legally binding instrument to assure effectively, uniformly and unconditionally the non-nuclear-weapon States having no nuclear weapons on their territories against the use or threat of use of such weapons. These delegations underlined that the guarantee of non-use of nuclear weapons given by the nuclear-weapon State belonging to that group of delegations was valid for all such non-nuclear-weapon States irrespective of their adherence to an alliance. They also reaffirmed the validity of the obligation of that nuclear-weapon State not to be the first to use nuclear weapons. That nuclear-weapon State pointed to the fact that it had provided relevant guarantees to the States Parties to the Tlatelolco Treaty and had ratified Protocols 2 and 3 to the Treaty of Rarotonga without any reservations. It also stated that, in the event of a nuclear-weapon-free zone being created in the Balkans, it would be ready to provide all necessary guarantees to the States parties to the zone. They were of the view that the military doctrines of military alliances, particularly of the nuclear-weapon States parties to those alliances, had a most direct bearing on the security assurances to non-nuclear-weapon States. These delegations rejected the doctrine of nuclear deterrence based on a first-use of nuclear weapons and pointed to the need for a fresh political and military approach to urgent security issues, many of which relate to the security of non-nuclear-weapon States as well. They supported the view that Article 51 of the United Nations Charter could not be invoked to justify the use or threat of use of nuclear weapons in the exercise of the right of self-defence in the case of armed attack not involving the use of nuclear weapons, since nuclear war would threaten the very survival of mankind.

11. A number of delegations, including three nuclear-weapon States, while reasserting the importance they attached to the question, underlined that for the discussions on the subject to be successful they needed to be placed squarely in the framework of the agreed mandate and should be marked by a spirit of realism. These delegations continued to believe in the fundamental importance of adherence by member States to the commitment contained in Article 2 of the Charter to refrain from the use or threat of use of force against the territorial integrity or political independence of any State. They also stressed again that Article 51 of the United Nations Charter states that nothing shall impair the inherent right of individual or collective self-defence if an armed attack occurred against a member. These delegations stressed that it was justified that the States renouncing the possession of nuclear weapons should receive in return the assurance that these weapons would not be used against them. They held that such an assurance, however, should remain qualified by a provision of non-attack in alliance or in association with a nuclear-weapon State. These delegations underlined the fact that the assurances given by the three nuclear-weapon States were valid for all non-nuclear-weapon States, irrespective of their formal adherence to an alliance or of their non-aligned status. They stated that the condition that the guarantee lapses in the event of an attack covers all contingencies and indeed strengthens the credibility of the assurances. They asserted that the unilateral assurances given by the three Western nuclear-weapon States were firm, credible and reliable commitments and that they constituted effective security measures for non-nuclear-weapon States. They reaffirmed the validity of proposals for General Assembly or Security Council resolutions taking stock of the declarations of the nuclear-weapon States.

12. A number of delegations drew attention to the Second Protocol of the South Pacific Nuclear Free Zone Treaty (Treaty of Rarotonga) which contains negative security assurances and expressed the hope that all nuclear-weapon States would adhere to it without reservation.

13. One nuclear-weapon State reasserted its long-held view that it was entirely reasonable and legitimate for non-nuclear-weapon States to demand that nuclear-weapon States undertake not to use or threaten to use nuclear weapons against them. It was of the view that the most effective assurances for the security of non-nuclear-weapon States was the complete prohibition and thorough destruction of nuclear weapons and pending the achievement of that goal, in order to prevent nuclear war and reduce the threat to non-nuclear-weapon States, all nuclear-weapon States should assume obligations not to be the first to use nuclear weapons under any circumstances and undertake unconditionally not to use or threaten to use nuclear weapons against non-nuclear-weapon States and nuclear-weapon-free zones. This was their minimum obligation. It restated that on this basis, an international treaty on the prohibition of the use of nuclear weapons should be concluded, with the participation of all nuclear-weapon States. The same State reiterated its unilateral declaration made in 1964 when it had its first nuclear explosion that at no time and under no circumstances would it be the first to use nuclear weapons and its unconditional guarantee not to use or threaten to use nuclear weapons against non-nuclear-weapon States and nuclear-weapon-free zones. It stated that it was based on this position that it signed the relevant protocols to the Treaty for the Prohibition of Nuclear Weapons in Latin America and the South Pacific Nuclear Free Zone Treaty. At the same time, it hoped that the major nuclear-weapon States would adjust their positions towards the question of assuring the security of non-nuclear-weapon States so as to make it possible for the Ad Hoc Committee to move forward in its work. It expressed its support for the conclusion, through negotiations,

14. At the beginning of the second part of the session the Chairman suggested that the Ad Hoc Committee continue its work from the point where it had adjourned during the first part of the session and to that end put forward the following list of issues to be considered during the remainder of the session:

"1. Examination of and negotiation on existing proposals and future initiatives on:

(a) "common formula" of security assurances to be included in an international legally-binding instrument

- single "common formula" approach
- categorizational approach (one "common formula" for each category of non-nuclear-weapon States)
- possible alternative options

(b) interim arrangements.

2. Conclusions."

In order to facilitate discussion on these issues, the Chairman presented a discussion paper (CD/SA/WP.12 and Rev.1) entitled, "Elements of a "Common Formula" of Negative Security Assurances". The paper compiles, in a structured way, many ideas on the subject raised during discussions at meetings of the Committee. The Chairman expressed the hope that the discussion paper would be up-dated in light of future developments on the question. He also noted that the paper should not be viewed as prejudicial to the position of any country nor as endorsing any particular approach. It was generally felt that the Chairman's discussion paper like other papers and proposals before the Committee could make a useful contribution to the work of the Committee.

15. In accordance with the Chairman's list of issues, the Ad Hoc Committee continued examination of and negotiation on the concept of a "common formula" of security assurances. In this connection, all delegations reasserted their readiness to seek agreement on a "common formula" acceptable to all to be included in an international instrument of legally-binding character. As in the past, the Ad Hoc Committee continued to concentrate its discussions primarily on the scope and the nature of the arrangements on the understanding that an agreement on the substance of the arrangements could facilitate agreement on the form.

16. The Ad Hoc Committee once again considered the single "common formula" approach to the question, whereby a formula common to all nuclear weapon States would be agreed upon to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. Some delegations suggested that based on the work of previous years, useful consideration could be given to the following not mutually exclusive alternatives in the search for a "common formula": (a) a categorical negative security assurance formula accompanied by interpretative statements by nuclear-weapons States; (b) a "common formula" containing elements to be raised and agreed upon by all parties concerned; and (c) a "common formula" reconciling the elements of the existing security assurances declarations. Several delegations commented on

the different qualifications contained in the existing unilateral security assurance declarations of the nuclear-weapon States and some questions relevant to the substance of those declarations were addressed to nuclear-weapon States. The nuclear-weapon States to which these questions were addressed undertook to give considered responses at a later date. Some delegations recalled the views expressed by the Group of 21 in document CD/280 and reaffirmed that only a single "common formula" without limitations, conditions and exceptions would be acceptable. While supporting this view, several delegations pointed again to the need for security assurances to be effectively negotiated taking into consideration realities of the security situation of the present day. Other delegations stated that under a possible single "common formula" arrangement, they would favour a non-use formulation which would clearly stipulate in objective terms the minimal qualifications of non-nuclear-weapon States for receiving legally-binding negative security assurances and which would not contain elements susceptible to subjective interpretations. Still other delegations, maintaining their view that the common ground should embody two elements, namely, the status of non-nuclear-weapon States and a non-attack provision, stressed that a "common formula" not embodying those two elements would weaken the existing system of negative security assurances. One delegation, while reiterating its readiness to seek a "common formula" to assure all non-nuclear-weapon States against the use or threat of use of nuclear weapons, asserted its willingness to agree upon a formula in consonance with the demands of these States.

17. In connection with the single "common formula" approach, the Ad Hoc Committee discussed in a preliminary fashion the alternative option proposed during the first part of the 1988 session, and discussed in paragraph 13 of the Special Report (CD/825). According to that proposal, nuclear-weapon States would set aside their various unilateral declarations to facilitate effective negotiations and the adoption of a convention on the basis of a common approach or formula. In addition, any nuclear-weapon State would have the right to make reservations reflecting its unilateral declarations while ratifying such a convention. Several comments were made on the concept of an international instrument of this type. Some delegations expressed the view that it was an interesting possible step but that it needed further development and should be considered again in the future. Some delegations drew attention to the need for reciprocity of the obligations of the nuclear and non-nuclear-weapon States to be reflected in such an international instrument. Furthermore, they pointed out that nuclear-weapon States might use the opportunity of ratification of an international instrument along these lines to improve the substance of their unilateral declarations of non-use. In addition, some other delegations expressed the view that some form of verification procedures would need to be included in any international instrument of this kind. Some delegations maintained that a single "common formula" to which any nuclear-weapon State would have the right to make reservations would not be credible and would not meet the legitimate security concerns of the non-nuclear-weapon States. In this connection, they recalled the statement of the Group of 21 contained in CD/280 and reiterated that to be credible the assurances against the use or threat of use of nuclear weapons should be without limitations, conditions and exceptions.

18. Another focus of consideration during the second part of the session were proposals before the Ad Hoc Committee which suggest a "categorizational approach" to the concept of "common formula". According to this approach, nuclear-weapon States would give negative security assurances to categories of

non-nuclear-weapon States along lines of certain criteria presently contained in the unilateral declarations of the nuclear-weapon States in order to take into account the diversity of their security situations. Thus, one specific "common formula" would be developed for each category of non-nuclear-weapon States. This approach was proposed in document CD/768 of 7 July 1987. Earlier a similar approach had been discussed in 1983 (see Report to the Committee on Disarmament, CD/417 of 22 August 1983). Some delegations were convinced that the rationale for a categorizational approach naturally flowed from repeated failure to reach agreement acceptable to all on the single "common formula" approach. They were of the view that this categorizational approach could help break the deadlock that has existed in the work of the Ad Hoc Committee and try to reach a stable consensus on more realistic and practical ways of arriving at a solution acceptable to all. Referring to the merits of that approach, these delegations pointed out that it could allow for the "common formulas" of the respective categories of non-nuclear-weapon States to be unconditional. They also believed that all non-nuclear-weapon States could be assured in this manner in accordance with the principle of reciprocity of status of obligations of non-nuclear and nuclear-weapon States. These delegations further suggested that this approach could be applied on a stage-by-stage basis, starting with the largest and easiest category of non-nuclear-weapon States not parties to a military alliance of collective defence with a nuclear-weapon State. Subsequently the remaining categories of States could be similarly guaranteed in a legally-binding form. These delegations pointed out that the single "common formula" approach and the categorizational approach do not necessarily exclude each other when viewed in a more general perspective. On the contrary, they believed that these two approaches might be complementary if seen in the context of a gradual process of developing a global negative security assurance system acceptable to all non-nuclear-weapon States. Some other delegations maintained that the categorisational approach would complicate the search for a "common formula" which could be included in an international instrument of a legally-binding character. They pointed out that despite differences over the scope and contents of a "common formula" which had prevented agreement on the question, a consensus had so far existed that only a single "common formula" offered a practical and acceptable solution to the problem. This consensus, these delegations said, should not be undermined. They also questioned the categorisational approach on the ground that it implied that non-nuclear-weapon States should fulfil certain conditions before they became eligible for assurances against the use or threat of use of nuclear weapons. Such an approach, these delegations explained, would not be acceptable as these States had unconditionally renounced the nuclear weapon option and were therefore entitled to unconditional assurances. Still other delegations stated that extending assurances to categories of non-nuclear-weapon States would have the effect of limiting the scope of the existing unilateral security assurances declarations made by the nuclear-weapon States.

19. The Ad Hoc Committee held a structured and goal-oriented debate in which some new ideas were explored and a clearer understanding of the many issues involved was achieved. However, the deliberations on the various approaches during the second part of the session, which included consideration of possibilities for alternative action, once again proved inconclusive. Some delegations suggested that an interesting perspective might be emerging, in light of the proposals and ideas put forward this year, which opened the possibility of formulating a new strategy, realistically taking into account the interests of all non-nuclear-weapon States in an overall step-by-step

development of the existing negative security assurance global system. In this context, they pointed to the need for a fresh look at the issue, especially in view of the qualitatively improved political environment. They also held that the proposals and ideas put forward provide a useful basis for further constructive work. Some other delegations welcomed the presentation of certain new proposals which they regarded as interesting options in the search for a "common formula". They also welcomed the in-depth exchange on those proposals that took place this year. However, they underlined that the discussions had not, in their view, opened any broad perspective for a solution to the issue. They shared the view expressed above that the discussions this year could serve as a valuable point of departure for future consideration of the question. In the view of many delegations the discussions held in the Committee once again underlined that the impasse on the question could be broken only if the nuclear-weapon States, which had a special responsibility in this regard, demonstrated a genuine will to reach a satisfactory solution which took into account the security concerns of States which had voluntarily renounced nuclear weapons. These delegations urged the concerned nuclear-weapon States to have a frresh look at the issue with a view to removing the limitations, conditions and exceptions contained in their unilateral declarations.

IV. Conclusions and recommendations

20. The Ad Hoc Committee reaffirmed that non-nuclear-weapon States should be effectively assured by the nuclear-weapon States against the use or threat of use of nuclear weapons pending effective measures of nuclear disarmament. There was continuing recognition of the need for concluding such effective international arrangements. Considerable efforts were made to arrive at a common approach on the subject. Work on the substance of the arrangements, however, revealed that specific difficulties relating to differing perceptions of security interests of nuclear-weapon States and non-nuclear-weapon States persisted and that the complex nature of the issues involved continued to prevent agreement on a "common formula" which could be included in an international legally-binding instrument to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. At the same time, the discussion underlined that all delegations supported and expressed their readiness to continue the search for a common approach on the substance of negative security assurances and, in particular, on such a "common formula".

21. Against the aforementioned background the Ad Hoc Committee recommends to the Conference on Disarmament that ways and means should continue to be explored to overcome the difficulties encountered in its work in carrying out negotiations on the question of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. Accordingly, it was generally agreed that the Ad Hoc Committee should be re-established at the beginning of the 1989 session.

CONFERENCE ON DISARMAMENT

CD/938
27 July 1989

Original: ENGLISH

Ad Hoc Committee on Effective International Arrangements to Assure Non-nuclear-weapon States against the Use or Threat of Use of Nuclear Weapons

Report to the Conference on Disarmament

I. Introduction

1. At its 484th plenary meeting on 7 February 1989 the Conference on Disarmament decided to re-establish for the duration of its 1989 session, an ad hoc committee to continue to negotiate with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. It further decided that the Ad Hoc Committee would report to the Conference on the progress of its work before the conclusion of 1989 (CD/885).

II. Organization of work and documents

2. At its 485th plenary meeting on 9 February 1989, the Conference on Disarmament appointed Ambassador Ali Shams Ardekani of the Islamic Republic of Iran as Chairman of the Ad Hoc Committee. Mr. J. Gerardi-Siebert, Political Affairs Officer, United Nations Department for Disarmament Affairs, served as Secretary of the Ad Hoc Committee.

3. The Ad Hoc Committee held 10 meetings between 15 February and 27 July 1989.

4. At their request, the Conference on Disarmament decided to invite the representatives of the following States not members of the Conference to participate in the meetings of the Ad Hoc Committee during the 1989 session: Austria, Finland, Ghana, Greece, Ireland, New Zealand, Norway, Oman, Portugal, Spain, Switzerland, Syrian Arab Republic, Tunisia and Zimbabwe.

5. The following new document was submitted to the Conference in connection with the item during the 1989 session:

The Chairman presented a "non-paper": "Reflexions on Negative Security Assurances".

III. Substantive Work

6. In the general exchange of views, a number of delegations reiterated their belief that the most effective guarantee against the use or threat of use of nuclear weapons was nuclear disarmament and the prohibition of nuclear weapons. In their view, the non-nuclear-weapon States have voluntarily renounced the nuclear option in the expectation that States possessing nuclear weapons would follow suit. It was therefore necessary that the concerned nuclear-weapon States should respond in a positive manner to the repeated call of the non-nuclear-weapon States for security assurances which were necessary for an effective non-proliferation régime. These delegations felt that there was agreement among the majority of the United Nations States to the idea of an international Convention to provide effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, as was reflected in resolution 43/69 of the General Assembly adopted with no vote against it. This resolution appealed, inter alia, to all States, especially the nuclear-weapon States, to demonstrate the political will to reach an agreement on a common formula that could be included in an international instrument of a legally binding character. These delegations were of the view that this resolution, as well as those previously adopted by the General Assembly on this issue, should be the starting point of the Committee negotiations. They also felt that the general consensus on the common formula approach should not be undermined and efforts should be made to resume the search for a situation agreeable to all, in particular, a review of position was required by the nuclear-weapon States, who should realize the necessity of responding positively to the legitimate concerns of security of the non-nuclear-weapon States.

7. A number of delegations, including a nuclear-weapon State, shared the belief that the most effective and reliable guarantee against the use or threat of use of nuclear weapons was nuclear disarmament and the complete elimination of nuclear weapons. They held the view that pending the achievement of that objective, various interim measures should be taken to strengthen the security of non-nuclear-weapon States, such as the prohibition of the use of nuclear weapons by an appropriate international convention, the assumption of a policy of non-first use that would preclude the use of nuclear weapons against all States, including the non-nuclear-weapon States, and the establishment of nuclear-weapon-free zones as an effective means of ensuring the necessary prerequisites for all nuclear-weapon States to assume obligations not to use nuclear weapons against States belonging to such zones. They referred to the unilateral declaration of non-first use of nuclear weapons made by two nuclear-weapon States. These delegations maintained their strong support, as reflected in resolution 43/68 of the General Assembly of the conclusion of an international legally-binding instrument to assure effectively the non-nuclear-weapon States against the use or threat of use of nuclear weapons. The nuclear-weapon State belonging to this group of delegations reaffirmed the continuing validity of its guarantee of non-use of nuclear weapons with respect to non-nuclear-weapon States which do not have these weapons in their territory, regardless of their adherence to an alliance. These delegations reaffirmed their readiness to participate, together with other delegations, in the search for a solution to the problem of negative security assurances based on a common formula which was to be included in an international legally-binding document. They hoped that all nuclear-weapon States, as well as other States, would be willing to show the required flexibility in order to find an acceptable solution to the issues involved.

8. A number of delegations, including three nuclear-weapon States recalled their comprehensive views set forth previously in the Ad Hoc Committee. They welcomed the high level of interest of the international community in the question of assurances for non-nuclear-weapon States against the use or threat of use of nuclear weapons, and in this context noted the continued willingness of all to search for further improvements to the existing situation. They noted however that negative security assurances touch upon the fundamental security of all States and that, consequently, decisions in this area cannot be taken lightly. Given the wide range of security concerns faced by States and the variety of measures available to confront them, the search for a single solution has eluded the Committee so far. None the less, these delegations pointed out their readiness to continue that search, although they did not accept the premise that without a single common formula nothing had been achieved. In this regard, they recalled that all five nuclear-weapon States had given solemn assurances about the non-use of nuclear weapons against non-nuclear-weapon States. They observed that most non-nuclear-weapon States, in practice, should find themselves covered by all five negative security assurances, even though the different concerns of the nuclear-weapon States had obliged them to word their assurances differently, and to vary the qualifications they had applied. While some of those delegations expressed particular sympathy for the view of members of the Committee who are parties to the Treaty on the Non-proliferation of Nuclear Weapons, that their own renunciation of nuclear weapons called for a response in an equally binding form, they pointed out that one of the difficulties in coming to a single common formula for negative security assurances is that the same assurances would be offered to all States, including those who refuse to give a binding form to their non-proliferation undertakings. These States reiterated that the existing assurances, whilst not enshrined in a treaty or convention, nevertheless were solemnly given and are not to be considered as having no weight; they stand as firm, credible and reliable commitments.

9. A number of delegations drew attention to the Second Protocol of the South Pacific Nuclear-Free Zone Treaty (Treaty of Rarotonga) which contains negative security assurances, and expressed the hope that all nuclear-weapon States that had not done so would adhere to it without reservation.

10. One nuclear-weapon State was of the view that the most effective guarantee of the security of non-nuclear-weapon States was the complete and total elimination of nuclear weapons and pending the achievement of this goal, all nuclear-weapon States should assume obligations not to be the first to use nuclear weapons under any circumstances and undertake unconditionally not to use or threaten to use nuclear weapons against non-nuclear-weapon States and nuclear-weapon-free zones. The same State considered it entirely reasonable and legitimate for the non-nuclear-weapon States to demand that nuclear-weapon States undertake not to use or threaten to use nuclear weapons against them, since they are committed themselves not to possess nuclear weapons in various ways. It endorsed the suggestion to conclude an international convention on the non-use or threat of use of nuclear weapons against non-nuclear-weapon States and supported the search for a common formula which met the needs of security of the non-nuclear-weapon States. This same State reiterated its unconditional guarantee not to use or threaten to use nuclear weapons against non-nuclear-weapon States and nuclear-weapon-free zones. Further, it expressed the idea that the substantive element in any solution to this

problem must be the effective guarantee that takes into consideration the reasonable demand for security of non-use or threat of use of nuclear weapons by non-nuclear-weapon States. It stated that it would welcome any constructive initiative agreeable to non-nuclear-weapon States.

11. Discussions on the conclusions that could be drawn from the work of the Committee this session of the possibilities of reaching agreement on a common formula to guarantee non-nuclear-weapon States against the use or threat of use of nuclear weapons had again proven inconclusive. Some delegations underlined the importance of making progress on these issues, in the light of the forthcoming Fourth Review Conference of the States parties to the Treaty on the non-proliferation of nuclear weapons.

IV. Conclusions and recommendations

12. The Ad Hoc Committee reaffirmed that non-nuclear-weapon States should be effectively assured by the nuclear-weapon States against the use or threat of use of nuclear weapons pending effective measures of nuclear disarmament. Work on the substance of the effective arrangements and discussion on various aspects and elements of a solution, however, revealed that specific difficulties relating to differing perceptions of security interests of nuclear-weapon States and non-nuclear-weapon States persisted and that the complex nature of the issues involved continued to prevent agreement on a "common formula". At the same time, the discussion underlined that all delegations supported and expressed their readiness to continue the search for a common approach on the substance of negative security assurances and, in particular, on such a "common formula".

13. Against the aforementioned background the Ad Hoc Committee recommends to the Conference on Disarmament that ways and means should continue to be explored to overcome the difficulties encountered in its work in carrying out negotiations on the question of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. Accordingly, it was generally agreed that the Ad Hoc Committee should be re-established at the beginning of the 1990 session.

CONFERENCE ON DISARMAMENT

CD/967
14 February 1990

Original: ENGLISH

LETTER DATED 12 FEBRUARY 1990 FROM THE PERMANENT REPRESENTATIVE OF NIGERIA ADDRESSED TO THE PRESIDENT OF THE CONFERENCE ON DISARMAMENT TRANSMITTING THE TEXT OF A PROPOSED AGREEMENT ON THE PROHIBITION OF THE USE OR THREAT OF USE OF NUCLEAR WEAPONS AGAINST NON-NUCLEAR-WEAPON STATES PARTIES TO THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS

I have the honour to transmit herewith the text of the Agreement on the Prohibition of the Use or Threat of Use of Nuclear Weapons Against Non-Nuclear-Weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, proposed by the Government of the Federal Republic of Nigeria and addressed to the Depositary Governments of the Treaty on the Non-Proliferation of Nuclear Weapons, by the Honourable Minister of External Affairs of Nigeria, on 2 November 1989.

