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Nuclear Issues on the Agenda of the Conference on Disarmament

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PREFACE

The mandate of UNIDIR, as set out in its Statute, includes the provision of support and assistance to on-going negotiations. UNIDIR's proximity to the Conference on Disarmament (CD) - the single multilateral disarmament negotiating forum - gives the Institute many advantages in observing the important work of this body.

In 1989, with the cooperation of the Secretariat of the CD, UNIDIR initiated a series of research reports on the multilateral arms control and disarmament negotiations in the CD. The reports were intended to fulfil a need for a ready guide to the proceedings of the CD. They have been planned not as compendia of proposals or as summary records but rather as analytical guides identifying the key issues, tracing their evolution and examining the positions of the various delegations. The present status of the negotiations and their likely development within the context of the CD are also featured.

The guides are intended to provide diplomats, researchers, and the interested public with the background information necessary to follow future developments in the CD and to participate actively in the negotiations, discussions or research on the issues concerned. The first report published in this series, written by Thomas Bernauer, was on the negotiations for a Chemical Weapons Convention. The second report, written by Thomas Schmalberger, dealt with the question of a nuclear test ban. UNIDIR has been greatly encouraged by the positive response in diplomatic and academic circles to these two publications and by the wide use being made of them. A research report on the CD's work concerning the Prevention of an arms race in outer space, written by Péricles Gasparini Alvez, will appear very soon.

This research report examines three nuclear arms control and disarmament issues which figure on the agenda of the CD - security assurances to non-nuclear-weapon States, the prevention of nuclear war, and the cessation of the nuclear arms race and nuclear disarmament. The report was written by Thomas Bernauer who is a research associate at UNIDIR. Dr. Jozef Goldblat continued to serve as a consultant to the project.

UNIDIR would like to thank Ambassador Miljan Komatima, the Secretary-General of the CD, Ambassador Vicente Berasategui, Deputy Secretary-General of the CD, and the other members of the CD Secretariat for their unfailing cooperation and assistance