I should be grateful if you would arrange for the circulation of the text of this Agreement as an official document of the Conference on Disarmament.

(Signed) E.A. Azikiwe
Permanent Representative

AGREEMENT ON THE PROHIBITION OF THE USE OR THREAT OF USE OF NUCLEAR WEAPONS AGAINST NON-NUCLEAR-WEAPON STATES PARTIES TO THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS

The States Parties to this Agreement,

Being also parties to the Treaty on the Non-Proliferation of Nuclear Weapons opened for signature at London, Moscow and Washington on 1 July 1968 (hereinafter called "the Treaty"), have hereby accepted the following provisions:

Article I

Each nuclear-weapon State Party to this Agreement undertakes not to use or threaten to use nuclear weapons against any non-nuclear-weapon State Party to the Treaty which does not belong to a military alliance and does not have other security arrangements providing for mutual defence with a nuclear-weapon State.

Article II

Each nuclear-weapon State Party to this Agreement undertakes not to use or threaten to use nuclear weapons against any non-nuclear-weapon State Party to the Treaty which belongs to a military alliance, or have other security arrangements providing for mutual defence, with a nuclear-weapon State but has no nuclear weapons stationed on its territory. The non-nuclear-weapon State Party to the Treaty referred to in this Article undertakes not to partake in, or contribute to, any military attack on any nuclear-weapon State Party to this Agreement, or its allies, Parties to the Treaty, except in self-defence, in accordance with the Charter of the United Nations.

Article III

1. This Agreement shall be signed and shall be subject to ratification, or may be acceded to, as if the provisions of Article IX of the Treaty applied hereto.

2. This Agreement shall enter into force in respect of each State on the date of deposit of the instrument of ratification or accession of the State concerned.

3. The duration of this Agreement shall be the same as that of the Treaty and the provision regarding denunciation contained in Article X, paragraph 1, of the Treaty shall be applicable to it.

Article IV

This Agreement, the English, Russian, French and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depositary

Governments. Duly certified copies of this Agreement shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

In witness WHEREOF the undersigned plenipotentiaries, having deposited their full powers, found to be in good and due form, hereby sign this Agreement on behalf of their respective Governments.

Done in triplicate, at the cities of London, Moscow and Washington, the .....day of ....., one thousand nine hundred and .....

CONFERENCE ON DISARMAMENT

CD/1028*
9 August 1990

ORIGINAL: English

REPORT OF THE AD HOC COMMITTEE ON EFFECTIVE INTERNATIONAL ARRANGEMENTS TO ASSURE NON-NUCLEAR-WEAPON STATES AGAINST THE USE OR THREAT OF USE OF NUCLEAR WEAPONS

I. Introduction

1. At its 532nd plenary meeting on 6 February 1990 the Conference on Disarmament decided to re-establish for the duration of its 1990 session, an ad hoc committee to continue to negotiate with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. It further decided that the Ad Hoc Committee would report to the Conference on the progress of its work before the conclusion of the 1990 session (CD/964).

II. Organization of work and documents

2. At its 532nd plenary meeting on 6 February 1990, the Conference on Disarmament appointed Ambassador Andrea Negrotto Cambiaso of Italy as Chairman of the Ad Hoc Committee. Mr. V. Bogomolov, Political Affairs Officer, United Nations Department for Disarmament Affairs, served as Secretary of the Ad Hoc Committee.

3. The Ad Hoc Committee held 5 formal and informal meetings between 13 March and 2 August 1990.

4. At their request, the Conference on Disarmament decided to invite the representatives of the following States not members of the Conference to participate in the meetings of the Ad Hoc Committee during the 1990 session: Austria, Bangladesh, Democratic People's Republic of Korea, Finland, Greece, Iraq, Malaysia, New Zealand, Norway, Oman, Portugal, Republic of Korea, Spain, Switzerland, Syrian Arab Republic, Tunisia, United Arab Emirates, Uruguay, Viet Nam and Zimbabwe.

5. The following new document was submitted to the Conference in connection with the item during the 1990 session: CD/967 dated 14 February 1990 submitted by Nigeria entitled "The Text of a proposed agreement on the Prohibition of the Use or Threat of Use of Nuclear Weapons against Non-nuclear States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons".

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*Re-issued for technical reasons.

1601P GE.90-62460

III. Substantive Work

6. Immediately after the re-establishment of the Ad Hoc Committee and his appointment and between the formal meetings, the Chairman carried out numerous informal consultations with the delegations and group co-ordinators. He attempted to find a possible constructive idea for the solution of the issue of negative security assurances, which has eluded the Conference for 11 years.

7. It proved difficult at this stage to identify common ground likely to lead to the desired solution. However there emerged a general belief that current political developments could favour the creation of a context more conducive to progress in the work of the Ad Hoc Committee.

8. In the general exchange of views it was pointed out by the Group of 21 that the question of negative security assurances had been raised and pursued by most non-nuclear-weapon States in various forms and at different international gatherings since the mid-1960s. The subject has been under negotiation in the Conference on Disarmament since the late 1970s but its initial promise has petered out and it has been stagnating for the last few years. The Group reiterated its belief that the most effective guarantee against the use or threat of use of nuclear weapons was nuclear disarmament and the prohibition of nuclear weapons. It considered that since nuclear weapons are weapons of mass destruction, the non-nuclear-weapon States should be given unconditional and legally binding assurances on a non-discriminatory basis against the use or threat of use of nuclear weapons. In its view, the non-nuclear-weapon States have voluntarily renounced the nuclear option in the expectation that the States possessing nuclear weapons would follow suit. This has not happened and neither have they received comprehensive legally binding assurances from the nuclear weapon States against the use or threat of use of such weapons. It was therefore necessary that the concerned nuclear weapon States should respond in a positive manner to the repeated calls of the non-nuclear-weapon States for negative security assurances which were necessary for achieving a universal non-proliferation régime in all its aspects.

9. The Group of 21 felt that there was agreement amongst the nigh totality of the Member States of the United Nations States to the idea of an international convention to reach agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. This has been borne out by what had been embodied in successive resolutions of the United Nations General Assembly. The Group

expressed an opinion that these resolutions reaffirmed the urgent need to reach an agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons; appealed to all States, especially the nuclear weapon States, to demonstrate the political will to reach an agreement on a common formula that could be included in an international instrument of a legally binding character and recommended that the CD should actively continue negotiations on this subject, including the consideration of any other proposals designed to secure the objective before it.

10. The same Group was of the view that these resolutions should form the starting point of the Committee's negotiations and that the general consensus on the common formula approach should not be undermined and efforts should be made to resume the search for an agreeable solution from that point.

11. The same Group felt there was a general agreement that in order to get the process moving, a review of positions was required not by the Group of 21 nuclear weapon have-nots but by nuclear weapon States who should realize the necessity of responding positively to the legitimate concerns of the non-nuclear weapon States. This necessity has been brought into sharper focus in the context of the statement by the two major nuclear weapon States that "nuclear war cannot be won and must never be fought" and of the recent evolutions of doctrines relating to nuclear weapons.

12. The Group of 21 expected some forward movement in this area of vital interest to them in accordance with the recommendations of the UNGA resolutions, particularly at a time when so many positive developments are visible in other areas of disarmament.

13. One State which does not possess nuclear weapons expressed its dismay at the lack of progress in the work of the Ad Hoc Committee given the widely recognized existence of an improved international atmosphere. This delegation stated that the international setting against which the unilateral assurances had been made several years ago were diametrically opposed to the present climate of co-operation. In this regard it made reference to recent pronouncements by both military alliances that indicate that there exists, at that level, the willingness to no longer consider the counterpart as an enemy, in spite of the continuing existence of nuclear arsenals on each side. In view of this, according to the delegation of this State, the elaboration and conclusion of unqualified assurances for the benefit of those States who do

not possess nuclear weapons should be the natural corollary of the above-mentioned climate of co-operation and easing of tensions at the international level.

14. A number of delegations, including the delegation of a State possessing nuclear weapons, confirmed their conviction that nuclear disarmament and the complete elimination of nuclear weapons represent the most effective and promising guarantee against the use or threat of use of nuclear weapons. They underlined that States not possessing nuclear weapons and not having them on their territory, are fully entitled to reliable international legal guarantees for their security, i.e., guarantees that nuclear weapons will not be used against them and they referred to the unilateral statements of two States possessing nuclear weapons - that they would not be the first to use nuclear weapons. Expressing readiness to participate actively, together with the other participants in the negotiations, in the search for solutions based on a common formula and agreeing with the approach of the delegations that give their preference to a multilateral international document of a binding character as compared to unilateral statements, these delegations expressed the view that it was necessary to consider similar or intermediate measures that would contribute to the creation of sound, clear-cut and genuine guarantees for the non-nuclear-weapon States based on a balance of interests of all States concerned. Such intermediate measures, according to them, could include, for instance, the prohibition of the use of nuclear weapons against all States - including those that have no such weapons; the creation of nuclear weapon-free zones as an effective means of ensuring the necessary prerequisites for nuclear-weapon States to assume obligations not to use nuclear weapons against States belonging to such zones. The same delegations expressed the hope that all States possessing nuclear weapons, as well as other States, will show the necessary flexibility and will find a mutually-acceptable solution to the problem of guaranteeing the non-nuclear weapon States against the use or threat of use of nuclear weapons.

15. A number of delegations, including three nuclear-weapon States, recalled their comprehensive views set forth previously in the Ad Hoc Committee. They welcomed the high level of interest of the international community in the question of assurances for non-nuclear-weapon States against the use or threat of use of nuclear weapons and in this context noted the continued willingness of all to search for further improvements to the existing situation. They noted, however, that negative security assurances touch upon the fundamental

security of all States and that, consequently, decisions in this area cannot be taken lightly. Given the wide range of security concerns faced by States and the variety of measures available to confront them, the search for a single solution has eluded the Committee so far. Nonetheless, these delegations pointed out their readiness to continue that search although they did not accept the premise that without a single common formula nothing had been achieved. In this regard, they recalled that all five nuclear-weapon States had given solemn assurances about the non-use of nuclear weapons against non-nuclear-weapon States. They observed that most non-nuclear weapon States, in practice, should find themselves covered by all five negative security assurances, even though the different concerns of the nuclear-weapon States had obliged them to word their assurances differently, and to vary the qualifications they had applied. While some of those delegations expressed particular sympathy for the view of Members of the Committee who are parties to the Treaty on the Non-Proliferation of Nuclear Weapons that their own renunciation of nuclear weapons called for a response in an equally binding form, they pointed out that one of the difficulties in coming to a single common formula for negative security assurances is that the same assurances would be offered to all States, including those who refused to give a binding form to their non-proliferation undertakings. These States reiterated that the existing assurances, whilst not enshrined in a treaty or convention, nevertheless were solemnly given and are not to be considered as having no weight; they stand as firm, credible and reliable commitments. One of those three nuclear weapon States at a plenary meeting reiterated its oft publicly stated commitment not to use nuclear weapons against any non-nuclear-weapon State, party to the NPT or any comparable internationally binding commitment not to acquire nuclear explosive devices, except in the case of an attack on this State, its territories or armed forces, or its allies, by such a State allied to a nuclear-weapon State or associated with a nuclear-weapon State in carrying out or sustaining the attack.

16. Another of those nuclear weapon States recalled that its unilateral declaration of negative security assurance was based on the principles of its constant defence policy and of the Charter of the United Nations. It considered that a legally-binding commitment in an international instrument should be mutual, derive from the principle of non-use of force except for self-defence and take account of the real military situations of States.

17. One nuclear-weapon State considered it entirely reasonable and legitimate for the non-nuclear-weapon States, who were committed not to possess nuclear weapons in various ways, to demand that nuclear-weapon States undertake not to use or threaten to use nuclear weapons against them. It also expressed its hope to expedite the search for a common formula which would meet the needs of security of the non-nuclear-weapon States in this regard, and its support of the conclusion of an international convention which could genuinely prevent the use or threat of use of nuclear weapons against non-nuclear-weapon States and nuclear-weapon-free zones. It stated that it would welcome any constructive initiative agreeable to non-nuclear-weapon States. This same State was of the view that the most effective security guarantee for non-nuclear-weapon States against the use or threat of use of nuclear weapons was the complete prohibition and total elimination of nuclear weapons. Pending the achievement of this goal, this State believed that all nuclear-weapon States should undertake not to use or threaten to use nuclear weapons against non-nuclear-weapon States and nuclear-weapon-free zones under any circumstances. The same State reiterated its commitment that at no time and under no circumstances would it be the first to use nuclear weapons and that it would not use or threaten to use nuclear weapons against non-nuclear-weapon States.

18. Discussions on the conclusions that could be drawn from the work of the Committee this session of the possibilities of reaching agreement on a common formula to guarantee non-nuclear-weapon States against the use or threat of use of nuclear weapons had again proven inconclusive. Some delegations underlined the importance of making progress on these issues, in the light of the forthcoming Fourth Review Conference of the States parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

IV. Conclusions and recommendations

19. The Ad Hoc Committee reaffirmed that non-nuclear-weapon States should be effectively assured by the nuclear-weapon States against the use or threat of use of nuclear weapons pending effective measures of nuclear disarmament. Work on the substance of the effective arrangements and discussion on various aspects and elements of a solution, together with the series of informal consultations by the Chairman revealed that specific difficulties relating to differing perceptions of security interests of nuclear-weapon States and non-nuclear-weapon States persisted and that the complex nature of the issues

involved continued to prevent agreement on a "common formula". In the course of the year many positive political changes were underway which were expected to have a bearing on the search for possible solutions. At the same time, the discussion underlined that all delegations supported and reaffirmed their readiness to continue the search for a common approach on the substance of negative security assurances and, in particular, on such a "common formula".

20. Against the aforementioned background the Ad Hoc Committee recommends to the Conference on Disarmament that ways and means should continue to be pursued in the light of the on-going and future developments to overcome the difficulties encountered in its work in carrying out negotiations on the question of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. Accordingly, it was generally agreed that the Ad Hoc Committee should be re-established at the beginning of the 1991 session.

CD/1104
19 August 1991

Original: ENGLISH

CONFERENCE ON DISARMAMENT

REPORT OF THE AD HOC COMMITTEE ON EFFECTIVE INTERNATIONAL ARRANGEMENTS TO ASSURE NON-NUCLEAR-WEAPON STATES AGAINST THE USE OR THREAT OF USE OF NUCLEAR WEAPONS

I. Introduction

1. At its 578th plenary meeting on 24 January 1991 the Conference on Disarmament decided to re-establish for the duration of its 1991 session, an Ad Hoc Committee to continue to negotiate with a view to reaching agreement on effective international arrangements to assure non-nuclear weapon States against the use or threat of use of nuclear weapons. It further decided that the Ad Hoc Committee would report to the Conference on the progress of its work before the conclusion of 1991 (CD/1050).

II. Organization of work

2. At its 582nd plenary meeting on 14 February 1991, the Conference on Disarmament appointed Ambassador Juraj Kralik of the Czech and Slovak Federal Republic as Chairman of the Ad Hoc Committee. Mr. V. Bogomolov, Political Affairs Officer, United Nations Department for Disarmament Affairs, served as Secretary of the Ad Hoc Committee.

3. The Ad Hoc Committee held 11 formal and 4 informal meetings between 12 March and 19 August 1991.

4. At their request, the Conference on Disarmament decided to invite the representatives of the following States not members of the Conference to participate in the meetings of the Ad Hoc Committee during the 1991 session: Angola, Austria, Bangladesh, Cameroun, Chile, Costa Rica, Democratic People's Republic of Korea, Finland, Greece, Iraq, Ireland, Jordan, Malaysia, New Zealand, Norway, Oman, Portugal, Qatar, Republic of Korea, Spain, Syria, Switzerland, Tunisia, United Arab Emirates, Uruguay, Viet Nam and Zimbabwe.

5. The following working paper was submitted to the Ad Hoc Committee at this annual session: CD/SA/WP.13 dated 6 August 1991 entitled "Paper presented by Egypt on security assurances for non-nuclear-weapon States against the use or threat of use of nuclear weapons".

III. Substantive work

6. The Group of 21 stated that the issue of effective international arrangements to assure non-nuclear-weapon states against the use or threat of

use of nuclear weapons was one of cardinal importance since it was symbiotically linked to, and touched upon, the fundamental security of all states. It recalled General Assembly resolution 45/54 which had recommended that the Conference on Disarmament actively continue intensive negotiations with a view to reaching early agreement and concluding effective international arrangements to assure non-nuclear-weapon states against the use or threat of use of nuclear weapons, taking into account the widespread support for the conclusion of an international convention and giving consideration to any other proposals designed to secure the same objective. The Group reiterated that, every effort should be exerted to construct an edifice of multilateral disarmament agreements to replace worn out theories and decayed strategies. Such an edifice would remain incomplete if comprehensive legally binding assurances from the nuclear weapon states were not allocated to all non-nuclear weapon states since they had voluntarily renounced the nuclear option. The Group of 21 regretted the lack of agreement and progress in this field despite the cardinal importance attached to the work of this Committee.

7. The Group of 21 felt that there was agreement amongst the majority of the Member States of the United Nations to the idea of an international convention to reach agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. This has been borne out by what had been embodied in successive resolutions of the United Nations General Assembly. The Group expressed an opinion that these resolutions reaffirmed the urgent need to reach an agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons; appealed to all States, especially the nuclear weapon States, to demonstrate the political will to reach an agreement on a common formula that could be included in an international instrument of a legally-binding character and recommended that the CD should actively continue negotiations on this subject, including the consideration of any other proposals designed to secure the objective before it.

8. The same Group was of the view that these resolutions should form the starting point of the Committee's negotiations and that the general consensus on the common formula approach should not be undermined and efforts should be made to resume the search for an agreeable solution from that point.

9. One delegation belonging to the Group of 21, whose views were shared by other delegations of the same Group, stated that the only credible guarantee against the use or threat of use of nuclear weapons lay in nuclear disarmament

conclusion of an international agreement prohibiting the use or threat of use of nuclear weapons and instead of agreeing upon partial pledges of non use, this treaty had to be negotiated pending complete nuclear disarmament. It had, however, supported a legally-binding and multilaterally-negotiated international instrument for providing security assurances to non-nuclear weapon states, which should be clear, credible, universal and without any qualifications or discrimination. This, in turn, necessitates that such an instrument be based on a "common formula" approach. NSAs cannot be predicated upon, nor can they be used as a pretext for demanding discriminatory obligations or "reciprocal guarantees" from non-nuclear weapon states, thus further adversely affecting their already threatened security. The nuclear-weapon States had an obligation to assure and the non-nuclear weapon States had the right to be assured against the use or threat of use of nuclear weapons.

10. One member of the same Group underlined the responsibility of the UN in maintaining international peace and security which had guided the Security Council to adopt its resolution 255 in 1968 on questions relating to measures to safeguard non-nuclear-weapon states parties to the NPT, especially because the NPT did not contain a clause providing for security assurances to non-nuclear-weapon states. It felt that the resolution adopted more than 23 years ago needed an update by adopting a revised version that would contain credible assurances. It considered that a first step was necessary to initiate a process whereby nuclear-weapon states party to the NPT would conduct consultations collectively or individually with the nuclear weapon states not currently party to the Treaty on security assurances taking into account UN Security Council Resolution 255 of 1968 and to inform other states party to the Treaty of any progress or appropriate action taken by the Security Council as a result of these efforts. These views were contained, inter alia, in the paper presented by this delegation to the Ad Hoc Committee this year.

11. One delegation from the same Group indicated that the concept of negative security assurances should now be discussed in the light of the improved climate. It felt that to suggest that states which had relinquished the nuclear option in a legally-binding manner to the NPT be content with unilateral security assurances was possibly to undermine the sobriety of such states. It believed that insistence upon conditional assurances which placed parties and non-parties to the NPT on the same footage might be unrealistic and unattainable and possibly disruptive.

12. One delegation, a member of the Group of 21, expressed the view that credible security assurances to non-nuclear weapon States against the use or

threat of use of nuclear weapons were an essential element of an effective and equitable regime to prevent the proliferation of nuclear weapons. Such assurances should be without qualification, not subject to divergent interpretation and unlimited in scope, application and duration. The guarantees to be extended to the non-nuclear weapon States also should be based on a single "common formula" on which agreement exists, as was reflected in numerous resolutions on the subject adopted by the UN General Assembly over the years. At the same time the delegation was opposed to the "categorization" approach pursued by some countries, as this would complicate the search for a "common formula". The delegation reiterated that the obligation of the nuclear-weapon States not to use or threaten to use nuclear weapons against non-nuclear-weapon States should be categorical and unambiguous. Security assurances to non-nuclear-weapon States should be extended in an international instrument of a legally-binding character, which could take various forms. However, unilateral declarations of the nuclear-weapon States would not create the legal commitments that were essential for any credible arrangement to assure the non-nuclear-weapon States because unilateral declarations, no matter how solemnly made were, after all, statements of governmental policy and could be changed or withdrawn unilaterally. Finally, that delegation stated that negative security assurances were only a first step towards the complete prohibition of the use of nuclear weapons and as a part of the efforts to achieve nuclear disarmament.

13. One delegation belonging to the Group of 21 also expressed the view that the only prerequisite to receive security assurances was the non-possession of nuclear weapons, and there should be no other conditions attached to the extension of such guarantees by the nuclear-weapon States. It stated that it had never accepted the logic behind the policies of nuclear deterrence. An agreement concerning NSAs should be based on the relevant UN resolutions.

14. Some delegations of the Group of 21 expressed their regret that the work of the Committee had yet to benefit from the new international climate. They said that there had been little substantive work and urged the nuclear-weapon States to submit individually or collectively specific proposals in order that negotiations could begin. For those delegations the lack of progress was due to the absence of political will of some delegations.

15. The Western nuclear-weapon States said the kind of political will needed was recognition by some members of the Group of 21 that the specific proposals offered by members of the Western Group during the 1991 session were serious and should be dealt with as such. Proposals and political will were required by all in order to further the work of the Committee.

16. Some delegations belonging to the Group of Eastern European and other states, including the delegation of a State possessing nuclear weapons, reiterated their position that nuclear disarmament and the complete elimination of nuclear weapons represented the most effective and promising guarantee against the use or threat of use of nuclear weapons. Until then States not possessing nuclear weapons and not having them on their territory should have appropriate reliable international legal guarantees against the use or threat of use of these weapons. Some delegations belonging to the Group of Eastern European and other states, including the delegation of a State possessing nuclear weapons, noted that to achieve a substantive progress in this respect a political will and constructive approach should be demonstrated by all. Expressing readiness to participate actively in the search for solutions based on a common formula and agreeing with the approach of the delegations that give their preference to a multilateral international document of a binding character as compared to unilateral statements, these delegations expressed the view that it was necessary to consider similar or intermediate measures that would contribute to the creation of sound, clear-cut and genuine guarantees for the non-nuclear-weapon States based on a balance of interests of all States concerned. Such intermediate measures, according to them, could include the prohibition of the use of nuclear weapons against all States - including those that had no such weapons; the creation of nuclear-weapon-free zones as an effective means of ensuring the necessary prerequisites for nuclear-weapon States to assume obligations not to use nuclear weapons against States belonging to such zones. They referred also to the unilateral statements of two nuclear-weapon States that they would not be the first to use nuclear weapons.

17. One delegation from the same Group suggested that an interim solution could be based on the "lowest common denominator" of the five existing non-use declarations which meant that if non-nuclear-weapon states party to the NPT, not parties to an alliance and not stationing foreign nuclear weapons, could confirm in a NSA legal instrument its non-attack obligation assumed under article 2(4) of the UN Charter, they might well enjoy legally-binding assurances. Such an interim arrangement might strengthen the security of the majority of non-nuclear-weapon States and could become an important step ahead. The delegation thought that the Committee could not follow a realistic and pragmatic "single common formula" approach and at the same time insist on covering all non-nuclear weapon States by the respective security assurances.

18. The Western Group stated that it continued to attach importance to the question of Negative Security Assurances and recognized their role as a means of enhancing international security. It was the view of all members of this

Group that unilateral commitments made by the three nuclear States of the Group, although not enshrined in a formal treaty, were firm commitments based on realistic considerations. Although they were worded differently, their spirit and the aim they pursued were identical. In practice, most non-nuclear weapon States should find themselves covered by these assurances as indeed they might well be covered by all five unilateral statements. The Western Group was convinced that the most recent developments, especially in the East-West context and in Europe might offer some prospects for furthering the discussions. It stressed that one of the central elements of these developments was the joint reaffirmation of mutual commitment of non-agression enshrined in the UN Charter. The Group believed that these developments not only showed how rapid change could be and how advanced was the process of cooperation in Europe, but it was the conviction of the Group that such an approach could be useful to other regions. It therefore invited all States to examine the possibility to adopt initiatives taking into account particular characteristics of each region which should lead to stability and security for all participating States. In particular, the establishment of Nuclear Weapon Free Zones in appropriate areas could contribute to the settlement of regional tensions and disputes. This Group continued to be ready to examine carefully various ways of tackling the question of security assurances in a constructive way and in other appropriate fora. The Group recalled that legally-binding commitments could also be undertaken through the NPT, through regional arrangements such as the Treaty of Tlatelolco and the Treaty of Rarotonga or by an arrangement with the IAEA. The Group considered as particularly useful those proposals before the Committee, which recognized the necessary balance between binding and effective non-proliferation undertakings on the one hand and binding security assurances on the other hand.

19. One delegation, member of the Western Group, recommending a realistic approach to this agenda item, indicated that because the possible use of nuclear weapons, as well as their deterrent role, was still a component of the military doctrines of some nuclear-weapon States the eventual total elimination of nuclear weapons could only remain a longer term objective. Moreover, the wish to obtain agreement from the five nuclear-weapon states on a common formula could only be achieved if all five of them could agree among themselves on what should be the components of that common formula. It also stated that even though this item had been on the CD agenda since 1979, the time was still not ripe to resolve it in the way that many states favouring a common formula would clearly prefer. The best way to advance the work should be through further discussion and the patient analysis of ideas that would appear to have some chance of being accepted by the nuclear-weapon states.

Instead of repeated merely rhetorical calls for a common formula only by exploring with them what they would be prepared to accept would any progress be likely.

20. Another delegation, a member of the Western Group, said that although NSAs are not in themselves concrete arms control or disarmament measures, they could enhance international security. It identified several key factors relevant to consideration of the issue of NSAs and specifically the importance of several existing international, particularly regional, legal instruments as means for giving more legal weight to the political commitments inherent in the various unilateral nuclear NSA declarations. In the context of this last factor, this same delegation urged all nuclear weapon states which had not done so to sign additional protocol II of the South Pacific Nuclear Free Zone Treaty.

21. The delegation of one Western nuclear-weapon State stressed the importance of a balance between, on the one hand, a legally-binding commitment by the nuclear-weapon States not to threaten to use or to use nuclear weapons against non-nuclear-weapon States, and on the other hand, a legally-binding commitment by such States not to develop, produce or acquire nuclear weapons. It moreover stated that any legally-binding assurance should be applicable to all non-nuclear-weapon States irrespective of their membership in a military alliance or of the stationing of nuclear weapons on their territories, but not to any non-nuclear weapon State which would associate itself in any way to a nuclear attack against a nuclear weapon State.

22. One nuclear-weapon State was of the view that the most effective security guarantee for non-nuclear-weapon States against the use or threat of use of nuclear weapons was the complete prohibition and total elimination of nuclear weapons. Pending the achievement of this goal, all nuclear-weapon States should undertake not to use or threaten to use nuclear weapons against non-nuclear-weapon States and nuclear-weapon-free zones under any circumstances. It reiterated its commitment that at no time and under no circumstances would it be the first to use nuclear weapons, and that it would not use or threaten to use nuclear weapons against non-nuclear-weapon States. It expressed its support for the conclusion of an international convention which could genuinely prevent the use or threat of use of nuclear weapons against non-nuclear-weapon States and nuclear-weapon-free zones. It also stated that it would welcome any constructive initiative agreeable to non-nuclear-weapon States.

IV. Conclusions and recommendations

23. The Ad Hoc Committee reaffirmed that non-nuclear-weapon States should be effectively assured by the nuclear-weapon States against the use or threat

of use of nuclear weapons pending effective measures of nuclear disarmament. Work on the substance of the effective arrangements and discussion on various aspects and elements of a solution, together with the series of informal consultations by the Chairman revealed that specific difficulties relating to differing perceptions of security interests of nuclear-weapon States and non-nuclear-weapon States continued to persist and that the complex nature of the issues involved continued to prevent agreement on a 'common formula'. The formal debates and informal consultations demonstrated the readiness of delegations to continue the search for a common approach on the substance of negative security assurances and, in particular, on such a 'common formula'.

24. Against this background the Ad Hoc Committee recommends to the Conference on Disarmament that ways and means should continue to be pursued in the light of the on-going and future developments to overcome the difficulties encountered in its work in carrying out negotiations on the question of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. Accordingly, it was generally agreed that the Ad Hoc Committee should be re-established at the beginning of the 1992 session.

CONFERENCE ON DISARMAMENT

CD/1121
22 January 1992

Original: ENGLISH

Decision on the re-establishment of an ad hoc committee on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons

(Adopted at the 606th plenary meeting on 21 January 1992)

The Conference on Disarmament decides to re-establish for the duration of its 1992 session an ad hoc committee to continue to negotiate with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

The ad hoc committee will report to the Conference on the progress of its work before the conclusion of the 1992 session.

GE.92-60125/2787H

CONFERENCE ON DISARMAMENT

CD/1160
3 August 1992

Original: ENGLISH

REPORT OF THE AD HOC COMMITTEE ON EFFECTIVE INTERNATIONAL ARRANGEMENTS TO ASSURE NON-NUCLEAR-WEAPON STATES AGAINST THE USE OR THREAT OF USE OF NUCLEAR WEAPONS

I. Introduction

1. At its 606th plenary meeting on 21 January 1992 the Conference on Disarmament decided to re-establish, for the duration of its 1992 session, an Ad Hoc Committee to continue to negotiate with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. It further decided that the Ad Hoc Committee would report to the Conference on the progress of its work before the conclusion of the 1992 annual session (CD/1121).

II. Organization of work

2. At its 613th plenary meeting on 20 February 1992, the Conference on Disarmament appointed Ambassador Sirous Nasseri of the Islamic Republic of Iran as Chairman of the Ad Hoc Committee. Mr. V. Bogomolov, Political Affairs Officer, United Nations Office for Disarmament Affairs, served as Secretary of the Ad Hoc Committee.

3. The Ad Hoc Committee held three meetings between 22 June and 3 August 1992.

4. In addition to the documents of the previous sessions related to this item, the following working paper was submitted to the Ad Hoc Committee by France at this annual session: CD/SA/WP.14 dated 3 August 1992 entitled "Basic elements for a legally binding agreement on negative security assurances".

III. Substantive work

5. At the beginning of the annual session, the Chairman of the Ad Hoc Committee conducted informal consultations with the delegations and the Group coordinators to determine the best way to address the item entitled "Effective

International Arrangements to Assure Non-nuclear-weapon States against the Use or Threat of Use of Nuclear Weapons" this year, particularly in light of the Conference's focus on concluding the Chemical Weapons Convention. These consultations revealed that all delegations, including those of the nuclear weapon States, continued to attach importance to the agenda item and were ready to engage in substantive discussions on the issue.

6. During the formal meetings of the Ad Hoc Committee, various groups and individual delegations reaffirmed or further elaborated their respective positions, the detailed descriptions of which can be found in the previous annual reports of the Committee, related Conference documents and working papers, and Plenary records.

IV. Conclusions and recommendations

7. The Ad Hoc Committee reaffirmed that non-nuclear-weapon States should be effectively assured by the nuclear-weapon States against the use or threat of use of nuclear weapons pending effective measures of nuclear disarmament. Work on the substance of the effective arrangements and discussion on some aspects and elements of a solution, together with the series of informal consultations by the Chairman, revealed that specific difficulties relating to differing perceptions of security interests of nuclear-weapon States and non-nuclear weapon States persisted and that the complex nature of the issues involved continued to prevent agreement on a 'common formula'. The formal debates and informal consultations demonstrated the readiness of delegations to continue the search for a common approach on the substance of Negative Security Assurances.

8. Against this background the Conference on Disarmament continued to recognize the importance of the question of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons and felt that there was a need to take a fresh look at this question, in light of recent transformations in the international political climate and other positive developments in order to achieve forward movement in this extremely important area so as to enable the Ad Hoc Committee to fulfil its mandate as soon as possible.

9. Accordingly there was agreement on the recommendation that the Ad Hoc Committee should be re-established at the beginning of the 1993 session.

CONFERENCE ON DISARMAMENT

CD/1219
25 August 1993

Original: ENGLISH

REPORT OF THE AD HOC COMMITTEE ON
EFFECTIVE INTERNATIONAL ARRANGEMENTS TO
ASSURE NON-NUCLEAR-WEAPON STATES AGAINST THE USE
OR THREAT OF USE OF NUCLEAR WEAPONS

I. INTRODUCTION

1. At its 637th plenary meeting on 21 January 1993, the Conference on Disarmament decided to re-establish for the duration of its 1993 session an Ad Hoc Committee to continue to negotiate with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons (CD/1121). This decision on the re-establishment of the Ad Hoc Committee required that the Committee would report to the Conference on the progress of its work before the conclusion of the annual session.

II. ORGANIZATION OF WORK AND DOCUMENTS

2. At its 640th plenary meeting on 2 February 1993, the Conference on Disarmament appointed Ambassador Romulus Neagu of Romania as Chairman of the Ad Hoc Committee. Mr V. Bogomolov, Political Affairs Officer, United Nations Office for Disarmament Affairs, served as Secretary of the Ad Hoc Committee.

3. Between 5 March and 24 August 1993 the Ad Hoc Committee held 13 meetings. The Chairman also conducted informal consultations on specific concrete aspects of the agenda item, as well as several meetings with Group coordinators, and other representatives.

4. In addition to the documents of the previous sessions, the following working papers were submitted to the Ad Hoc Committee:

CD/SA/WP.15	Compilation of Basic Documents relating to the Question of Effective International Arrangements to Assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons
CD/SA/WP.16	Chairman's Discussion Paper - Elements of a "Common Formula" of Negative Security Assurances (NSA)

CD/SA/WP.17 Finland - Views on Effective International Arrangements to Assure Non-Nuclear-Weapon States Against the Use or Threat of Use of Nuclear Weapons

III. SUBSTANTIVE WORK

5. At the beginning of the annual session, the Chairman of the Ad Hoc Committee conducted informal consultations with the delegations and the Group Coordinators to determine if the views of members had changed, as well as on the best way to address this item. Those consultations revealed that all delegations continued to attach importance to the agenda item and were ready to engage in a search for a mutually acceptable solution of the issue.

6. During the meetings of the Ad Hoc Committee, various Groups and individual delegations reaffirmed or further elaborated their respective positions, the detailed descriptions of which can be found in the previous annual reports of the Committee, related Conference documents and Working Papers, and Plenary Records.

7. The Ad Hoc Committee held a series of official meetings and intensive informal consultations during which it addressed a number of issues related to negative security assurances.

8. The following issues were raised by various delegations and were considered without prejudice to the respective positions of delegations:

(a) the question of negative security assurances to non-nuclear-weapon States corresponding to the interests of the entire international community and contributing to the process of nuclear disarmament and to the reinforcement of the regime of non-proliferation of nuclear weapons;

(b) the appropriateness of a confirmation by nuclear-weapon States of positive assurances, together with negative assurances, as a follow-up to Security Council Resolution 255 of 1968;

(c) the conclusion of negative security assurances in the form of a multilaterally negotiated treaty;

(d) an agreement on a single common formula of negative security assurances as a contribution to the conclusion of such a treaty;

(e) the question of exemptions in a common formula for negative security assurances;

(f) a structure of a future treaty on negative security assurances;

(g) verification of a future treaty on negative security assurances; and

(h) the relationship between security assurances and non-proliferation commitments.

9. Many delegations continued to believe that nuclear disarmament and the complete elimination of nuclear weapons was the most effective guarantee against the use or threat of use of nuclear weapons. They believed that until the goal of nuclear disarmament was achieved on a universal basis, it was imperative for the international community to develop effective and unconditional measures to assure the security of non-nuclear-weapon States against the use or threat of use of nuclear weapons from any quarter. Those delegations reaffirmed the need to find a common approach, acceptable to all, to be included in a multilateral agreement of a legally-binding character.

10. Many delegations, members of the Group of 21, were of the view that the positions of most of the nuclear-weapon States had been found to be unsatisfactory in addressing the negative security assurances issue in a comprehensive manner, hence the calls on those nuclear-weapon States to review their positions. These delegations stressed that nuclear-weapon States had an obligation to guarantee, in clear and categorical terms and in an international legally-binding form, that non-nuclear-weapon States would not be attacked or threatened with nuclear weapons. They underlined that the existing assurances and unilateral declarations fell far short of the credible assurances sought by non-nuclear-weapon States and in order to be effective, these assurances should be unconditional, without qualification, not subject to divergent interpretation and unlimited in scope, application and duration and based on a "common formula" approach. In the view of these delegations, Article 51 of the United Nations Charter could not be invoked to justify the use or threat of use of nuclear weapons in the exercise of the right of self-defence in the case of armed attack not involving the use of nuclear weapons, since nuclear war would threaten the very survival of mankind. Negative security assurances could not be predicated upon, nor could they be used as a pretext for demanding discriminatory obligations or "reciprocal guarantees" from non-nuclear-weapon States.

11. The delegation of India, while arguing that the only credible guarantee against the use or threat of use of nuclear weapons lay in the total elimination of such weapons, recognised the importance of negative security assurances. With regard to the conditions propounded for negative security assurances, the delegation stated that the United Nations Charter should not be invoked for use of nuclear weapons. The NPT is a discriminatory instrument which does not prevent the nuclear-weapon States from retaining or improving their nuclear arsenals. Similarly, nuclear-weapon States themselves are not,

nor can they in future be a part of a nuclear-weapon-free zone without renouncing their nuclear weapons. Also, IAEA full-scope safeguards were again optional for the nuclear-weapon States. Accordingly, there was no rationale for imposing these conditionalities as a pre-requisite for negative security assurances.

12. The delegation of Egypt noted that, as a result of the recent transformations and positive developments in the international political climate, there emerged an urgent need for nuclear-weapon States to review their unilateral security declarations in a comprehensive manner. It further noted that those non-nuclear-weapon States parties to the NPT and/or to regional nuclear-weapon-free zones or who had signed a comprehensive safeguards agreement with the IAEA, were entitled to unconditional, legally-binding comprehensive security assurances which would not be limited in scope, framework or duration.

13. The delegations of the Group of 21, States parties to the NPT, stressed that there was an urgent need for a multilateral agreement on NSAs, as progress on this issue would decisively influence the outcome of the 1995 NPT Review and Extension Conference.

14. The delegations of some other States parties to the NPT stressed that making the outcome of the 1995 Conference the hostage of any other development would endanger the whole Treaty.

15. The delegation of Nigeria noted that the Committee this year was unable to break the impasse in the negotiations because of the lack of political will on the part of some nuclear-weapon States. Stating that there should be a spirit of give and take in the negotiations, Nigeria indicated that nuclear-weapon States should not insist on imposing upon non-nuclear-weapon States a set of disparate, non-enforceable and unilateral declarations. It reiterated the main elements which could form a generally acceptable agreement (see CD/967 of 14 February 1990).

16. The delegation of Kenya further stated that, with the change in the global political situation, it was not convinced of the need for any policy that envisaged the use of nuclear weapons. In its view, the circumstances at present would seem favourable for the conclusion of a Treaty on NSAs. Kenya wholeheartedly supported the review and extension of the NPT in 1995. It stressed that the following issues would receive priority in considering the period, or periods, by which the NPT should be extended: the conclusion of a Treaty on NSAs, the conclusion of a CTBT, the fulfillment of Article VI of the

NPT, the halting of the production of fissionable material for weapon purposes, as well as other issues related to nuclear disarmament.

17. One delegation from the Group of 21 further stated that in its view the existing unilateral negative security assurances by the nuclear-weapon States were not legally-binding and, with the exception of the guarantee offered by the People's Republic of China, were not adequate. These assurances, therefore, needed to be improved upon, both in terms of their binding character and their scope. The delegation was also of the view that there should be a balance and reciprocity between the obligations of nuclear-weapon States and those of non-nuclear-weapon States. To enjoy legally-binding negative security assurances, non-nuclear-weapon States should make legally-binding commitments not to acquire nuclear weapons, i.e. they have to be States parties to the NPT, members of regional nuclear weapon-free zones, or have to make other forms of legally-binding commitments with full compliance with IAEA safeguards. Non-nuclear-weapon States who are not States parties to the NPT or other forms of legally-binding non-nuclear commitments should also be taken into account.

18. The delegation of Hungary, stressing the weight of proliferation concerns, expressed its conviction that the NPT-regime would greatly benefit from real progress in the field of negative security assurances. Reiterating its preference for a multilateral, legally-binding instrument, it also pointed out that the attainment of the goal of creating a solid system of security assurances should not be prevented by disagreement on form, and other options could be considered as well. It underlined the function of legally-binding multilateral non-nuclear undertakings and full compliance with these undertakings in the process of defining the circle of potential beneficiaries of the system. It also expressed the view that the mere fact of being a member of a military alliance was irrelevant in the context of negative security assurances.

19. A number of delegations addressed the issue of the responsibility of the United Nations in maintaining international peace and security, which had guided the Security Council to adopt its Resolution 255 in 1968. They supported the idea of a Security Council resolution on stronger assurances of solidarity and assistance to non-nuclear-weapon States in case of nuclear aggression.

20. The delegation of France considered that the issue of negative security assurances was all the more important and complex in that it concerned at the

same time compliance with commitments, non-proliferation and the protection of vital security interests. Several proposals had been put forward for the negotiation of a legally-binding agreement on this issue. However, in view of the reservations expressed in the Ad Hoc Committee about the reciprocal nature of the obligations of nuclear and non-nuclear-weapon States on which such an approach would be based, it was the view of the French delegation that one of the possible avenues was to explore the possibility of a harmonisation of the existing unilateral declarations of the nuclear-weapon States providing for balanced commitments and taking into account the requirements of non-proliferation and of the protection of security interests.

21. Some delegations disagreed with the view that negative security assurances should be unconditional. They reaffirmed that one essential condition would always remain in place, i.e. that negative security assurances should be given only to the States which had themselves renounced the nuclear option.

22. The delegation of Finland, a non-member of the Conference on Disarmament, was of the view that negative security assurances should be global in scope, uniform, unconditional and comprehensive, and that such guarantees should ensure the equality of all States that have renounced the acquisition of nuclear weapons through the NPT or other legally-binding multilateral instruments within the non-proliferation regime.

23. The delegation of Germany offered some ideas on how to overcome the impasse in the negotiations. It suggested that solutions should be found to a number of issues, such as the assumption that renouncing the nuclear-weapon option required compensation as well as what might constitute an acceptable balance between the rights and obligations of non-nuclear-weapon and nuclear-weapon States. It was also justified to put on the scale other relevant obligations and efforts undertaken by some nuclear powers which were beneficial to all non-nuclear-weapon States, for example, security to their allies, an important role played by the same nuclear-weapon States in assisting the Russian Federation in destroying nuclear weapons safely, as well as a variety of efforts undertaken by the very same States to contribute to a development on the territory of the former Soviet Union which would not lead to additional nuclear powers. Taking account of recent political developments, more emphasis should be given to broadening the basis of common understanding and updating arguments being used in the Ad Hoc Committee.

24. In the framework of the debate on the legal value of the unilateral declarations issued by nuclear-weapon States, the delegation of Italy, quoting

the 1974 judgement by the International Court of Justice in the nuclear tests case stated that, under international law, unilateral declarations might contain a binding obligation insofar as a clear commitment can be drawn by their wording.

25. The delegation of China was of the view that the conclusion of an international agreement on the non-use or threat of use of nuclear weapons against non-nuclear-weapon States would be an important measure in preventing the outbreak of nuclear war, prior to the realization of complete prohibition and thorough destruction of nuclear weapons. It reiterated China's commitment that at no time and under no circumstances would China be the first to use nuclear weapons, and that China would not use or threaten to use nuclear weapons against non-nuclear-weapon States and nuclear-weapon-free zones. It advocated negotiations on, and conclusion of, an international agreement on the non-first-use of nuclear weapons, and on the non-use or threat of use of nuclear weapons against non-nuclear-weapon States and nuclear-weapon-free zones.

IV. CONCLUSIONS AND RECOMMENDATIONS

26. The Ad Hoc Committee reaffirmed that non-nuclear-weapon States should be effectively assured by the nuclear-weapon States against the use or threat of use of nuclear weapons pending effective measures of nuclear disarmament. The formal debates and informal consultations demonstrated the readiness of the delegations to continue the search for a common approach on the substance of negative security assurances. However, the complex nature of the issues involved, as well as, inter alia, differing perceptions of security interests continued to impede the work on the substance of the effective arrangements and the search for a common formula.

27. Against this background, the Ad Hoc Committee continued to recognize the importance of the question of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons and felt that there was a need to step up efforts in the light of recent transformations in the international political climate and other positive developments, to agree on a common approach, and to proceed to negotiations with a view to reaching agreement as stated in its mandate as soon as possible. Accordingly, there was an agreement on the recommendation that the Ad Hoc Committee should be re-established at the beginning of the 1994 session.

CD/1256
31 March 1994

Original: ENGLISH

GROUP OF 21

Declaration on the question of Negative Security Assurances

1. The Group of 21 reiterates its conviction that the only completely effective security assurances against the use or threat of use of nuclear weapons lie in a prohibition of the use of nuclear weapons, nuclear disarmament, and a complete elimination of these weapons.

The present international situation has eroded the traditional arguments for the maintenance of nuclear arsenals and clearly calls for the nuclear-weapon States to engage on an effective process of nuclear disarmament. There is also a need to recognize the right of non-nuclear-weapon States not to be attacked or threatened with these weapons.

2. This position, shared by the overwhelming majority of non-nuclear-weapon States, is a long-standing one. It dominated the debates for a long time, during the negotiation of the non-proliferation Treaty, during its successive review conferences, during all the previous sessions of the Conference on Disarmament, and during hundreds of multilateral meetings, conferences and symposiums devoted to disarmament or security.

In particular, the 14 years during which functioned the Ad Hoc Committee on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons have always seen the reconfirmation of this position by the Group of 21.

Today, the existence of such a right to guarantees is also recognized by nuclear-weapon States. However, not all nuclear-weapon States accept the idea of implementing those guarantees in a multilaterally negotiated, legally binding, international instrument based on a common formula.

That explains why, though there is apparently no objection to the principle within the members of the Conference on Disarmament, its Ad Hoc Committee leads only into minor progress and is still far away from proposing a text of consensus.

3. Non-nuclear-weapon States that have engaged themselves not to acquire nuclear weapons should be covered by equal and unconditional guarantees, in a multilateral convention which might be based on the following principles:

(a) the nuclear-weapon States will engage to never use or threaten to use nuclear weapons against non-nuclear-weapon States;

(b) non-nuclear-weapon States should have the right to guarantees, the contents of which will be negotiated within the Ad Hoc Committee;

(c) the convention should result from a negotiation between all members of the Conference on Disarmament and should be legally binding;

(d) the common formula enclosed in the convention should be clear, credible, without any ambiguity, and should respond to the concerns of all the parties, including those related to nuclear proliferation in all its aspects;

(e) the convention should include clear undertakings of nuclear-weapon States concerning a general and complete nuclear disarmament.

4. The Group of 21 considers that the conclusion of such a convention should be an important step towards achieving an effective regime of non-proliferation in all its aspects as well as nuclear disarmament.

It also takes the view that nuclear-weapon States should continue and carry forward the process of de-emphasizing the role of nuclear weapons.

Negative security assurances are a vital element and an important measure of this process.

5. The Group of 21 believes that an international legal instrument on negative security assurances and a CTBT, together with other nuclear arms limitation measures, are essential elements of an effective international regime of non-proliferation of nuclear weapons in all its aspects.

Accordingly, delegations of G21 States parties to the non-proliferation Treaty feel that substantive progress in the aforementioned areas, and the advancement of these objectives, will decisively influence the outcome of the 1995 Review Conference of the NPT.

These member States also believe that, as a first step, nuclear-weapon States should extend, in a legally binding form, the security assurances granted in some international instruments, that assure some non-nuclear-weapon States against the use or threat of use of nuclear weapons, to all non-nuclear-weapon States parties to the non-proliferation Treaty.

6. On the eve of the forthcoming Review Conference, which will decide on questions of vital importance for the future of the international legal regime of non-proliferation, the Group of 21 calls upon all members of the Conference on Disarmament to give a concrete expression of their political will, by taking measures outlined above, in response to the needs of the time.

CONFERENCE ON DISARMAMENT

CD/1275
30 August 1994

Original: ENGLISH

REPORT OF THE AD HOC COMMITTEE ON EFFECTIVE INTERNATIONAL ARRANGEMENTS TO ASSURE NON-NUCLEAR-WEAPON STATES AGAINST THE USE OR THREAT OF USE OF NUCLEAR WEAPONS

I. INTRODUCTION

1. At its 666th plenary meeting on 25 January 1994, the Conference on Disarmament decided to re-establish for the duration of its 1994 session an Ad Hoc Committee to continue to negotiate with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons (CD/1121). This decision on the re-establishment of the Ad Hoc Committee required that the Committee would report to the Conference on the progress of its work before the conclusion of the annual session.

II. ORGANIZATION OF WORK AND DOCUMENTS

2. At its 671st plenary meeting on 17 February 1994 the Conference on Disarmament appointed Ambassador Baron Alain Guillaume of Belgium as Chairman of the Ad Hoc Committee. Mr. V. Bogomolov, Political Affairs Officer, United Nations Centre for Disarmament Affairs, served as Secretary of the Ad Hoc Committee.

3. Between 24 February and 29 August 1994 the Ad Hoc Committee held 16 meetings. The Chairman also conducted informal consultations on specific concrete aspects of the agenda item, as well as several meetings with Group coordinators and other representatives.

GE.94-64101

4. The following new documents were submitted to the Committee in connection with the item during the 1994 session:

CD/1256	Dated 31 March 1994 submitted by the Group of 21 entitled "Declaration on the question of Negative Security Assurances"
CD/SA/WP.18	Working Paper entitled "Preliminary and personal conclusions by the Chairman"
CD/SA/WP.19	Working Paper entitled "The Response of the Syrian Arab Republic to the Questionnaire (CD/SA/WP.25) prepared by the Chairman of the Ad Hoc Committee"
CD/SA/CRP.24	1994 Timetable of Meetings
CD/SA/CRP.25	Questionnaire prepared by the Chairman

III. SUBSTANTIVE WORK

5. During the meetings of the Ad Hoc Committee, various Groups and individual delegations reaffirmed their respective positions, the detailed descriptions of which can be found in the previous annual reports of the Committee, related Conference documents and Plenary Records, or further elaborated them, as described in the following paragraphs.

6. At the suggestion of the Chairman, and in an effort to reassess the current political environment and the new favourable opportunities it provided, the Ad Hoc Committee devoted the entire second part of the annual session to an intensive informal exchange of views on the basis of a Questionnaire prepared by the Chairman (CD/SA/CRP.25) on such issues as threat perception, and especially nuclear threat, potential dangers to national and international security, the scope of guarantees and the right for protection, the beneficiaries and providers of guarantees, the scope and type of sanctions in a system of collective security, including a possible role for the United Nations, and the framework of a possible agreement. From a general point of view, the informal exchange of views was useful and highlighted areas of potential progress. However, at this stage of the discussions, no consensus had been reached.

7. In parallel it was suggested by the Chairman to establish a drafting group to submit concrete proposals to the Ad Hoc Committee, but there was no consensus on this suggestion.

8. The Ad Hoc Committee was informed that the five nuclear-weapon States held consultations on security assurances.

9. All delegations reiterated that they attach particular importance to the question of international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons and expressed their readiness to engage in a search for a mutually acceptable solution of the issue.

10. The Group of 21 insisted on the legitimate character of the claims of non-nuclear-weapon States for negative security assurances and felt that there was a need to step up efforts, in the light of recent transformations in the international political climate and other positive developments, to agree on a common approach, and to proceed to negotiations with a view to reaching agreement as soon as possible.

11. In a declaration issued on 31 March 1994 (CD/1256) the Group of 21 reiterated its conviction that the complete elimination of nuclear weapons was the only effective assurance against the use or threat of use of nuclear weapons and stressed the necessity to recognize the right of non-nuclear-weapon States not to be attacked nor threatened with these weapons. It reaffirmed the need to conclude a multilateral agreement of a legally-binding character, linking nuclear-weapon States and non-nuclear-weapon States and, in this context, suggested some principles on the basis of which such an agreement could be negotiated within the Conference on Disarmament.

12. Some delegations belonging to the Group of 21 reiterated their view that non-nuclear-weapon States parties to the NPT or to regional nuclear weapon-free zones, or those who had signed a comprehensive safeguards agreement with the IAEA, were entitled to immediate, unconditional, legally-binding comprehensive security assurances, which would not be limited in scope, framework or duration, since they have already fulfilled their own engagement towards non-proliferation and nuclear disarmament.

13. Some delegations of this Group also proposed, as a possible alternative to an international convention, to add to the Non-Proliferation Treaty an additional protocol embodying legally-binding nuclear security assurances.

14. India referred to its Action Plan by which it advocated the conclusion of a convention to outlaw the use or threat of use of nuclear weapons, pending their elimination, as a measure collateral to nuclear disarmament. It stressed that partial and conditional pledges of non-use of nuclear weapons which may be undertaken by nuclear-weapon States, whether in a separate undertaking or in

some common formula, would not provide real security to the non-nuclear-weapon States. Stressing that NSAs should not be used as a pretext for further discriminatory obligations on non-nuclear-weapon States, it found no links between NSAs and the 1995 NPT Review and Extension Conference, and insisted on the necessity to work towards the common approach on a common formula that could be included in an international instrument with a legally-binding character.

15. Indonesia stated that negative security assurances was an issue that needed urgent and serious attention, particularly since it was bound to have some influence on both CTBT negotiations and the NPT Review and Extension Conference. It also recalled the importance that the Heads of State and Government of the non-aligned countries attached to a multilateral and legally-binding Convention governing the issue, as expressed during the 10th Summit in Jakarta in 1992 and reiterated by the non-aligned Foreign Ministers in Cairo in June 1994.

16. The delegation of Myanmar stated that effective international arrangements or agreement on negative security assurances (NSAs) was a question of utmost importance in its own right. Such a step would ensure the security of non-nuclear-weapon States and would enhance international security. In addition, the importance of NSAs lay in the fact that effective international arrangements or agreement on NSAs and a comprehensive test ban treaty constituted two of the most crucial elements of an effective régime of the NPT. The present-day realities dictated that nuclear-weapon States should continue to carry forward the process of de-emphasizing the role of nuclear weapons. Myanmar considered that NSAs were a vital element of this process.

17. The delegation of Pakistan recalled UN General Assembly Resolution 48/73 of 1993, which was overwhelmingly adopted with 166 votes in favour and no votes against, and stated that there was a need to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. These assurances, based on a common formula, should be given in a multilaterally-negotiated, legally-binding instrument. In the meantime, the nuclear-weapon States should provide unconditional assurances, without qualifications or exceptions, not to use or threaten to use nuclear weapons against all non-nuclear-weapon States.

18. The Western Group welcomed the approach by the Chairman to search for new ideas and avenues to pursue the issue of negative security assurances in informal consultations with a view to re-assessing the question of security

assurances in the light of recent changes in the international situation.

19. The Western Group emphasized that security assurances should only be extended to non-nuclear-weapon States which had undertaken and were in compliance with commitments under the Non-Proliferation Treaty or any comparable internationally-binding agreements not to manufacture or acquire nuclear explosive devices. The Western Group recognized the legitimacy of the request for assurances against the use or threat of use of nuclear weapons by such non-nuclear-weapon States.

20. The Western Group expressed the view that the question of security assurances should be reassessed in the context of recent changes in the international situation. In view of the end of the Cold War and the emergence of new threats, in particular the increased danger of nuclear proliferation, the issue of security assurances deserved to be considered in a wider perspective.

21. All members of the Western Group recognized the importance of existing unilateral assurances and expressed support for the efforts of the five nuclear-weapon States to harmonize the content of their existing assurances. A number of delegations also supported the idea of a multilaterally-negotiated international agreement or a mandatory UN Security Council resolution on the issue of security assurances.

22. The Western Group supported the search for a solution acceptable to all relevant parties.

23. France considered that the question of security assurances involved at the same time the international responsibilities of the acknowledged nuclear Powers, respect for commitments entered into as regards non-proliferation, and defence imperatives. As a nuclear Power, France fulfilled its obligations since it already granted security assurances to non-nuclear-weapon States which had undertaken to retain that status. It stood ready to harmonize the terms of its declaration with the other nuclear Powers. As far as non-proliferation commitments were concerned, France considered that only States that had entered into legally-binding international undertakings, such as accession to the NPT, and complied with them, should benefit from these security assurances. This requirement was all the more necessary since heightened risks of proliferation were creating new threats to international security. Lastly, the defence policy of France rested on the maintenance of nuclear capabilities whose sole purpose was to deter any aggressor from harming its vital interests. France

was prepared to pursue efforts to reach an acceptable solution to this question which took account of these three elements.

24. The United Kingdom expressed their deep concern about the possible proliferation of nuclear weapons, as well as the potential threats from other weapons of mass destruction and from advanced conventional weapons. This formed part of the security context in which the United Kingdom approached the issue of security assurances. The United Kingdom recognised the importance which many countries attached to security assurances. They stressed the continuing validity of their unilateral security assurances which were solemn and formal undertakings. At the same time, they had been working with other nuclear weapon States to try to devise a joint text on assurances which might offer further reassurance to non-nuclear-weapon States. However, no-one should lose sight of the simple fact that non-nuclear-weapon States parties to the Non-Proliferation Treaty or to other internationally-binding and verifiable commitments not to manufacture or acquire nuclear explosive devices already benefitted from security assurances from the United Kingdom. By linking the assurances to the NPT and IAEA safeguards, the United Kingdom believed they were supporting the non-proliferation objectives to which the international community was committed.

25. The United States of America recalled its solemn and binding unilateral security assurance of 1978, a position that had been reiterated by every subsequent Administration. It emphasized that it continued to work actively toward the goal of a common negative security assurance formulation applicable to non-nuclear-weapon States parties to the Non-Proliferation Treaty or to another comparable internationally-binding commitment not to acquire nuclear explosive devices. Of course, non-nuclear-weapon States must be in compliance with these undertakings to be eligible for any negative security assurance. Substantial progress along these lines had already been achieved as demonstrated by the January 14, 1994 trilateral statement issued in Moscow (CD/1243) which noted the willingness of the United States, Russia, and the United Kingdom to affirm a common negative security assurance to Ukraine once it accedes to the Non-Proliferation Treaty.

26. The delegation of China supported the negotiation and early conclusion of an international agreement on the non-use or threat of use of nuclear weapons against non-nuclear-weapon States, which would have a positive impact on the CTBT negotiations and the NPT Review Conference of 1995. It reiterated its

commitment that at no time, and under no circumstances, would it be the first to use nuclear weapons, and that it would not use nuclear weapons against non-nuclear-weapon States and nuclear weapon-free zones. It called on the five nuclear-weapon States to negotiate and conclude an international agreement on the non-first-use of nuclear weapons, as the time was ripe to do so in the present international situation.

27. The delegation of Romania expressed the view that an arrangement in this area should essentially be premised upon a universal and legally-binding international agreement providing for negative as well as positive security assurances that were global in scope, uniform and comprehensive, and ensured equality of the States renouncing the acquisition of nuclear weapons through multilateral treaties. At the same time, the search for a solution to the problem of security assurances should not leave aside the United Nations, which had considerably enhanced its role and credibility in maintaining international peace and security. Therefore it favoured the idea of a Security Council confirmation, on a broader basis, of the commitments which were originally undertaken in UN Security Council Resolution 255 of 1968.

28. The Russian Federation stated that it considered it proper and desirable to work out in the Conference on Disarmament a multilateral, legally-binding agreement to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. It considered that assurances to be given by the five nuclear-weapon States should be in direct linkage with the commitments undertaken by non-nuclear weapon States within the NPT. At the same time, the Russian delegation confirmed that it deemed it important to develop a common formula through negotiations among the five nuclear Powers as a necessary stage in the elaboration of the above-mentioned multilateral agreement. Such a common formula could be confirmed by a mandatory resolution of the UN Security Council. The Russian delegation also reiterated the legally-binding character of the unilateral Russian declaration on NSA, as formulated in the recently adopted Russian Military doctrine.

29. The delegation of Sweden held the view that as long as nuclear arms existed there remained a need for the non-nuclear-weapon States to receive firm assurances against the use or threat of use of such weapons. States which had forsworn the nuclear option by adhering to the Non-Proliferation Treaty or other legally-binding international agreements, and effectively abided by them, had indeed a legitimate right to enjoy such assurances. A solution to this issue was, in fact, long overdue. The optimal solution would be a multilateral treaty, whereby the nuclear-weapon States would unambiguously, and without

reservations, commit themselves not to use or threaten to use nuclear weapons against non-nuclear-weapon States.

IV. CONCLUSIONS AND RECOMMENDATIONS

30. The Ad Hoc Committee reaffirmed that, pending the effective elimination of nuclear weapons, non-nuclear-weapon States should be effectively assured by the nuclear-weapon States against the use or threat of use of nuclear weapons. There was general agreement that a discussion on negative security assurances could not be conducted in isolation from a general assessment of the security situation both at regional and global levels. At the same time, it was felt that this Committee should concentrate on the question of security assurances related to nuclear weapons and that an eventual solution on the issue of NSAs might also involve addressing the problem of positive assurances and build on the principles contained in UN Security Council Resolution 255 of 1968.

31. It was felt that any further discussion on the issue of negative security assurances should take into full account the outcome of the 1994 deliberations in the Committee as well as the recommendations and suggestions of the previous sessions.

[32.On this understanding it was agreed to recommend to the Conference on Disarmament to re-establish the Ad Hoc Committee at the beginning of the 1995 session.]*

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* The delegation of Mexico did not agree to the linkage of the re-establishment of this Committee, which has its own value, to the re-establishment of other Committees having nothing to do with the substance under discussion in this Committee.

CONFERENCE ON DISARMAMENT

CD/1277
6 September 1994

Original: ENGLISH

STATEMENT ON BEHALF OF THE DELEGATIONS OF EGYPT, ETHIOPIA, INDONESIA, IRAN (ISLAMIC REPUBLIC OF), KENYA, MEXICO, MONGOLIA, MOROCCO, MYANMAR, PERU, SRI LANKA AND VENEZUELA DELIVERED AT THE 691ST PLENARY MEETING OF THE CONFERENCE ON DISARMAMENT HELD ON 6 SEPTEMBER 1994

Paragraph 20 of the Final Document of the first Special Session of the United Nations General Assembly devoted to Disarmament underscores the importance of effective measures of nuclear disarmament and prevention of nuclear war as deserving the highest priority among measures of arms limitation and disarmament. The document, in paragraph 32, reaffirmed also the need for effective arrangements, as appropriate, to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, which could strengthen the security of those States and international peace and security.

Following the demise of the Cold War, dramatic positive changes have taken place in the international political climate. As a consequence, the world has witnessed the arrangement of a number of significant arms limitation and disarmament agreements. The precedent of the conclusion of the Chemical Weapons Convention, the beginning of a process of nuclear disarmament by the United States and the Russian Federation, and the measures taken by other former Soviet Republics in the framework of complete nuclear disarmament demonstrate clearly that nuclear disarmament is not only within the frame of practical implementation but can also be achieved in the foreseeable future if only the political will exists. Apparently, less reliance is now being placed by nuclear-weapon States on the role of nuclear weapons. The process of the de-emphasizing of this role and reducing the dependence upon them should be continued and carried forward as a significant step towards the complete elimination of nuclear weapons.

The Non-aligned Conference recently held in Cairo reiterated the belief that, in order to be effective and lasting, the approach towards international security should be non-discriminatory and balanced and should seek security for all through total nuclear disarmament, elimination of all weapons of mass destruction and progressive measures of reduction of conventional arms. The Conference restated that security assurances to non-nuclear-weapon States can contribute positively to addressing some of the dangers inherent in the

presence of nuclear weapons and urged the Conference on Disarmament to negotiate, as a matter of priority, an international convention prohibiting the use or threat of use of nuclear weapons under any circumstances and to undertake negotiations for the complete elimination of all nuclear weapons within a time bound framework.

Accordingly, the members of the Group of 21 already parties to the NPT attach utmost importance to both questions of negative and positive security assurances. It is their conviction that the only completely effective security assurances against the use or threat of use of nuclear weapons lie in the prohibition of the use of nuclear weapons, nuclear disarmament and complete elimination of these weapons. Existence of nuclear weapons constitutes in itself a threat to international security and a factor which encourages proliferation. For this reason, and pending the achievement of the complete elimination of nuclear weapons, it is imperative for the international community to develop effective measures and arrangements to assure non-nuclear-weapon States against these weapons, and to elaborate measures and arrangements which can contribute positively towards achieving the most effective regime of non-proliferation of nuclear weapons in all its aspects.

In this respect, the delegations of the Group of 21, States Parties to the NPT wish to present to the Conference a draft protocol on security assurances which would be attached to the Non-Proliferation Treaty as its integral part. They are confident that the Protocol drafted on the basis of a simple common formula (i.e.: the nuclear-weapon States pledge themselves never to use or threaten to use nuclear weapons against non-nuclear-weapon States) would be given early and serious consideration by the members of the Conference on Disarmament. The text of the Protocol is annexed below.

ANNEX

DRAFT PROTOCOL ON SECURITY ASSURANCES

Preamble

The States Parties to the Non-Proliferation Treaty,

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

Regarding that the only credible guarantee against the use or threat of use of nuclear weapons lies in the total elimination of such weapons,

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

Bearing in mind the resolutions of the United Nations General Assembly and the Security Council on the question of strengthening the security of non-nuclear-weapon States,

Taking into consideration the unilateral solemn declarations made by nuclear-weapon States on some guarantees given to non-nuclear-weapon States,

Recalling their obligations to refrain, in their mutual relations, from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations Charter,

Have agreed as follows:

I. Definitions

1. The term "nuclear-weapon State" referred to in this Protocol refers to the definition given by the Non-Proliferation Treaty.

2. The term "non-nuclear-weapon State" referred to in this Protocol refers to all States other than those which fall under the above definition of a nuclear-weapon State.

II. Basic obligations

1. In accordance with Article 2, paragraph 4 of the Charter of the United Nations, each State undertakes to refrain in its international relations from the threat or use of force against another State, its territorial integrity and its political independence.

2. The nuclear-weapon States pledge themselves not to use or threaten to use nuclear weapons against non-nuclear-weapon States.

III. Measures in case of non-compliance

1. Any State which has reason to believe that there has been or is likely to be a breach of the obligations of the States Parties arising from Article II of this Protocol may request an urgent meeting of a Conference of the States Parties to the Non-Proliferation Treaty, and/or the Security Council, under Chapter VII of the Charter of the United Nations, with a view to preventing such a breach or redressing the situation arising therefrom.

2. In the case of a nuclear aggression or a threat of aggression against a non-nuclear-weapon State, the Conference of the States Parties and the Security Council should provide to it the necessary help and assistance.

IV. Duration

This Protocol constitutes an integral part of the Non-Proliferation Treaty and shall remain in force as long as the Treaty remains valid or as long as complete elimination of nuclear weapons has not been achieved.

V. Entry into force

This Protocol shall enter into force under the same conditions as the Non-Proliferation Treaty.

CONFERENCE ON DISARMAMENT

CD/1277/Corr.1
7 September 1994

ENGLISH ONLY

STATEMENT ON BEHALF OF THE DELEGATIONS OF EGYPT, ETHIOPIA, INDONESIA, IRAN (ISLAMIC REPUBLIC OF), KENYA, MEXICO, MONGOLIA, MYANMAR, PERU, SRI LANKA AND VENEZUELA DELIVERED AT THE 691ST PLENARY MEETING OF THE CONFERENCE ON DISARMAMENT HELD ON 6 SEPTEMBER 1994

Corrigendum

The title of document CD/1277 should read as above.

GE.94-64294

CONFERENCE ON DISARMAMENT

CD/1285
21 December 1994

ENGLISH
Original: ENGLISH and RUSSIAN

LETTER DATED 19 DECEMBER 1994 FROM THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE CONFERENCE, THE PERMANENT REPRESENTATIVE OF THE UNITED KINGDOM AND NORTHERN IRELAND TO THE CONFERENCE, THE PERMANENT REPRESENTATIVE OF THE RUSSIAN FEDERATION TO THE CONFERENCE AND THE PERMANENT REPRESENTATIVE OF UKRAINE ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE TRANSMITTING THE TEXT OF A JOINT DECLARATION OF THE LEADERS OF UKRAINE, RUSSIA, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE UNITED STATES OF AMERICA, AS WELL AS A MEMORANDUM ON SECURITY ASSURANCES IN CONNECTION WITH UKRAINE'S ACCESSION TO THE NON-PROLIFERATION TREATY, SIGNED IN BUDAPEST ON 5 DECEMBER 1994

We have the honour to forward to you the text of a Joint Declaration of the Leaders of Ukraine, Russia, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, as well as a Memorandum on Security Assurances in Connection with Ukraine's Accession to the Non-Proliferation Treaty, signed in Budapest on 5 December 1994.

Could you please take the appropriate steps to register these documents as official documents of the Conference on Disarmament, and to have them distributed to all member delegations and non-member States participating in the work of the Conference.

(Signed) Stephen J. Ledogar
Ambassador
United States Representative
to the Conference on
Disarmament

(Signed) Olexander Slipchenko
Ambassador
Permanent Representative
of Ukraine
Head of Delegation

(Signed) Sir Michael C.S. Weston
Ambassador
Permanent Representative
of the United Kingdom
to the Conference on
Disarmament

(Signed) Grigori V. Berdennikov
Ambassador
Permanent Representative
of the Russian Federation
to the Conference on
Disarmament

JOINT DECLARATION OF THE LEADERS OF UKRAINE, RUSSIA, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, AND THE UNITED STATES OF AMERICA

The leaders of Ukraine, Russia, the United Kingdom of Great Britain and Northern Ireland, and the United States of America met during the summit meeting of the Conference on Security and Cooperation in Europe.

The leaders discussed the evolution of European security architecture. They underscored their determination to support the increasingly strong tendencies toward the formation of security based on political partnership, and to cooperate in the further development of a security system which embraces all the CSCE states. This will involve the evolution - given the new realities - of transatlantic and regional mechanisms of security in a manner that enhances the security and stability of all CSCE states.

They are committed to continuing the process of building political, military, and economic security in an undivided Europe, in which integration, openness for participation, and transparency are characteristic.

The leaders confirmed that CSCE commitments in the area of human rights, economics, and security represent the cornerstone of the common European security space, and that they help ensure that countries and peoples in this space are not subjected further to the threat of military force or other undesirable consequences of aggressive nationalism and chauvinism.

They noted that the historical changes in the world, including the end of the confrontation between blocs of the "cold war", create favorable conditions for the further strengthening of security and stability on the European continent and for deep reductions in nuclear forces.

In this regard, the leaders discussed the implementation of the Trilateral statement of January 14, 1994. They noted progress in the implementation of this Statement.

The leaders also confirmed that an important contribution to the broader process of strengthening security and stability is also made by such agreements as the Treaty on Conventional Forces in Europe, the Open Skies Treaty, and confidence and security building measures.

MEMORANDUM ON SECURITY ASSURANCES IN CONNECTION WITH UKRAINE'S ACCESSION TO THE NON-PROLIFERATION TREATY

The Russian Federation, the United Kingdom of Great Britain and Northern Ireland, the United States of America, and Ukraine,

Welcoming the accession of Ukraine to the Treaty on the Non-Proliferation of Nuclear Weapons as a non-nuclear-weapon state,

Taking into account the commitment of Ukraine to eliminate all nuclear weapons from its territory within a specified period of time,

Noting the changes in the world-wide security situation, including the end of the Cold War, which have brought about conditions for deep reductions in nuclear forces,

Confirm the following:

1. The Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America reaffirm their commitment to Ukraine, in accordance with the principles of the CSCE Final Act, to respect the independence and sovereignty and the existing borders of Ukraine.

2. The Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America reaffirm their obligation to refrain from the threat or use of force against the territorial integrity or political independence of Ukraine, and that none of their weapons will ever be used against Ukraine except in self-defence or otherwise in accordance with the Charter of the United Nations.

3. The Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America reaffirm their commitment to Ukraine, in accordance with the principles of the CSCE Final Act, to refrain from economic coercion designed to subordinate to their own interest the exercise by Ukraine of the rights inherent in its sovereignty and thus to secure advantages of any kind.

4. The Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America reaffirm their commitment to seek immediate United Nations Security Council action to provide assistance to Ukraine, as a non-nuclear-weapon state party to the Treaty on the Non-Proliferation of Nuclear Weapons, if Ukraine should become a victim of an act of aggression or an object of a threat of aggression in which nuclear weapons are used.

5. The Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America reaffirm, in the case of Ukraine, their commitment not to use nuclear weapons against any non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons, except in the case of an attack

on themselves, their territories or dependent territories, their armed forces, or their allies, by such a state in association or alliance with a nuclear weapon state.

6. The Russian Federation, the United Kingdom of Great Britain and Northern Ireland, the United States of America, and Ukraine will consult in the event a situation arises which raises a question concerning these commitments.

This Memorandum shall enter into force on the date of its signing and shall be registered pusuant to article 102 of the Charter of the United Nations.

Done at Budapest on 5 December 1994 in four copies. English, Russian and Ukrainian texts of this Memorandum are equally authentic.

FOR THE RUSSIAN FEDERATION

FOR UKRAINE

FOR THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

FOR THE UNITED STATES OF AMERICA

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CONFERENCE ON DISARMAMENT

CD/1285/Corr.1
19 January 1995

ENGLISH ONLY

LETTER DATED 19 DECEMBER 1994 FROM THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE CONFERENCE, THE PERMANENT REPRESENTATIVE OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND TO THE CONFERENCE, THE PERMANENT REPRESENTATIVE OF THE RUSSIAN FEDERATION TO THE CONFERENCE AND THE PERMANENT REPRESENTATIVE OF UKRAINE ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE TRANSMITTING THE TEXT OF A JOINT DECLARATION OF THE LEADERS OF UKRAINE, RUSSIA, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE UNITED STATES OF AMERICA, AS WELL AS A MEMORANDUM ON SECURITY ASSURANCES IN CONNECTION WITH UKRAINE'S ACCESSION TO THE NON-PROLIFERATION TREATY, SIGNED IN BUDAPEST ON 5 DECEMBER 1994

Corrigendum

The title of document CD/1285 should read as above.

GE.95-60246

CONFERENCE ON DISARMAMENT

CD/1287
13 January 1995

Original: ENGLISH and RUSSIAN

LETTER DATED 11 JANUARY 1995 FROM THE CHARGE D'AFFAIRES OF THE MISSION OF THE REPUBLIC OF BELARUS, THE PERMANENT REPRESENTATIVE OF THE RUSSIAN FEDERATION TO THE CONFERENCE, THE PERMANENT REPRESENTATIVE OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND TO THE CONFERENCE AND THE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE CONFERENCE ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE ON DISARMAMENT TRANSMITTING THE TEXT OF A MEMORANDUM ON SECURITY ASSURANCES IN CONNECTION WITH THE REPUBLIC OF BELARUS' ACCESSION TO THE NON-PROLIFERATION TREATY, SIGNED IN BUDAPEST ON 5 DECEMBER 1994

We have the honour to forward to you the text of a Memorandum on Security Assurances in Connection with the Republic of Belarus' Accession to the Non-Proliferation Treaty, signed in Budapest on 5 December 1994.

Could you please take the appropriate steps to register this document as an official document of the Conference on Disarmament, and to have it distributed to all member delegations and non-member States participating in the work of the Conference.

(Signed): Stephen J. Ledogar
Ambassador
Permanent Representative
of the United States
to the Conference on
Disarmament

(Signed): Andrei Sannikov
Counsellor
Chargé d'Affaires a.i.
Mission of Belarus

(Signed): Sir Michael C.S. Weston
Ambassador
Permanent Representative
of the United Kingdom
to the Conference on
Disarmament

(Signed): Grigori V. Berdennikov
Ambassador
Permanent Representative
of the Russian Federation
to the Conference on
Disarmament

MEMORANDUM ON SECURITY ASSURANCES IN CONNECTION WITH THE REPUBLIC OF BELARUS' ACCESSION TO THE NON-PROLIFERATION TREATY

The Republic of Belarus, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America,

Welcoming the Accession of the Republic of Belarus to the Treaty on the Non-Proliferation of Nuclear Weapons as a non-nuclear-weapon state,

Taking into account the commitment of the Republic of Belarus to eliminate all nuclear weapons from its territory within a specified period of time,

Noting the changes in the world-wide security situation including the end of the Cold War, which have brought about conditions for deep reductions in nuclear forces,

Confirm the following:

1. The Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America reaffirm their commitment to the Republic of Belarus, in accordance with the principles of the CSCE Final Act, to respect the independence and sovereignty and the existing borders of the Republic of Belarus.

2. The Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America reaffirm their obligation to refrain from the threat or use of force against the territorial integrity or political independence of the Republic of Belarus, and that none of their weapons will ever be used against the Republic of Belarus except in self-defense or otherwise in accordance with the Charter of the United Nations.

3. The Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America reaffirm their commitment to the Republic of Belarus, in accordance with the Principles of the CSCE Final Act, to refrain from economic coercion designed to subordinate to their own interest the

exercise by the Republic of Belarus of the rights inherent in its sovereignty and thus to secure advantages of any kind.

4. The Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America reaffirm their commitment to seek immediate United Nations Security Council action to provide assistance to the Republic of Belarus, as a non-nuclear-weapon state party to the Treaty on the Non-Proliferation of Nuclear Weapons, if the Republic of Belarus should become a victim of an act of aggression or an object of a threat of aggression in which nuclear weapons are used.

5. The Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America reaffirm, in the case of the Republic of Belarus, their commitment not to use nuclear weapons against any non-nuclear-weapon state party to the Treaty on the Non-Proliferation of Nuclear Weapons, except in the case of an attack on themselves, their territories or dependent territories, their armed forces, or their allies, by such a state in association or alliance with a nuclear weapon state.

6. The Republic of Belarus, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America will consult in the event a situation arises which raises a question concerning these commitments.

This Memorandum will become applicable upon signature.
Signed in four copies having equal validity in the Belarusian, English, and Russian languages.

FOR THE REPUBLIC OF BELARUS

FOR THE RUSSIAN FEDERATION

FOR THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

FOR THE UNITED STATES OF AMERICA
Budapest, December 5, 1994

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CONFERENCE ON DISARMAMENT

CD/1305
7 April 1995

Original: ENGLISH

LETTER DATED 7 APRIL 1995 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE CONFERENCE ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE ON DISARMAMENT TRANSMITTING THE TEXT OF THE UNITED STATES STATEMENT CONTAINING THE UNITED STATES DECLARATION ON SECURITY ASSURANCES

I have the honour to forward to you the text of the United States Statement containing the United States Declaration on Security Assurances.

Could you please take the appropriate steps to register this text as an official document of the Conference on Disarmament, and to have it distributed to all member delegations and non-member States participating in the work of the Conference.

(Signed): Stephen J. Ledogar
Ambassador

GE.95-61119 (E)

The United States believes that universal adherence to and compliance with international conventions and treaties seeking to prevent the proliferation of weapons of mass destruction is a cornerstone of global security. The Treaty on the Non-Proliferation of Nuclear Weapons is a central element of this regime. 5 March 1995 was the twenty-fifth anniversary of its entry-into-force, an event commemorated by President Clinton in a speech in Washington on 1 March 1995. A Conference to decide on extension of the Treaty will begin in New York City on 17 April 1995. The United States considers the indefinite extension of the Treaty on the Non-Proliferation of Nuclear Weapons without conditions as a matter of the highest national priority and will continue to pursue all appropriate efforts to achieve that outcome.

It is important that all Parties to the Treaty on the Non-Proliferation of Nuclear Weapons fulfil their obligations under the Treaty. In that regard, consistent with generally recognized principles of international law, Parties to the Treaty on the Non-Proliferation of Nuclear Weapons must be in compliance with these undertakings in order to be eligible for any benefits of adherence to this Treaty.

As a nuclear-weapon State the United States has consistently recognized its responsibilities under the Treaty, and the importance of addressing the special needs of non-nuclear-weapon States Parties to the Treaty with regard to measures that would alleviate their legitimate security concerns. To that end, the President directed that the United States review its policies on security assurances for such non-nuclear-weapon States and that consultations be held with other nuclear-weapon States on this important topic.

Bearing the above considerations in mind, the President declares the following:

The United States reaffirms that it will not use nuclear weapons against non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons except in the case of an invasion or any other attack on the United States, its territories, its armed forces or other troops, its allies, or on a State towards which it has a security commitment, carried out or sustained by such a non-nuclear-weapon State in association or alliance with a nuclear-weapon State.

Aggression with nuclear weapons, or the threat of such aggression, against a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons would create a qualitatively new situation in which the nuclear-weapon State permanent members of the United Nations Security Council would have to act immediately through the Security Council, in accordance with the Charter, to take the measures necessary to counter such aggression or to remove the threat of aggression. Any State which commits aggression accompanied by the use of nuclear weapons or which threatens such aggression must be aware that its actions are to be countered effectively by measures to be taken in accordance with the United Nations Charter to suppress the aggression or remove the threat of aggression.

Non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons have a legitimate desire for assurances that the United Nations Security Council, and above all its nuclear-weapon State permanent members, would act immediately in accordance with the Charter, in the event such non-nuclear-weapon States are the victim of an act of, or object of a threat of, aggression in which nuclear weapons are used.

The United States affirms its intention to provide or support immediate assistance, in accordance with the Charter, to any non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons that is a victim of an act of, or an object of a threat of, aggression in which nuclear weapons are used.

Among the means available to the Security Council for assisting such a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons would be an investigation into the situation and appropriate measures to settle the dispute and to restore international peace and security.

United Nations Member States should take appropriate measures in response to a request for technical, medical, scientific or humanitarian assistance from a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons that is a victim of an act of aggression with nuclear weapons, and the Security Council should consider what measures are needed in this regard in the event of such an act of aggression.

The Security Council should recommend appropriate procedures, in response to any request from a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons that is the victim of such an act of aggression, regarding compensation under international law from the aggressor for loss, damage or injury sustained as a result of the aggression.

The United States reaffirms the inherent right, recognized under Article 51 of the United Nations Charter, of individual and collective self-defence if an armed attack, including a nuclear attack, occurs against a member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.

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CONFERENCE ON DISARMAMENT

CD/1306
7 April 1995

Original: ENGLISH

LETTER DATED 7 APRIL 1995 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND TO THE CONFERENCE ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE ON DISARMAMENT TRANSMITTING THE TEXT OF THE UNITED KINGDOM DECLARATION ON SECURITY ASSURANCES

I should be grateful if you would make the necessary arrangements to have the text of the United Kingdom Declaration on Security Assurances registered as an official document of the Conference on Disarmament and circulated to all members and non-members of the CD. I enclose a copy of the text of the United Kingdom Declaration.

(Signed): M.C.S. Weston
Ambassador

UNITED KINGDOM DECLARATION ON SECURITY ASSURANCES

The Government of the United Kingdom believe that universal adherence to and compliance with international agreements seeking to prevent the proliferation of weapons of mass destruction are vital to the maintenance of world security. We note with appreciation that 175 States have become parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

We believe that the Treaty on the Non-Proliferation of Nuclear Weapons is the cornerstone of the international non-proliferation regime which has made an invaluable contribution to international peace and security. We are convinced that the Treaty should be extended indefinitely and without conditions.

We will continue to urge all States that have not done so to become parties to the Treaty.

The Government of the United Kingdom recognize that States which have renounced nuclear weapons are entitled to look for assurances that nuclear weapons will not be used against them. In 1978 we gave such an assurance. Assurances have also been given by the other nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

Recognizing the continued concern of non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons that the assurances given by nuclear-weapon States should be in similar terms, and following consultation with the other nuclear-weapon States, I accordingly give the following undertaking on behalf of my Government:

The United Kingdom will not use nuclear weapons against non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons except in the case of an invasion or any other attack on the United Kingdom, its dependent territories, its armed forces or other troops, its allies or on a State towards which it has a security commitment, carried out or sustained by such a non-nuclear-weapon State in association or alliance with a nuclear-weapon State.

In giving this assurance the United Kingdom emphasizes the need not only for universal adherence to, but also for compliance with, the Treaty on the Non-Proliferation of Nuclear Weapons. In this context I wish to make clear that Her Majesty's Government do not regard their assurance as applicable if any beneficiary is in material breach of its own non-proliferation obligations under the Treaty on the Non-Proliferation of Nuclear Weapons

In 1968 the United Kingdom declared that aggression with nuclear weapons, or the threat of such aggression, against a non-nuclear-weapon State would create a qualitatively new situation in which the nuclear-weapon States which are Permanent Members of the United Nations Security Council would have to act immediately through the Security Council to take the measures necessary to counter such aggression or to remove the threat of aggression in accordance with the United Nations Charter, which calls for taking "effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace". Therefore,

any State which commits aggression accompanied by the use of nuclear weapons or which threatens such aggression must be aware that its actions are to be countered effectively by measures to be taken in accordance with the United Nations Charter to suppress the aggression or remove the threat of aggression.

I, therefore, recall and reaffirm the intention of the United Kingdom, as a Permanent Member of the United Nations Security Council, to seek immediate Security Council action to provide assistance, in accordance with the Charter, to any non-nuclear-weapon State, party to the Treaty on the Non-Proliferation of Nuclear Weapons, that is a victim of an act of aggression or an object of a threat of aggression in which nuclear weapons are used.

This Security Council assistance could include measures to settle the dispute and restore international peace and security, and appropriate procedures, in response to any request from the victim of such an act of aggression, regarding compensation under international law from the aggressor for loss, damage or injury sustained as a result of the aggression.

If a non-nuclear-weapon State party to the Treaty on the Non-Proliferation of Nuclear Weapons is a victim of an act of aggression with nuclear weapons, the United Kingdom would also be prepared to take appropriate measures in response to a request from the victim for technical, medical, scientific or humanitarian assistance.

The United Kingdom reaffirms in particular the inherent right, recognized under Article 51 of the Charter, of individual and collective self-defence if an armed attack, including a nuclear attack, occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.

6 April 1995

CONFERENCE ON DISARMAMENT

CD/1307
7 April 1995

ENGLISH
Original: FRENCH

LETTER DATED 7 APRIL 1995 FROM THE PERMANENT REPRESENTATIVE OF FRANCE TO THE CONFERENCE ON DISARMAMENT ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE TRANSMITTING THE TEXT OF A DECLARATION BY FRANCE ON SECURITY ASSURANCES

I would be grateful if you would kindly register this declaration as an official document of the Conference on Disarmament and distribute it to all the delegations of member States and States with observer status.

(Signed) G. ERRERA
Permanent Representative of France
to the Conference on Disarmament

GE.95-61155 (E)

The question of security assurances given by the nuclear Powers to non-nuclear States is a major issue for my delegation, firstly because it corresponds to a real expectation on the part of the non-nuclear countries, particularly those which, in signing the NPT, have renounced the goal of acquiring atomic weapons, secondly because our special responsibilities as a nuclear Power are at stake, and lastly because this issue has taken on new significance since the end of the cold war, as awareness has grown of the threat posed to all by the proliferation of nuclear weapons.

It is in order to respond to this expectation, to shoulder its responsibilities and make a contribution to efforts to combat the proliferation of nuclear weapons, that France has decided to adopt the following measures.

First, it wishes to clarify and reaffirm the negative security assurances it gave in 1982. Specifically, France reaffirms that it will not use nuclear weapons against non-nuclear-weapon States parties to the NPT, except in the case of an invasion or any other attack on it, its territory, its armed forces or other troops, its allies or a State towards which it has a security commitment, carried out or sustained by such a State, in alliance or association with a nuclear-weapon State.

In our view it is natural that the beneficiaries of these assurances should be the signatories to the NPT - that is, the vast majority of the countries of the world - since they have entered into a formal commitment to non-proliferation.

In response to the requests made by a large number of countries, France has also sought to harmonize the content of its negative assurances to the maximum extent possible with those of the other nuclear Powers. We are happy that this effort has succeeded. The declarations concerning negative security assurances made by France, the United States, Russia and the United Kingdom, are now practically identical.

Secondly, France has decided for the first time to give positive security assurances to all non-nuclear-weapon States parties to the NPT. This decision became both possible and desirable following France's accession to the NPT. Consequently, France considers that any act of aggression accompanied by the use of nuclear weapons would threaten international peace and security. France recognizes that it is legitimate for the non-nuclear-weapon States parties to the NPT to be assured that the international community, and first and foremost the United Nations Security Council, would react immediately in accordance with the obligations under the Charter in the event that they were victims of or threatened with aggression using nuclear weapons.

Bearing these considerations in mind, France makes the following declaration:

France, as a permanent member of the Security Council, undertakes in the event of aggression involving the use of nuclear weapons or the threat of such aggression against a non-nuclear-weapon State party to the NPT to bring the matter before the Security Council without delay and to work within the

Council to ensure that the Council takes immediate steps to provide the requisite assistance, in accordance with the Charter, to a State that is the victim of an act of aggression or the threat thereof.

France reaffirms in particular the inherent right, recognized under Article 51 of the Charter, of individual and collective self-defence if an armed attack, including a nuclear attack, occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.

In this field too we welcome the fact that the content of these positive assurances was the subject of close consultation with the other nuclear Powers.

Thirdly, together with the four other nuclear Powers, France has decided to put before the United Nations Security Council a draft resolution which is pathbreaking in many respects, and which reflects our resolve to respond to the expectations of the international community in a comprehensive, collective and concrete manner. Comprehensive, because for the first time, a draft resolution encompasses both negative assurances and positive assurances. Collective, because the five nuclear Powers are co-sponsoring such a resolution for the first time. Concrete, because for the first time a Security Council resolution spells out the steps that the Security Council might take in the event of aggression, in particular as regards dispute settlement, humanitarian assistance and compensation to victims.

The draft resolution formally reaffirms the need for all States parties to the NPT to respect their obligations fully. This is not a case of petitio principii, but the reiteration of a fundamental rule. The draft also emphasizes the desirability of universal accession to the NPT.

The decisions I have just announced reflect our determination to strengthen the non-proliferation regime, and especially the NPT, of which it is the keystone. It is our hope and firm conviction that the initiatives we have taken will help to achieve that end.

CONFERENCE ON DISARMAMENT

CD/1309
7 April 1995

ENGLISH
Original: CHINESE AND ENGLISH

LETTER DATED 6 APRIL 1995 FROM THE HEAD OF THE DELEGATION OF THE PEOPLE'S REPUBLIC OF CHINA TO THE CONFERENCE ADDRESSED TO THE PRESIDENT OF THE CONFERENCE ON DISARMAMENT TRANSMITTING THE TEXT OF CHINA'S NATIONAL STATEMENT ON SECURITY ASSURANCES

I have the honour to transmit to you herewith the official Chinese and English text of "China's National Statement on Security Assurances", which was delivered on 5 April 1995 by the spokesman of the Ministry of Foreign Affairs of the People's Republic of China.

I would be grateful if the text of this statement could be circulated as an official document of the Conference on Disarmament.

(Signed): Sha Zukang
Ambassador Extraordinary
and Plenipotentiary for
Disarmament Affairs
Head of the Delegation of the
People's Republic of China to
the Conference on Disarmament

CHINA'S NATIONAL STATEMENT ON SECURITY ASSURANCES
5 April 1995

For the purpose of enhancing international peace, security and stability and facilitating the realization of the goal of complete prohibition and thorough destruction of nuclear weapons, China hereby declares its position on security assurances as follows:

1. China undertakes not to be the first to use nuclear weapons at any time or under any circumstances;

2. China undertakes not to use or threaten to use nuclear weapons against non-nuclear-weapon States or nuclear-weapon-free zones at any time or under any circumstances. This commitment naturally applies to non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons or non-nuclear-weapon States that have undertaken any comparable internationally binding commitments not to manufacture or acquire nuclear explosive devices;

3. China has always held that pending the complete prohibition and thorough destruction of nuclear weapons, all nuclear-weapon States should undertake not to be the first to use nuclear weapons and not to use or threaten to use such weapons against non-nuclear-weapon States and nuclear-weapon-free zones at any time or under any circumstances. China strongly calls for the early conclusion of an international convention on no-first-use of nuclear weapons as well as an international legal instrument on assuring the non-nuclear-weapon States and nuclear-weapon-free zones against the use or threat of use of nuclear weapons;

4. China, as a Permanent Member of the Security Council of the United Nations, undertakes to take action within the Council in order that the Council take appropriate measures to provide, in accordance with the Charter of the United Nations, necessary assistance to any non-nuclear-weapon State that comes under attack with nuclear weapons, and impose strict and effective sanctions on the attacking State. This commitment naturally applies to any non-nuclear-weapon State party to the Treaty on the Non-Proliferation of Nuclear Weapons or any non-nuclear-weapon State that has undertaken any comparable internationally binding commitments not to manufacture or acquire nuclear explosive devices, in case of an aggression with nuclear weapons or the threat of such aggression against the State;

5. The "positive security assurance" provided by China, as contained in paragraph 4, does not in any way compromise China's position as contained in paragraph 3 and shall not in any way be construed as endorsing the use of nuclear weapons.

CONFERENCE ON DISARMAMENT

CD/1311
10 April 1995

ENGLISH
Original: RUSSIAN

LETTER DATED 10 APRIL 1995 FROM THE PERMANENT REPRESENTATIVE OF THE RUSSIAN FEDERATION TO THE CONFERENCE ON DISARMAMENT ADDRESSED TO THE PRESIDENT OF THE CONFERENCE TRANSMITTING THE TEXT OF A DECLARATION DATED 5 APRIL 1995 BY A REPRESENTATIVE OF THE MINISTRY OF FOREIGN AFFAIRS OF THE RUSSIAN FEDERATION

Please issue the necessary instructions for the attached declaration dated 5 April 1995 by a representative of the Ministry of Foreign Affairs of the Russian Federation to be distributed as an official document of the Conference.

(Signed) G. BERDENNIKOV
Ambassador
Permanent Representative of
the Russian Federation to
the Conference on Disarmament

GE.95-61149 (E)

Declaration
by a representative of the Ministry of Foreign Affairs
of the Russian Federation (5 April 1995)

Bearing in mind the fundamental significance of the Treaty on the Non-Proliferation of Nuclear Weapons, the Ministry of Foreign Affairs of the Russian Federation, respectful of the legitimate desire of States parties to the Treaty which do not possess nuclear weapons to receive assurances that nuclear weapons will not be used against them, and taking into account the provisions of the Military Doctrine of the Russian Federation, has been instructed to make the following declaration:

> "The Russian Federation will not use nuclear weapons against non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons, except in the case of an invasion or any other attack on the Russian Federation, its territory, its armed forces or other troops, its allies or a State towards which it has a security commitment, carried out or sustained by such a non-nuclear-weapon State in association or alliance with a nuclear-weapon State."

In addition, we should like to emphasize that, as proposed by the President of the Russian Federation at the forty-ninth session of the United Nations General Assembly, efforts have been made to reach agreement on an updated resolution of the United Nations Security Council on security assurances for non-nuclear States. The draft of a resolution on this subject, prepared with the participation of Russian representatives, is being presented to the Security Council for consideration. The thrust of the draft is as follows.

In the event of aggression involving the use of nuclear weapons or the threat of such aggression against a non-nuclear-weapon State party to the Treaty on the Non-Proliferation of Nuclear Weapons, the permanent members of the Security Council - the nuclear-weapon States - will immediately bring the matter before the Council and will seek action by the Council to provide the necessary assistance, in accordance with the Charter, to the State that is a victim of an act of, or the object of the threat of, aggression.

Provision is also made for the possibility of taking appropriate measures in response to a request for technical, medical, scientific or humanitarian assistance from the victim of aggression, and also compensation from the aggressor for loss, damage or injury sustained by the State which is the victim of such an act of aggression as a result of the aggression.

We expect that the adoption of a resolution on this subject by the Security Council will be welcomed with satisfaction by the non-nuclear States parties to the Treaty on the Non-Proliferation of Nuclear Weapons, and that it will promote the strengthening of the non-proliferation regime, international security and world stability.

CONFERENCE ON DISARMAMENT

CD/1312
11 April 1995

Original: ENGLISH

LETTER DATED 11 APRIL 1995 FROM THE PERMANENT REPRESENTATIVE OF MYANMAR ADDRESSED TO THE DEPUTY SECRETARY-GENERAL OF THE CONFERENCE ON DISARMAMENT TRANSMITTING THE TEXT OF THE STATEMENT OF THE GROUP OF 21 ON SECURITY ASSURANCES

I have the honour to transmit herewith a Statement of the Group of 21 on Security Assurances.

I would be grateful if the necessary arrangements could be made for the distribution of this publication, under a CD number, to all member and participating non-member State delegations.

(Signed): U Aye
Ambassador
Permanent Representative

STATEMENT OF THE GROUP OF 21 ON SECURITY ASSURANCES

"It has come to the G 21 knowledge that a draft United Nations Security Council resolution on security assurances has been recently circulated in New York. The G 21 has carefully examined the proposals contained in that draft and would like to make the following preliminary observations.

1. Neither the Conference on Disarmament, nor any country belonging to G 21, has been associated with the drafting of the proposal, notwithstanding the fact that the CD is universally recognized as the sole multilateral negotiating disarmament body.

2. While taking into consideration the positive aspects of the proposal, the G 21 observes that this resolution does not take into account any of the formal objections made in the past by Non-nuclear Weapon States on the restrictive, restrained, uncertain, conditional and discriminatory character of the guarantees already provided.

3. The G 21 reiterates its conviction that duly negotiated security assurances are a legitimate right of Non-nuclear Weapon States. In this context, it notes with disappointment that the Ad Hoc Committee on Effective International Arrangements to Assure Non-nuclear Weapon States Against the Use or Threat of Use of Nuclear Weapons has not even been re-established during the present session.

4. The Group considers that the terms of its Declaration of 31 March 1994, as reported in document CD/1256, remain valid and merit serious consideration. It is imperative that an unconditional multilaterally-negotiated and legally-binding convention on negative security assurances should be drafted and, to this end, all Members of the CD should display their political will.

5. In this regard, it is worth recalling the great importance that the Heads of State and Government of the non-aligned countries attach to a multilateral and legally-binding convention governing this issue as expressed during their tenth summit in Jakarta, in 1992, and reiterated by the non-aligned Foreign Ministers in Cairo, in May 1994, when they stated that 'security assurances to Non-nuclear Weapon States against the use of threat of use of nuclear weapons could contribute positively to addressing some of the dangers inherent in the presence of nuclear weapons' and 'called upon the Conference on Disarmament to reach an urgent agreement on an internationally binding convention'.

6. At the same time, the G 21 considers it necessary that the Security Council gives positive assurances to Non-nuclear Weapon States that should go beyond a mere reiteration of the principles of the United Nations Charter.

7. Furthermore, the G 21 reiterates its conviction that Article 51 of the United Nations Charter should not be interpreted as legitimizing the use of nuclear weapons.

8. The G 21 is deeply convinced that all aspects relating to nuclear weapons issues are interrelated and that the only effective security guarantee against the use or threat of use of nuclear weapons lies in the total elimination of such weapons. Pending which, it is for the Nuclear Weapon States to provide security assurances to Non-nuclear Weapon States against the use or threat of use of nuclear weapons in an internationally and legally-binding form."

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CONFERENCE ON DISARMAMENT

CD/1313
13 April 1995

Original: ENGLISH

LETTER DATED 13 APRIL 1995 FROM THE PERMANENT REPRESENTATIVE OF BULGARIA ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE ON DISARMAMENT TRANSMITTING THE TEXT OF THE DECLARATION OF THE MINISTRY OF FOREIGN AFFAIRS OF THE REPUBLIC OF BULGARIA ON THE ADOPTION ON 11 APRIL 1995 OF UNITED NATIONS SECURITY COUNCIL RESOLUTION 984 ON SECURITY ASSURANCES

I have the honour to forward to you the attached Declaration of the Ministry of Foreign Affairs of the Republic of Bulgaria on the adoption of United Nations Security Council Resolution 984 on Security Assurances on 11 April 1995.

I would be most grateful if, in accordance with established procedure, this Declaration could be issued as an official document of the Conference on Disarmament and circulated to all delegations participating in the work of the Conference.

(Signed): Valentin DOBREV
Ambassador
Permanent Representative of Bulgaria
Head of Delegation

DECLARATION OF THE MINISTRY OF FOREIGN AFFAIRS OF THE REPUBLIC OF BULGARIA ON THE ADOPTION OF UNITED NATIONS SECURITY COUNCIL RESOLUTION 984 ON SECURITY ASSURANCES

The Ministry of Foreign Affairs of the Republic of Bulgaria welcomes the adoption by the United Nations Security Council on 11 April 1995 of Resolution 984 and the respective statements made by each of the nuclear weapon States on the security assurances of non-nuclear-weapon States.

The Ministry of Foreign Affairs notes with appreciation the willingness of the five permanent members of the Security Council in case of aggression with nuclear weapons or the threat of such aggression against a non-nuclear-weapon State party to the NPT, to bring the matter to the Security Council and to provide or support immediate assistance, in accordance with the Charter of the United Nations, to any non-nuclear-weapon State party to the NPT, that is a victim, or an object of a threat of such aggression. This is a collective response to the aspirations of the States that have forsworn the nuclear weapons under this Treaty, to receive security assurances by the Security Council and its nuclear-weapon State permanent members.

Resolution 984 is a new step of progress on this important issue and an appropriate point of departure for negotiating a future legally binding international instrument on the provision of security assurances to non-nuclear-weapon States.

12 April 1995

CONFERENCE ON DISARMAMENT

CD/1502
2 April 1998

Original: ENGLISH

CANADA

Questions Related to Work in the Conference on Disarmament on Negative Security Assurances

Canada's basic question with respect to the possibility of negotiating an instrument in the Conference on negative security assurances, first asked formally in the Conference's Plenary on February 26, remains: " who is to give what to whom and how ?". The following paper expands on that question.

Who?

Among other steps, we have reviewed Ad Hoc Committee Report of 1994 (CD/1275 of August 30, 1994). In that report each of the P5 felt the need to make specific statements on their positions; since then, we have had further individual P5 statements and then UN Security Council Resolution 984 (1995). The Western Group also had a formal statement of position; so did other specific delegations.

There are several initial questions: Has there been any change in the collective P5 position (per the Russian Federation suggestion in 1994) or in individual P5 positions since that time? Are they prepared in principle to move beyond those positions? Does China, for example, continue to see a P5 agreement on 'No First Use' as the answer? Has the UK changed its views on NSA scope/applicability? Does France maintain its "three elements"? The National Security Blueprint of the Russian Federation published in December 1997 indicates that Russian policy remains doubtful on this concept. Do the P5 continue to see NSAs as directly linked to commitments under the NPT? Is any one of the P5 prepared "to expand the role of NSAs" so as to cover all Weapons of Mass Destruction scenarios?

And, beyond the P5, how does the Conference propose to take into account those states in the Conference which for their own considered reasons have decided upon a position of "nuclear ambiguity"? Do they provide and/or receive NSAs? Do they provide NSAs to each other via the Conference? Do they provide NSAs to others?;

Others may have other questions or concerns.

What?

This sub-question refers specifically to the nature and scope of any NSAs. We could expand thereon but beyond highlighting its difficulties, we leave this aspect to possible future discussion.

To Whom?

Do only NPT non-nuclear-weapon states qualify? Do NPT non-nuclear-weapon states "in good standing" qualify? Do NPT non-nuclear-weapon states not members of any security alliance with or without a nuclear-weapon state member qualify? This is obviously a rather complex sub-question. A preliminary exchange on this would greatly clarify what, if anything, the Conference might try to achieve.

iv) How?

What arrangements might the Conference consider? A multilaterally negotiated, legally-binding treaty? Or some other objective?

These are all complex issues which, in our view, could be usefully addressed in order to help us to understand what, if any, useful progress the Conference might make in this area.

CONFERENCE ON DISARMAMENT

CD/1534
28 May 1998

ENGLISH
Original: ENGLISH/SPANISH

LETTER DATED 28 MAY 1998 FROM THE PERMANENT REPRESENTATIVE OF COLOMBIA ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE ON DISARMAMENT TRANSMITTING THE SECTION ENTITLED "DISARMAMENT AND INTERNATIONAL SECURITY" FROM THE FINAL COMMUNIQUE OF THE MINISTERIAL MEETING OF THE COORDINATING BUREAU OF THE MOVEMENT OF NON-ALIGNED COUNTRIES, HELD IN CARTAGENA DE INDIAS ON 19 AND 20 MAY 1998

I attach the section entitled "Disarmament and international security" from the final communiqué of the Ministerial Meeting of the Coordinating Bureau of the Movement of Non-Aligned Countries, held in Cartagena de Indias, Colombia, on 19 and 20 May this year. Please distribute it as an official document of the Conference on Disarmament.

(Signed) Gustavo Castro Guerrero
Ambassador
Head of Mission

MINISTERIAL MEETING OF THE COORDINATING BUREAU OF THE NON-ALIGNED MOVEMENT.

Cartagena de Indias, Colombia, 19-20 May, 1998

DISARMAMENT AND INTERNATIONAL SECURITY

101. The Ministers of Foreign Affairs and Heads of Delegation reiterated that with the end of the cold war, there is no justification for the maintenance of nuclear arsenals, or concepts of international security based on promoting and developing military alliances and policies of nuclear deterrence. They noted and welcomed the various international initiatives which stress that with the end of the cold war the opportunity now exists for the international community to pursue nuclear disarmament as a matter of the highest priority. They also noted that the present situation whereby nuclear-weapon states insist that nuclear weapons provide unique security benefits, and yet monopolise the right to own them, is highly discriminatory, unstable and cannot be sustained. These weapons continued to represent a threat to the survival of the mankind. They recalled that the Cartagena Summit had called for the adoption of an action plan for the elimination of nuclear weapons within a time-bound framework. They once again called upon the international community to join them in negotiating and implementing universal, non discriminatory disarmament measures and mutually agreed confidence-building measures.

102. The Ministers of Foreign Affairs and Heads of Delegation reiterated their call on the Conference on Disarmament to establish, as the highest priority, an ad hoc committee to start in 1998 negotiations on a phased programme for the complete elimination of nuclear weapons with a specified framework of time, including a Nuclear Weapons Convention. The Conference on Disarmament shall take into consideration all relevant views and proposals, regarding this issue, that have been submitted to it. They also insisted on the need to conclude a universal and legally binding multilateral agreement committing all States to the complete elimination of nuclear weapons. In this context they regretted that some nuclear weapons states had adopted inflexible postures which prevented the Conference on Disarmament from commencing these negotiations.

103. In this connection, the Ministers of Foreign Affairs and Heads of Delegation reiterated that a number of Non-Aligned Movement countries had taken collective initiatives at the United Nations General Assembly sessions to underscore the need for urgent action in the field of nuclear disarmament, as mandated by the Cartagena Summit. They recognised all of the useful proposals put forward by members of Non-Aligned Movement in the Conference on Disarmament on the establishment of an Ad Hoc Committee on nuclear disarmament including the useful work done by Non-Aligned Movement members of the Conference on Disarmament in developing a Program of Action for the Elimination of Nuclear Weapons within a time-bound framework.

104. The Ministers of Foreign Affairs and Heads of Delegation expressed concern over the failure of nuclear weapon States to demonstrate a genuine commitment with regard to complete nuclear disarmament, and to provide universal, unconditional and legally binding negative security assurances to all non-nuclear weapon States, and urged the nuclear weapon States to immediately commence and conclude without delay negotiations on these assurances.

105. The Ministers of Foreign Affairs and Heads of Delegation noted the establishment of an Ad Hoc Committee on Effective international arrangement to assure non-nuclear weapons States against the use or the threat of use of nuclear weapons in the Conference on Disarmament to negotiate universal, unconditional and legally binding assurances to all non-nuclear weapon States.

106. The Ministers of Foreign Affairs and Heads of Delegation reiterated the advisory opinion of the International Court of Justice that "There exists 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". In this connection, they reiterated their call upon all the States to immediately fulfil that obligation by commencing multilateral negotiations leading to an early conclusion of a nuclear weapons convention prohibiting the development, production, testing, deployment, stockpiling, transfer, threat or use of threat of nuclear weapons and providing for their elimination.

107. The Ministers of Foreign Affairs and Heads of Delegations noted with concern that undue restrictions on export to developing countries of material, equipment and technology, for peaceful purposes persist. They emphasised that proliferation concerns should be addressed through multilaterally negotiated, universal, comprehensive and non-discriminatory agreements. Non-proliferation control arrangements should be transparent and open to participation by all States and should ensure that they do not impose restrictions on access to material, equipment and technology for peaceful purposes required by developing countries for their continued development. In this regard they also expressed their strong rejection of attempts by any member States to use the International Atomic Energy Agency's (IAEA) technical co-operation as a tool for political purposes in violation of the IAEA's Statute.

108. Consistent with the decisions taken by the 1995 Review and Extension Conference, of Parties to the Treaty on Non-Proliferation of Nuclear Weapons (NPT), the Ministers of Foreign Affairs and Heads of Delegation of States parties to the NPT called upon all States, particularly the nuclear weapon States, to fulfil their commitments, particularly those related to Article VI of the Treaty. They also emphasised the need to ensure and facilitate the exercise of the inalienable right of all States to develop, produce and use nuclear energy for peaceful purposes without discrimination under IAEA safeguards. Undertakings to facilitate participation in the fullest possible exchange of equipment, material and scientific and technological information for the peaceful uses of nuclear energy should be fully implemented.

109. The Ministers of Foreign Affairs and Heads of Delegation of States parties to the NPT took note with regret at the outcome of the deliberations of the Second Preparatory Committee held in Geneva from 27 April to 8 May, 1998. They further regretted that the Committee could not achieve a substantive result due to the insistence of one delegation to support the nuclear policies of a non party to the NPT. They called upon the Preparatory Committees up to and including the 2000 Review Conference of the NPT to engage immediately in substantive work for the meaningful implementation of the obligations under the Treaty and the commitments in the 1995 Principles and Objectives document, and the resolutions on Middle East. They further called upon the Preparatory Committee to make specific time available at its future sessions to deliberate on the practical steps for systematic and progressive efforts to eliminate nuclear weapons, and for the 2000 NPT Review Conference to establish a subsidiary body to its Main Committee to deliberate on the practical steps for systematic and progressive efforts to eliminate nuclear weapons.

110. The Ministers of Foreign Affairs and Heads of Delegation reaffirmed the inviolability of peaceful nuclear activities and that any attack or threat of attack against peaceful nuclear facilities - operational or under construction - poses a great danger to human beings and the environment, and constitutes a grave violation of international law, principles and purposes of the UN Charter and regulations of the IAEA. They recognised the need for a comprehensive multilaterally negotiated instrument, prohibiting attacks, or threat of attacks on nuclear facilities devoted to peaceful uses of nuclear energy.

111. The Ministers of Foreign Affairs and Heads of Delegation of the States parties to the Chemical Weapons Convention welcomed the increasing number of ratifications of the Convention and invited the declared possessors of chemical weapons and other States who have still not ratified it to do so as soon as possible with the view to its universality. They also underlined the urgency of satisfactorily resolving the unresolved issues in the framework of the Organisation of the Prohibition of Chemical Weapons (OPCW) with a view to paving the ground for the effective, full and non-discriminatory implementation of the Convention. In this context, they reiterated their call on the developed countries to promote international co-operation through the transfer of technology, material and equipment for peaceful purposes in the chemical field and the removal of all and any discriminatory restrictions that are contrary to the letter and spirit of the Convention.

112. While asserting that the Biological and Toxin Weapons Convention inherently precludes the use of biological weapons, the Ministers of Foreign Affairs and Heads of Delegation reiterated the decision by the Biological and Toxin Weapons Convention Review Conference that the use by the States parties, in any way and under any circumstances, of microbial or other biological agents or toxins, that is not consistent with prophylactic, protective or other peaceful purposes, is effectively a violation of Article I of the Convention. In this connection they noted that the Islamic Republic of Iran has formally presented a proposal to amend Article I of the Convention to include the prohibition of use of biological weapons and urged an early reply from the States parties to the inquiries by the depositories on this proposal. The Ministers noted the progress achieved so far negotiating a Protocol to strengthen the Biological and Toxin Weapons Convention and reaffirmed the decision of the Fourth Review Conference urging the conclusion of the negotiations by the Ad Hoc group as soon as possible before the commencement of the Fifth Review Conference and for it to submit its report, which shall be adopted by consensus, to the States parties, to be considered at a Special Conference. Therefore, artificial deadlines should be avoided. They also expressed their concern at any attempts to reduce the scope and importance of issues related to Article X of the Convention. Ensured access for peaceful purposes to the relevant materials, equipment and technology is essential to safeguard the economic interests of developing countries. Substantive progress in strengthening the application and full operationalisation of Article X is thus crucial for the conclusion of a universally acceptable and legally binding instrument designed to strengthen the Convention.

113. The Ministers of Foreign Affairs and Heads of Delegation expressed particular concern over the illicit transfer and circulation of small arms and light weapons and their accumulation and proliferation in many countries, which constituted a serious threat to the population and to national and regional security and were a factor contributing to the destabilisation of States. They urged States to take steps to deal effectively, through administrative and legislative means, with the increasing problem of illicit transfer of small arms and light weapons which exacerbate tensions leading to strife, conflict and terrorism, and impact negatively on the socio-economic development of affected countries. In this regard, they welcomed the adoption of guidelines in 1996 for international arms transfers in the context of General Assembly resolution 46/36H of 6 September 1991 by the United Nations Disarmament Commission. Moreover, they welcomed the initiative by His Excellency Alpha Oumar Konare, President of

the Republic of Mali, on the establishment of a moratorium on the production, transfer and illicit traffic of light arms in West Africa, adopted by member States of ECOWAS within the framework of on-going discussions and referring to the creation of a mechanism to prevent, handle and rule on conflicts in the sub-region.

114. The Ministers of Foreign Affairs and Heads of Delegation stressed the importance of transparency in armaments, in view of the dangerous consequences to the international peace and security that the development, production and stockpiling of weapons of mass destruction, in particular nuclear weapons, and the excessive production of conventional arms have. They encouraged States, taking into account the legitimate requirement of States for self-defence and the specific characteristics of each region, to consider appropriate initiatives at multilateral, regional and national levels to promote transparency in armaments as an important element for building confidence and security.

115. The Ministers of Foreign Affairs and Heads of Delegation noted the opening for signature in Ottawa during December 1997 of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction. They emphasised that elimination of landmines should take into account the legitimate national security concern of States as well as their legitimate rights to use appropriate measures for self-defence.

116. The Ministers of Foreign Affairs and Heads of Delegation called on States to become parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects (CCW) and the Protocols thereto, and called upon States parties to the CCW to express their consent to be bound to its Amended Protocol II on Landmines and Protocol IV on Blinding Laser Weapons with a view to their entry into force as soon as possible.

117. The Ministers of Foreign Affairs and the Heads of Delegation called upon the international community to provide the necessary assistance to landmine clearance operations as well as to the rehabilitation of the victims in the landmine affected countries. They further called for international assistance to ensure full access of affected countries to material, equipment, technology and financial resources for mine clearance. The Ministers also called for continued humanitarian assistance for victims of landmines.

118. The Ministers of Foreign Affairs and the Heads of Delegation expressed concern about the residue of the Second World War, particularly in the form of landmines which cause human and material damage and obstruct development plans in some Non-Aligned countries. They called on the States responsible for laying the mines outside their territories to assume responsibility for the landmines, to cooperate with the affected countries, to provide the necessary information, maps and technical assistance for their clearance, to contribute towards defrayal of the costs of clearance and provide compensation for any ensuing losses.

119. The Ministers of Foreign Affairs and Heads of Delegation considered the establishment of Nuclear Weapons Free Zones (NWFZs) as a positive step towards attaining the objective of global nuclear disarmament. They urged States to conclude agreements with a view to creating nuclear-weapon-free zones in regions where they do not exist, in accordance with the provisions of the Final Document of SSOD-1. In this context, they welcomed the establishment of nuclear-weapon-free zones established by the Treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba. The Ministers and Heads of Delegation considered the question of the establishment of Nuclear-Weapon-Free Zones in other parts of the world and agreed that this should be on the basis of arrangements freely arrived at among the States of the region concerned and in conformity with the provisions of the Final Document of SSOD-1. The

Ministers welcomed the efforts of Mongolia to institutionalise its status as a single State nuclear-weapon-free zone.

120. The Ministers of Foreign Affairs and Heads of Delegation reiterated their support for the establishment in the Middle East of a zone free of all weapons of mass destruction. To this end, they reaffirmed the need for the speedy establishment of a nuclear-weapons-free zone in the Middle East in accordance with Security Council resolutions 487 (1981) and 687 (1991) and the relevant General Assembly resolutions adopted by consensus. They called upon all parties concerned to take urgent and practical steps towards the establishment of such a zone and, pending its establishment, they called on Israel, the only country in the region that has not joined the NPT nor declared its intention to do so, to renounce possession of nuclear weapons, to accede to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) without delay, and to place promptly all its nuclear facilities under full-scope IAEA safeguards. They expressed great concern over the acquisition of nuclear capability by Israel which poses a serious and continuing threat to the security of neighbouring and other States and they condemned Israel for continuing to develop and stockpile nuclear arsenals. They are of the view that stability cannot be achieved in a region where massive imbalances in military capabilities are maintained particularly through the possession of nuclear weapons which allow one party to threaten its neighbours and the region. They further welcomed the initiative by H.E. Mohammed Hosni Mubarak, President of the Arab Republic of Egypt, on the establishment of a zone free from weapons of mass destruction in the Middle East. They stressed that necessary steps should be taken in different international fora for the establishment of this zone. They also called for the total and complete prohibition of the transfer of all nuclear-related equipment, information, material and facilities, resources or devices and the extension of assistance in the nuclear-related scientific or technological fields to Israel.

121. The Ministers of Foreign Affairs and Heads of Delegation expressed their concern over the Israeli-Turkish military alliance as well as the naval manoeuvres carried out in the eastern part of the Mediterranean and the dangers that such manoeuvres pose to the security of the region.

122. The Ministers of Foreign Affairs and Heads of Delegation stated that in order to enhance international security and stability, all States parties to non-proliferation, arms limitations and disarmament treaties should comply with and implement all provisions of such treaties. They emphasised that questions of non-compliance by States Parties should be resolved in a manner consistent with such treaties. They further emphasised that any deviation from the role envisaged for the Security Council under the United Nations Charter or in certain circumstances under relevant provisions of multilateral treaties on non-proliferation, arms limitation and disarmament would undermine the provisions of these treaties and conventions, including the inherent mechanisms for securing redress of violations of their provisions. Such deviations would also call into question the value of painstaking multilateral negotiations on disarmament and arms control treaties in the Conference on Disarmament. They underlined that circumventing or undermining the provisions of existing treaties will seriously prejudice the role of the Conference.

123. The Ministers of Foreign Affairs and Heads of Delegation reaffirmed that global and regional approaches to disarmament are complementary and could be pursued simultaneously. They urged States in various regions of the world to negotiate agreements to promote greater balance in conventional armaments and restraint in the production and acquisition of conventional arms and, where necessary, for their progressive and balanced reduction, with a view to enhancing international and regional peace and security. They stressed that the peaceful resolution of regional and inter-State disputes is essential for the creation of conditions which would enable States to divert their resources from armaments to economic growth and development. Regional disarmament initiatives, to be practical, needed to take into

account the special characteristics of each region and enhance the security of every State of the region concerned. The question of the accumulation of conventional weapons beyond the legitimate requirements of the States for self-defence should also be addressed, taking into account the special characteristics of each region.

124. The Ministers of Foreign Affairs and Heads of Delegation, took note of the relevant paragraphs of the United Nation General Assembly Resolutions 52/12 A & B on international peace, security and disarmament, and insisted on the need that its implementation respects fully the principles of sovereignty, territorial integrity and non-intervention on the internal affairs of States.

125. The Ministers of Foreign Affairs and Heads of Delegations acknowledged that under the reform process, it was decided to re-establish at the UN Secretariat the Department on Disarmament headed by an Under Secretary General from a Non-Aligned country. They stressed their hope that this will contribute to greater disarmament efforts towards achieving general and complete disarmament in conformity with priorities set out in SSOD I and relevant provisions of General Assembly resolution 52/220.

126. The Ministers of Foreign Affairs and Heads of Delegation expressed once again their support for the convening of the IV Special Session of the United Nations General Assembly Devoted to Disarmament. They welcomed the adoption by the General Assembly, by consensus, of the resolution on the Convening of the IV Special Session of the General Assembly Devoted to Disarmament. They took note of the deliberations on the matter held by the United Nations Disarmament Commission and instructed the Co-ordinating Bureau to entrust the Non-Aligned Movement Working Group on Disarmament with the task of pursuing further the holding of the IV Special Session and the related co-ordination during the preparatory process. In this context, they reaffirmed the need for SSOD IV to review and assess the implementation of SSOD I.

127. The Ministers of Foreign Affairs and Heads of Delegation welcomed the decision adopted by the General Assembly on maintaining and revitalising the three Regional Centres for Peace and Disarmament in Nepal, Peru and Togo.

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CONFERENCE ON DISARMAMENT

CD/1542
11 June 1998

Original: ENGLISH
and SPANISH

LETTER DATED 10 JUNE 1998 FROM THE PERMANENT REPRESENTATIVE OF SWEDEN ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE TRANSMITTING THE ENGLISH AND SPANISH TEXTS OF THE JOINT DECLARATION RELATING TO NUCLEAR DISARMAMENT OF 9 JUNE 1998 BY THE FOREIGN MINISTERS OF BRAZIL, EGYPT, IRELAND, MEXICO, NEW ZEALAND, SLOVENIA, SOUTH AFRICA AND SWEDEN

I have the honour to transmit to you the English and Spanish texts of the Joint Declaration relating to nuclear disarmament of 9 June 1998 by the Foreign Ministers of Brazil, Egypt, Ireland, Mexico, New Zealand, Slovenia, South Africa and Sweden.

I shall be grateful if the Joint Declaration is circulated as an official document of the Conference on Disarmament.

(Signed) Lars Norberg
Ambassador
Permanent Representative

JOINT DECLARATION BY THE MINISTERS FOR FOREIGN AFFAIRS OF

BRAZIL, EGYPT, IRELAND, MEXICO, NEW ZEALAND SLOVANIA, SOUTH AFRICA AND SWEDEN

1. We, the Ministers for Foreign Affairs of Brazil, Egypt, Ireland, Mexico, New Zealand, Slovenia, South Africa and Sweden have considered the continued threat to humanity represented by the perspective of the indefinite possession of nuclear weapons by the nuclear-weapon states, as well as by those three nuclear-weapons-capable states that have not acceded to the Non-Proliferation Treaty, and the attendant possibility of use or threat of use of nuclear weapons. The seriousness of this predicament has been further underscored by the recent nuclear tests conducted by India and Pakistan.

2. We fully share the conclusion expressed by the commissioners of the Canberra Commission in their Statement that "the proposition that nuclear weapons can be retained in perpetuity and never used - accidentally or by decision - defies credibility. The only complete defence is the elimination of nuclear weapons and assurance that they will never be produced again."

3. We recall that the General Assembly of the United Nations already in January 1946 - in its very first resolution - unanimously called for a commission to make proposals for "the elimination from national armaments of atomic weapons and all other major weapons adaptable to mass destruction." While we can rejoice at the achievement of the international community in concluding total and global prohibitions on chemical and biological weapons by the Conventions of 1972 and 1993, we equally deplore the fact that the countless resolutions and initiatives which have been guided by similar objectives in respect of nuclear weapons in the past half century remain unfulfilled.

4. We can no longer remain complacent at the reluctance of the nuclear-weapon states and the three nuclear-weapons-capable states to take that fundamental and requisite step, namely a clear commitment to the speedy, final and total elimination of their nuclear weapons and nuclear weapons capability and we urge them to take that step now.

5. The vast majority of the membership of the United Nations has entered into legally-binding commitments not to receive, manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices. These undertakings have been made in the context of the corresponding legally binding commitments by the nuclear-weapon states to the pursuit of nuclear disarmament. We are deeply concerned at the persistant reluctance of the nuclear-weapon states to approach their Treaty obligations as an urgent commitment to the total elimination of their nuclear weapons.

6. In this connection we recall the unanimous conclusion of the International Court of Justice in its 1996 Advisory Opinion that there exists 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.

7. The international community must not enter the third millennium with the prospect that the maintenance of these weapons will be considered legitimate for the indefinite future, when the present juncture provides a unique opportunity to eradicate and prohibit them for all time. We therefore call on the governments of each of the nuclear-weapon states and the three nuclear-weapons-capable states to commit themselves unequivocally to the elimination of their respective nuclear weapons and nuclear weapons capability and to agree to start work immediately on the practical steps and negotiations required for its achievement.

8. We agree that the measures resulting from such undertakings leading to the total elimination of nuclear weapons will begin with those states that have the largest arsenals. But we also stress the importance that they be joined in a seamless process by those with lesser arsenals at the appropriate juncture. The nuclear-weapon states should immediately begin to consider steps to be taken to this effect.

9. In this connection we welcome both the achievements to date and the future promise of the START process as an appropriate bilateral, and subsequently plurilateral mechanism including all the nuclear-weapon states, for the practical dismantlement and destruction of nuclear armaments undertaken in pursuit of the elimination of nuclear weapons.

10. The actual elimination of nuclear arsenals, and the development of requisite verification regimes, will of necessity require time. But there are a number of practical steps that the nuclear-weapon states can, and should, take immediately. We call on them to abandon present hair-trigger postures by proceeding to de-alerting and de-activating their weapons. They should also remove non-strategic nuclear weapons from deployed sites. Such measures will create beneficial conditions for continued disarmament efforts and help prevent inadvertent, accidental or unauthorized launches.

11. In order for the nuclear disarmament process to proceed, the three nuclear-weapons-capable states must clearly and urgently reverse the pursuit of their respective nuclear weapons development or deployment and refrain from any actions which could undermine the efforts of the international community towards nuclear disarmament. We call upon them, and all other states that have not yet done so, to adhere to the Non-Proliferation Treaty and take the necessary measures which flow from adherence to this instrument. We likewise call upon them to sign and ratify the Comprehensive Nuclear Test-Ban Treaty without delay and without conditions.

12. An international ban on the production of fissile material for nuclear weapons or other nuclear explosive devices (Cut-off) would further underpin the process towards the total elimination of nuclear weapons. As agreed in 1995 by the States Parties to the NPT, negotiations on such a convention should commence immediately.

13. Disarmament measures alone will not bring about a world free from nuclear weapons. Effective international cooperation to prevent the proliferation of these weapons is vital and must be enhanced through, inter alia, the extension of controls over all fissile material and other relevant components of nuclear weapons. The emergence of any new nuclear-weapon state, as well as any non-state entity in a position to produce or otherwise acquire such weapons, seriously jeopardises the process of eliminating nuclear weapons.

14. Other measures must also be taken pending the total elimination of nuclear arsenals. Legally binding instruments should be developed with respect to a joint

no-first-use undertaking between the nuclear-weapon states and as regards non-use or threat of use of nuclear weapons against non-nuclear-weapon states, so called negative security assurances.

15. The conclusion of the Treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba, establishing nuclear-weapon-free zones as well as the Antarctic Treaty have steadily excluded nuclear weapons from entire regions of the world. The further pursuit, extension and establishment of such zones, especially in regions of tension, such as the Middle East and South Asia, represents a significant contribution to the goal of a nuclear-weapon-free world.

16. These measures all constitute essential elements which can and should be pursued in parallel: by the nuclear-weapon states among themselves; and by the nuclear-weapon states together with the non-nuclear-weapon states, thus providing a road map towards a nuclear-weapon-free world.

17. The maintenance of a world free of nuclear weapons will require the underpinnings of a universal and multilaterally negotiated legally binding instrument or a framework encompassing a mutually reinforcing set of instruments.

18. We, on our part, will spare no efforts to pursue the objectives outlined above. We are jointly resolved to achieve the goal of a world free from nuclear weapons. We firmly hold that the determined and rapid preparation for the post-nuclear era must start now.

CONFERENCE ON DISARMAMENT

CD/1554
1 September 1998

Original: ENGLISH

REPORT OF THE AD HOC COMMITTEE ON EFFECTIVE INTERNATIONAL ARRANGEMENTS TO ASSURE NON-NUCLEAR-WEAPON STATES AGAINST THE USE OR THREAT OF USE OF NUCLEAR WEAPONS

I. INTRODUCTION

1. At its 791st plenary meeting on 26 March 1998, the Conference on Disarmament decided "to establish for the duration of its 1998 session an Ad Hoc Committee under agenda item 4, entitled 'Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons', to negotiate with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. These arrangements could take the form of an internationally legally-binding instrument. The Ad Hoc Committee shall take into consideration all relevant views and proposals present and future and also address questions related to its mandate" (CD/1501).

II. ORGANIZATION OF THE WORK AND DOCUMENTS

2. At its 792nd plenary meeting on 14 May 1998, the Conference on Disarmament appointed Ambassador Antonio de Icaza of Mexico as Chairman of the Ad Hoc Committee. Mr. V. Bogomolov, Political Affairs Officer, United Nations Department for Disarmament Affairs, served as Secretary of the Ad Hoc Committee.

3. Between 19 May and 1 September 1998, the Ad Hoc Committee held 9 meetings. The Chairman also conducted informal consultations on specific concrete aspects of the agenda item, as well as several meetings with Group Co-ordinators and other representatives.

4. The following new documents were submitted to the Committee in connection with the item during the 1998 session:

CD/1502	Dated 2 April 1998, submitted by Canada, entitled "Questions related to work in the Conference on Disarmament on Negative Security Assurances"
CD/1534	Dated 28 May 1998, submitted by Colombia, entitled "Ministerial Meeting of the Co-ordinating Bureau of the Non-Aligned Movement. Cartagena de Indias, Colombia, 19-20 May 1998"
CD/1542	Dated 11 June 1998, submitted by Sweden, entitled "Joint Declaration by the Ministers for Foreign Affairs of Brazil, Egypt, Ireland, Mexico, New Zealand, Slovenia, South Africa and Sweden"

CD/SA/WP.15/Add.1	Dated 5 June 1998, entitled "Addendum to Compilation of basic documents relating to the question of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons"
and Corr.1 (English only)	Dated 15 June 1998
CD/SA/WP.20*	Dated 11 August 1998, entitled "Programme of Work"
CD/SA/WP.21	Dated 26 August 1998, entitled "Draft report of the Ad Hoc Committee on Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons"

III. SUBSTANTIVE WORK

5. During the meetings of the Ad Hoc Committee, various delegations reaffirmed their respective positions, the detailed descriptions of which can be found in the related Conference documents and the Plenary Records, or further elaborated them. A summary of the views and national positions as stated in the Ad Hoc Committee during the deliberations in 1998 is annexed to this report.

6. During the general exchange of views, most delegations reiterated the particular importance they attached to the question of international arrangements to assure non-nuclear-weapons States against the use or threat of use of nuclear weapons and expressed their readiness to engage in a search for a mutually acceptable solution of the issue.

7. In addition to the general exchange of views and in accordance with the Programme of Work, the Ad Hoc Committee held a number of meetings devoted to structured, thematic discussions of the following issues:

Nature and scope of existing negative security assurances

United Nations Security Council resolution 984 (1995)
Declarations of Nuclear-Weapon States
Protocols to the Nuclear-Weapon-Free-Zone Treaties
and their interpretative statements

(a) Common and distinctive elements

(b) Needed clarifications

- invasion
- aggression
- attack
- dependent territories
- security commitment
- association or alliance

(c) New developments

Positive security assurances

IV. CONCLUSIONS AND RECOMMENDATIONS

8. The Ad Hoc Committee reaffirmed that, pending the complete and effective elimination of nuclear weapons, non-nuclear-weapon States should be effectively assured by the nuclear-weapon States against the use or threat of use of nuclear weapons. At the same time, the relationship between the question of negative and positive security assurances was noted.

9. It was felt that any further negotiations on the issue of negative security assurances should take fully into account the outcome of the 1998 deliberations in the Committee as well as the recommendations and suggestions of the previous sessions.

10. It was agreed to recommend to the Conference on Disarmament to re-establish the Ad Hoc Committee at the beginning of the 1999 session.

A N N E X

The following is a summary of the views and national positions expressed in the Ad Hoc Committee in 1998.

1. During the general exchange of views, various States insisted on the legitimate character of the claims of non-nuclear-weapon States for negative security assurances and felt that there was a need to step up efforts and to proceed to negotiations with a view to reaching agreement as soon as possible. Some of them reiterated their deep conviction that the complete elimination of nuclear weapons was the only effective assurance against the use or threat of use of nuclear weapons and stressed the necessity to recognize the right of non-nuclear-weapon States not to be attacked or threatened with these weapons. They reaffirmed the need to conclude a multilateral agreement of a legally-binding character. Some delegations reiterated their view that non-nuclear-weapon States Parties to the NPT or to regional nuclear-weapon-free zones were entitled to immediate, unconditional, legally-binding and comprehensive security assurances, which would not be limited in scope, framework or duration, since they had already fulfilled their engagement towards non-proliferation and nuclear disarmament.

2. Some delegations underlined that negative security assurances were an essential element for those countries which did not possess nuclear weapons and an essential step in the process of non-proliferation in all its aspects. In their view, such assurances should be enshrined in a legally-binding instrument, negotiated multilaterally, for which the Conference on Disarmament was the appropriate forum, and these assurances should be unconditional and based on an unequivocal, unambiguous, straight-forward formula. There was an opinion that security assurances had been established as an important element in the non-proliferation regime, but that there was a difference of appreciation on the content, on the scope and on the legal instrument that was to contain them. Certain delegations stressed that the conclusion of arrangements containing security assurances should not be construed as legitimizing the indefinite possession of nuclear weapons, and the only effective and credible guarantee against the use or threat of use of nuclear weapons was the total elimination of these weapons and therefore of the threat posed by their existence.

3. A number of delegations mentioned, with appreciation, the contribution of Canada, which had raised very pertinent questions related to the work in the Conference on Disarmament on negative security assurances (CD/1502).

4. Addressing the issue of current military doctrines and the role of nuclear weapons, certain delegations noted that nuclear weapons had been devised to counter other nuclear weapons in a given political situation, which had disappeared, and the new political environment required reconsideration of the perception of threat and of the role of nuclear weapons in the contemporary world.

5. A number of States continued to maintain that until total elimination of nuclear weapons was achieved, as an interim measure, there existed on the part of nuclear-weapon States an obligation to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, and also that these weapons would not be used as instruments of pressure, intimidation or blackmail. This

obligation should be of an internationally, legally-binding character - clear, credible, universal and without discrimination.

6. One delegation stated that it would continue to call for the need to arrive at the global elimination of nuclear weapons. It emphasized that the positive assurances contained in Security Council resolution 255 did not meet the requirements of legally-binding assurances. The negative security assurances contained in Security Council resolution 984 did not meet the necessary requirements either, especially as unilateral and multilateral declarations were conditional declarations and were not global. This was why the sole negotiating forum to conclude an international legally-binding treaty was the Conference on Disarmament, and it was the first time that the Committee on Security Assurances had met since the NPT Review and Extension Conference was held in 1995 and Decision 2 on "Principles and objectives for nuclear non-proliferation and disarmament" was adopted there. It stressed that security assurances, whether positive or negative, had to be global, and they had to be the subject of negotiations within this Conference and within this Committee.

7. One State was of the view that negative security assurances, a long-standing demand of the non-nuclear-weapon States, was not accorded the same priority as the other items on the nuclear non-proliferation agenda and in fact, remained its poor cousin. According to that delegation, the consideration of security assurances had been plagued from the beginning with linkage, not with the objectives of nuclear disarmament, but with those of non-proliferation. Seen in the latter perspective, security assurances had remained confined to what the nuclear-weapon States had thought fit to provide at their discretion. There remained an unfulfilled need for these assurances to be multilaterally negotiated, legally-binding and comprehensive. Security assurances remained as interim measures without an objective, save that of finding a place in a framework that enabled the nuclear-weapon States to retain *in perpetuity* their privileged possession of nuclear weapons. Partial and conditional pledges of non-use of nuclear weapons, whether undertaken unilaterally or in separate undertakings, could not be the basis for credible guarantees for non-nuclear-weapon States. The State recalled that it had expressed strong reservations with the approach employed in United Nations Security Council resolution 255, which had been repeated in Security Council resolution 984 adopted on the eve of the indefinite extension of the NPT. It believed that the continuation of the same approach would not yield fruitful results. It emphasized that the United Nations Charter did not discriminate between those that might adhere to a particular treaty or those that might not, and the responsibility of the United Nations Security Council was to all Member States of the United Nations, without discrimination. The NPT, as it stood today, could not reflect ground realities and would be an inadequate framework for the consideration of security assurances. Thus, it did not recognize any linkage between the objectives of this Ad Hoc Committee and the NPT. It also indicated that the consideration of security assurances in the narrow strait-jacket of nuclear-weapon-free zones could not do justice to the wide variety of concerns that emanated from the global nature of the threat posed by nuclear weapons. Moreover, it did not consider the Conference on Disarmament as the appropriate forum for the consideration of regional issues. However, it respected the sovereign choice exercised by non-nuclear-weapon States in establishing nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned. In this context, it had recently stated that it fully respected the status of the South East Asian nuclear-weapon-free zone and was ready to convert this commitment into a legal obligation. It also remained responsive to the

expressed need for commitments to other nuclear-weapon-free zones. The State believed that a convention on the prohibition of the use of nuclear weapons could form the bedrock of security assurances - comprehensive, legally-binding and irreversible. It recalled that it had proposed for consideration a draft convention on the prohibition of the use of nuclear weapons as an annex to United Nations General Assembly resolution 52/39C. It believed that such a convention could contribute to the lessening of the nuclear threat and to the climate for negotiations leading to nuclear disarmament. This Ad Hoc Committee could also consider various proposals for the global de-alerting and de-targetting of nuclear weapons, with the necessary verification mechanisms. The delegation was also willing to discuss ways of strengthening and giving expression, in a multilateral framework, to the provisions contained in the 1973 agreement between the USA and the USSR on the prevention of nuclear war. The delegation stated that as a responsible nuclear-weapon State, it had a declared policy of a minimum deterrent and "no-first-use" of nuclear weapons against all countries and "no-use" of nuclear weapons against non-nuclear-weapon States. It was willing to strengthen this by entering into bilateral agreements on no-first-use or multilateral negotiations on a global no-first-use.

8. One delegation emphasized that the need for security assurances arose from the existence of nuclear weapons, which were weapons of mass destruction, and their retention by any State - five, six, seven - was an aberration from the norm in which all weapons of mass destruction were supposed to be eliminated. In its view, it was an obligation on the nuclear-weapon States to provide such assurances, because under the international system, every State is entitled to equal security, and the possession of weapons of mass destruction gravely distorted this principle of equal security for all States and opened the door to blackmail and coercion, which was unacceptable as a means for the conduct of international relations under the United Nations Charter. The need for security assurances also arose fundamentally from the provisions of the United Nations Charter which very clearly stipulated that States had undertaken not to use or threaten to use force, and that meant all kinds of force with any kind of weapon. This State believed that it was only reasonable and logical that the provisions of the Charter on non-use of force also applied equally and with equal force to the question of the non-use or threat of use of nuclear weapons. The provision of security assurances derived as an obligation from the United Nations Charter and it was incumbent on all those States which retained nuclear weapons to be bound by these provisions of the United Nations Charter, not to use or threaten to use nuclear weapons, not only against non-nuclear-weapon States but also against each other. It disagreed with those nuclear-weapon States which had chosen to interpret the requirement for security assurances as merely being related to the NPT as a part of the "NPT bargain", that while they retained nuclear weapons, those parties to the NPT who were non-nuclear-weapon States were the only ones who were entitled to such assurances. This delegation had consistently argued that such a position was contrary to the provisions of the United Nations Charter and it created distinctions between States on the basis of their adherence to a particular treaty, which did not override the United Nations Charter. The distinction which had been drawn in resolution 255, and particularly in resolution 984, between the Parties to the NPT and non-Parties to the NPT had always been a false distinction which derogated the provisions of the Charter relating to collective security and the right of self-defence. Turning to the questions of who should give security assurances and to whom, it recalled that there were currently three categories of possible States who were to give security assurances - five nuclear-weapon States recognized by the NPT, one State which had demonstrated a nuclear-weapons capability and had

declared itself as a nuclear-weapon State, and another State which had demonstrated nuclear-weapons capability, but had not claimed nuclear-weapons status. There was one State which was presumed to have nuclear-weapons capability and was also, like the last two, not a Party to the NPT. In this respect, the delegation felt that this was a most relevant question that the Committee would need to address in its deliberations. The current political landscape became even more complicated than ever before due to the fact that new military doctrines today envisaged the use and indeed, even the first use, of nuclear weapons against non-nuclear-weapon States, even those Parties to the NPT or nuclear-weapon-free zones, in the event that they possessed or threatened to use or actually used any other weapon of mass destruction. Therefore, according to this delegation, the scope of the threat of use of nuclear weapons had become broader. In the present political situation what was required was to go back to the provisions on collective security envisaged in the United Nations Charter and to try to see whether it was not possible for all States to provide mutual guarantees of non-use and non-threat of use of nuclear weapons in the same way and with the same clarity that the United Nations members had committed themselves to the non-use of force or threat of force under the Charter.

9. Another delegation stated that one test of the commitment to security assurances should be the ratification by the nuclear-weapon States of the Protocols to the nuclear-weapon-free-zone treaties. The development and conclusion of new nuclear-weapon-free-zone treaties, especially in the areas of tension, would be a valuable step forward and one which this country supported on the basis of arrangements freely arrived at by the countries concerned. However, in its view, extending security assurances further through a single international and legally-binding instrument would be a complex challenge. Variance and nuances in current nuclear doctrines would point to difficulties in seeking a single instrument.

10. Another delegation stated its openness to finding a suitable solution which would consist in setting up a universal and legally-binding treaty. It considered that the time was ripe for entrusting the Chairman with the preparation of an outline of a multilateral treaty. As a first step, the delegation considered that it would be wise to start with negative security assurances, clarifying that their content had to be consistent with article 2, paragraph 4, of the United Nations Charter prohibiting the threat and use of force. In any case, should a treaty on negative security assurances be elaborated and negotiated, the parties which were non-nuclear-weapon States should be obliged to maintain their status in order to continue to claim negative security assurances. The latter should be given to all States parties to any treaty prohibiting the possession of nuclear weapons.

11. Another delegation stressed that non-nuclear-weapon States that had legally renounced their nuclear options had the legitimate right to demand negative security assurances from the nuclear-weapon States. It stressed that one of the fundamental premises of the NPT was of a discriminatory nature. Therefore, the implementation of article VI of the NPT on nuclear disarmament and the issue of negative security assurances was crucial in order to rectify the discriminatory nature of that Treaty. Security assurances were not only necessary for enhancing the actual security of non-nuclear-weapon States but also relevant to the maintenance and consolidation of the non-proliferation regime itself. It believed that the unilateral declarations by the five nuclear-weapon States in 1995 and Security Council resolution 984 of the same year were significant and their value should not be underestimated. Nor should the importance of

paragraph 8 of the Principles and Objectives of the Final Document of the 1995 NPT Review and Extension Conference be neglected. Therefore, in accordance with that paragraph, that State supported efforts to seek further steps in the context of negative security assurances to determine whether such steps could indeed take the form of an international, legally-binding instrument.

12. In this regard, another group of States recalled that in view of the importance they attached to the issue of security assurances, they had extended unilaterally, in April 1995, both negative and positive security assurances, of which the Security Council took note in resolution 984. Some of these countries recognized that States which had renounced nuclear weapons were entitled to look for assurances that nuclear weapons would not be used against them.

13. One of those countries stressed that in the current state of affairs, security assurances were an instrument of protection for non-nuclear-weapon States against the use or threat of use of such weapons by nuclear-weapon States. It elaborated two aspects of its approach to security assurances, regional and global. In its view the regional dimension had become increasingly affirmed in recent years through the creation and consolidation of nuclear-weapon-free zones. Because of them, about a hundred States enjoyed negative security assurances from nuclear-weapon States under Protocols annexed to the treaties creating these nuclear-weapon-free zones. It recalled that its Government had ratified all the Protocols to the Tlatelolco, Rarotonga and Pelindaba Treaties and was prepared, in the same constructive spirit, to follow the events in Central Asia where five States had committed themselves to the creation of a new nuclear-weapon-free zone, as well as in Southeast Asia, the Middle East and South Asia. Speaking of the global dimension of negative security assurances, it recalled that its security assurances had been renewed and developed in its statement of 6 April 1995 in the Conference on Disarmament and reflected in Security Council resolution 984. The State suggested that important complementary work could take the following direction: to facilitate the creation of nuclear-weapon-free zones where the United Nations General Assembly recommends so, and to draw up elements for the harmonization of negative security assurances, in particular, instruments where nuclear States could accede to the view of favouring the co-operation between existing zones and the emergence of new zones, favouring specific solutions in respect of concerns of a State that could find itself in a very unique situation. It reaffirmed that it wished this work to take place in the Conference on Disarmament and not within the framework of preparatory work for the NPT Review Conference, which could provide a place for useful, complementary discussions but where all the various protagonists would not be parties to the deliberations. Regarding the scope of the mandate of the Ad Hoc Committee, the delegation stated that it had no objection to discussing the question of positive security assurances, though the question of negative security assurances was, perhaps, the one on which more concrete and more fruitful, results could be achieved.

14. Another nuclear-weapon State stated that the drafting and provision of security guarantees against the use or threat of use of nuclear weapons in April 1995 to the States which had voluntarily given up their acquisition was an important point in strengthening the non-proliferation regime, which was necessary for ensuring stability in the world. This was particularly important, given the recent events in South Asia. It recalled that apart from the harmonized unilateral declarations of 1995, that State had also provided, together with the United States and the United Kingdom, security guarantees to

Belarus, Kazakstan and Ukraine in 1994. It hoped that it would soon be possible to reach agreement on the creation of a nuclear-weapon-free zone in Southeast Asia, which would make it possible to provide guarantees to another eleven States. In this context, the delegation supported the initiative of Belarus on creating a nuclear-weapon-free space in Central and Eastern Europe. It was thought that a more careful consideration of the Belarus proposal could be an important step towards freeing another important region from the threat of nuclear weapons. This State had also been following with interest the process of the discussion of a nuclear-weapon-free zone in Central Asia. It emphasized that by increasing the number of zones and areas, there would be more countries with such assurances. In its view, it would be important to seek results within the framework of regional agreements. These should be sought in addition to already existing agreements on nuclear-weapon-free zones. The agreements of this kind would certainly be easier to obtain if the States in these regions were to become Parties to the NPT. It was clear that these guarantees had to be on the basis of clear and unambiguous obligations that the non-nuclear-weapon States did not acquire or did not possess, use or deploy nuclear weapons on their territories.

15. Another nuclear-weapon State pointed out that any discussion of effective international arrangements needed to be held with the understanding that there were various security assurances already in existence, and one of the key issues before this Committee was, could the existing arrangements be improved upon? With the regard to the scope of the Committee's mandate, it thought that the focus should be on negative security assurances, but it could support discussions on positive security assurances as was clearly demonstrated in the Presidential Statement of 5 April 1995, which addressed both negative security assurances and positive security assurances. It recalled that its unilateral declaration of 1995 was of mutual benefit to all nuclear and non-nuclear weapon States.

16. Another nuclear-weapon State felt that in view of the fact that the majority of non-nuclear-weapon States had undertaken to abandon the option of developing nuclear weapons, they were fully justified in demanding the nuclear-weapon States not to use or threaten to use nuclear weapons against them. Prior to the complete prohibition and destruction of all nuclear weapons, all the nuclear-weapon States should undertake that under no circumstances or conditions would they use nuclear weapons against non-nuclear-weapon States or nuclear-weapon-free zones. The new situation, since the end of the Cold War, should provide new opportunities for resolving issues related to negative security assurances. The nuclear-weapon States should give more consideration to the just demand of most of the non-nuclear-weapon States and adopt more positive, just and reasonable attitudes and policies towards the negative security assurances issues, which was not a unilateral favour granted by the nuclear-weapon States to non-nuclear-weapon States, but rather an obligation that the nuclear-weapon States should fulfill, because it was in the interest of improving the international security environment and removing the fundamental reason for some countries to acquire or develop nuclear weapons. The same State maintained that negative security assurances included two aspects, the first, that the nuclear-weapon States not use nuclear weapons against non-nuclear-weapon States and the second, that the nuclear-weapon States should not first use nuclear weapons against each other. In the new international situation, the policy of nuclear deterrence based on the first-use of nuclear weapons was against the trend of the times, and the relevant nuclear-weapon States should abandon this policy at an early date. It recalled that in 1994 it had formally

proposed that the nuclear-weapon States should try to reach an agreement on non-first use of nuclear weapons and it put forward a draft text of such a treaty. It was still hoping for a positive response to its proposal.

17. During the structured and thematic discussions provided for in the Programme of Work concerning the nature and scope of existing negative security assurances, including United Nations Security Council resolution 984 (1995), Declarations of nuclear-weapon States, Protocols to the Nuclear-Weapon-Free Zone Treaties and their interpretative statements one delegation stated that security assurances should be duly negotiated without any restrictions and should be drawn up in a legally-binding, universal, international instrument, as these assurances were essential for structural non-proliferation. The failure of the second Preparatory Committee of the NPT Review Conference and recent events in South Asia seriously jeopardized the structure of non-proliferation, and it was necessary to re-establish its credibility, which could only be achieved by making clear progress towards nuclear disarmament and by establishing a credible regime of assurances for non-nuclear States. Security assurances should be viewed as a temporary, provisional measure, until the final elimination of nuclear weapons was achieved. It felt that for humanitarian considerations, general guarantees should be given without distinction as to the particular status of a country, and it would be up to the international community to grant these guarantees. Concerning the mandate of the Ad Hoc Committee, the delegation was prepared to study both negative security assurances and positive security assurances.

18. Another delegation specified that Security Council resolution 984 of 1995 was adopted on the eve of the NPT Review Conference in order to encourage non-nuclear-weapon States to extend this Treaty indefinitely . However, in this delegation's view, the resolution contained numerous shortcomings and insufficiencies. Thus, it believed that this resolution could be withdrawn or amended through another resolution. It was not an official document which was negotiated and which reflected the concerns of the international community as a whole, particularly of the non-nuclear-weapon States. The unilateral declarations, which came only from one side, contained exceptions which actually emptied the resolution of its real content. This delegation categorically rejected the use or threat of use of nuclear weapons. In its view, the Committee should negotiate an international, legally-binding treaty which would provide all the security assurances to non-nuclear-weapon States so that the NPT would have the necessary credibility. In this delegation's view, resolution 2 of the NPT Review and Extension Conference contained enormous shortcomings concerning the use of nuclear weapons.

19. Still another delegation pointed out that the legal nature of the unilateral declarations and commitments of negative security assurances arose from the fact that the Council had taken note of these declarations in a formal way. In its analysis of the relevant Security Council resolutions, it indicated that it considered resolution 984 as a further evolution of the provisions of resolution 255. However, the latter was conceived and evolved in the deliberations of the Conference on Disarmament, whereas resolution 984 was not referred to this single, multilateral negotiating body on disarmament and was evolved with the Security Council, quite independently from the Conference on Disarmament. This delegation thought that the most serious shortcoming of the security assurances offered in resolution 984, a flaw which also existed in resolution 255, was that these assurances were restricted only to non-nuclear-weapon States Parties to the NPT. It stated that it would continue to hold the

view that the assurance of security to non-nuclear-weapon States was an obligation of the nuclear-weapon States and not something which they could or should offer in return for the signature of a non-proliferation treaty. Any linkage of security assurances to the signature of the NPT would be contrary to the provisions of the United Nations Charter, which did not discriminate between those who adhered to a particular and those who might not do. In its view, it was of the utmost importance to conclude a convention on the comprehensive prohibition of nuclear weapons so as to bring about a general nuclear-free world and provide the fundamental assurance for mankind to rid itself of the threat of nuclear war.

20. On the issue of common and distinctive elements one nuclear-weapon State elaborated its position which existed among the different types of negative security assurances, which may have been given. It pinpointed the different ways in which these assurances had been given. The first was resolution 984, the second, through the Protocols of the nuclear-weapon-free-zone treaties, and the third, given to Ukraine on 5 December 1994. Politically, they all had similar value but clearly there was a difference between a resolution, a declaration and the signature of protocols in the framework of nuclear-weapon-free-zone treaties, where the system was both contractual and legally-binding. The establishment of nuclear-weapon-free zones constituted progress from the point of legal protection given to the States concerned, as compared with resolution 984, on condition that the States concerned by the treaties in question did themselves ratify the treaties they had negotiated and signed together. Turning to the application of article 51 of the United Nations Charter, this delegation pointed out that in certain exceptional cases, countries might have to reconcile the assurance regime and the right to self-defence, individual or collective, reflected, *inter alia*, through commitments or alliances, be they bilateral or multilateral.

21. Another nuclear-weapon State reaffirmed the unconditional nature of its commitment, repeating that the security assurances provided by that country to non-nuclear-weapon States were not confined only to non-nuclear- weapon States Parties to the NPT but rather to all non-nuclear-weapon States. It also elaborated its position on the relationship between negative security assurances and the doctrine and policy of nuclear deterrence saying that the nuclear deterrence policies pursued by the nuclear-weapon States, based on the first-use of nuclear weapons, made it difficult for the non-nuclear-weapon States to realize their aspirations of negative security assurances - the unconditional assurance of negative security guarantees. The nuclear-deterrence strategy, based on the Cold-War mentality, and the first-use of nuclear weapons, continued to exist. However, this practice was untimely and senseless. Nuclear deterrence was not in the interest of the prevention of the proliferation of nuclear weapons. If a nuclear-weapon State asks the non-nuclear-weapon States to forego the nuclear option while insisting on retaining the possibility of striking them with nuclear weapons for itself, such a practice would run contrary to eliminating the motivation of certain countries to acquire and develop nuclear weapons. Nuclear deterrence reflected a security doctrine which was obsolete. This practice, based on building its own security on the non-security of others, was not in the interest of international peace and security. Under the new international circumstances, the nuclear-weapon States should, as soon as possible, renounce their nuclear-deterrence strategy and formulate a new security doctrine, in keeping with our times. They should take into fuller account the legitimate demand of the many non-nuclear-weapon States. On the question of negative security assurances, they should adopt a more positive,

fair and reasonable approach and policy. At the same time, between the nuclear-weapon States, they should conclude the treaties on the non-first-use of nuclear weapons. This would significantly contribute to the reduction of the danger of nuclear war and would be in the interest of mankind.

22. Another nuclear-weapon State reiterated its position on the question of security assurances and emphasized the need not only for universal adherence but also for compliance with the NPT. It made it clear once again that its Government did not regard this assurance as applicable if any beneficiary was in material breach of its own non-proliferation obligations under the NPT. Emphasizing the significance of regional arrangements in the form of nuclear-weapon-free zones, it was, for its part, looking forward to adding new parties to such treaties. It stated that, like other nuclear-weapon States, it was working actively with ASEAN States to enable it to sign the Protocol to the Bangkok Treaty and with Central Asian States on the establishment of a nuclear-weapon-free zone in their region.

23. A further nuclear-weapon State outlined its position and approach on negative security assurances, saying that it had always taken seriously the security concerns of the non-nuclear-weapon States Parties to the NPT and over the years had pursued practical steps to address these concerns. Thus, its three Presidents, in 1968, 1978 and 1995, had issued national declarations on positive and/or negative security assurances, covering all non-nuclear-weapon States Parties to the NPT. It unambiguously reaffirmed that the negative security assurances declaration of 5 April 1995 stood as an unequivocal statement of its global policy. Furthermore, the security assurances which that country had extended in the relevant Protocols to regional nuclear-weapon-free zones had been taken with no written reservations. They were legally-binding undertakings, consistent with generally recognized principles of international law not to use nuclear weapons. Speaking on its efforts and steps with the signature and the ratification of the relevant Protocols to the nuclear-weapon-free-zone treaties, it expressed its conviction that nearly one hundred non-nuclear-weapon States receiving legally-binding negative security assurances, through the nuclear-weapon-free zones, which they had initiated, negotiated and completed, demonstrated these assurances to be important, viable and legally-binding. It was also working closely with the States of Southeast Asia and Central Asia regions to increase the number of non-nuclear-weapon States Parties to the NPT eligible for negative security assurances to well beyond the number of one hundred. This State was ready to consider any ideas on how negative security assurances and positive security assurance arrangements might be extended and/or improved, and it was also ready to consider other nuclear-weapon-free-zone proposals that were consistent with long-standing criteria for such zones and with the 1995 NPT Review Conference decision. According to this State, these developments demonstrated its clear resolve to address the security concerns of the non-nuclear-weapon States through presidential declarations, resolutions of the United Nations Security Council and the encouragement of this Government's support and participation as Protocol party to the nuclear-weapon-free-zone treaties.

24. Speaking about the scope of existing negative security assurances one delegation maintained its position that such assurances should be provided in an internationally negotiated legally-binding instrument negotiated in the Conference on Disarmament, and that such assurances should be unconditional at all times. It felt that the current conditionality of the unilateral declarations was in contradiction with article 2 of the United Nations Charter.

Turning to the specific situation of its region, it called upon the States which had not yet adhered to the NPT but had nuclear capability not to use or threaten to use nuclear weapons against non-nuclear-weapon States unconditionally.

25. One nuclear-weapon State briefly elaborated its national military doctrine, stating that it currently did not have any enemies and it was not threatened by war. It preferred non-military means of solving international problems, including collective action in the international community, against threats to peace and acts of aggression. Nevertheless, its military doctrine did allow that in the modern world, there still remained potential sources of the danger of war. It was particularly concerned at the expansion of military blocs and alliances, to the detriment of its interests.

26. The Ad Hoc Committee briefly discussed some definitions, as provided by the Programme of Work. Some countries offered their interpretations of various terms indicated in the Programme. Some of those countries emphasized that a clear understanding of certain terms and provisions of existing document would help the Committee to progress to a better understanding of the needs of a future international instrument.

27. One delegation suggested that the concept of "collateral damage" should be added to the list of definitions (b) of the Programme of Work. This delegation referred to the consequences - legal and otherwise - that would flow from the use or threat of use of nuclear weapons outside the geographical area of a nuclear-weapon-free zone but whose effects would be visited on the area covered by the nuclear-weapon-free zones. The delegation felt that there was a need to study this concept further in the light of the global nature of the threat posed by nuclear weapons.

28. However, another delegation pointed out that there was little practical significance in attempting to further clarify what was already understood. In its view, to do so would be a theoretical exercise so narrow, so specific and so limited that it would confuse rather than assist in the work of the Committee.

29. One delegation stated that the qualifications or conditions which were implied by the items listed under (b) of the Programme of Work were not acceptable as a part of the unconditional guarantee of negative security assurances to non-nuclear- weapon States because any discussion of each of these items would indicate the broad nature of the definitions that each one of these items could be subjected to the subjective nature of such interpretations, and therefore, virtually, the complete nullification of any security assurances that may be provided with such qualifications.

30. The Ad Hoc Committee addressed, in accordance with the Programme of Work, the issue of (c) new developments. Several States referred to the provision of unilateral declarations by the five nuclear-weapon States, the adoption of resolution 984 of the United Nations Security Council, the indefinite extension of the NPT and the adoption of the Final Document of this Conference, specifically the Principles and Objectives for Non-Proliferation and Nuclear Disarmament, and the establishment of this Ad Hoc Committee. Some States also listed as a significant development the adoption of the Advisory Opinion by the International Court of Justice. Other States also added, as a negative development, the disappointing results of the second Preparatory Committee of the NPT Review Conference held in May of this year. Some delegations mentioned the evolution of the nuclear-weapon-free-zone treaty regimes since 1995. It

should be noted that the discussions related to the Advisory Opinion of the International Court of Justice were inconclusive as while some claimed that the opinion and recommendations of the International Court of Justice were legally-binding, other participants stated that the Court's findings were not binding on Governments, while another delegation questioned the relevance of the ICJ Advisory Opinion to the work of the Ad Hoc Committee. Some delegations referred in this regard to the mandate of the International Criminal Court.

31. One delegation indicated that in its view, other developments needed to be taken into account in the Ad Hoc Committee. These were: the notion that after the indefinite extension of the NPT, nuclear weapons could be retained *in perpetuity*, which derogated from the concept of security assurances as a transient and transitional measure until complete nuclear disarmament is achieved; new doctrines for the possible use or threat of use of nuclear weapons against other weapons of mass destruction; the expansion of membership of nuclear security alliances; some nuclear-weapon States, which had in the past committed themselves to the non-first use of nuclear weapons, having disavowed that doctrine; and the demonstration of nuclear-weapons capability by two States, and the claim by one of them that it was a nuclear-weapon State, and the question of whether these States were entitled to receive or to give security assurances, together with one additional State presumed to possess nuclear weapons, which is also not party to the NPT.

32. On the issue of positive security assurances the discussions in the Committee revealed the existence of four trends. While the proponents of the first were prepared to elaborate further and to seek ways in which to improve them, and the second were prepared to discuss them although they expressed serious doubts and reservations as to the efficiency and practicality of existing positive security assurances, the third were of the view that positive guarantees did not lend themselves to multilateral negotiations and should not be dealt with in a body such as the Conference on Disarmament, and the fourth emphasized the significance of United Nations Security Council resolutions 255 and 984.

33. During the discussions on the draft report, one delegation reiterated its position that the most appropriate venue for the consideration of negative security assurances was the NPT review process.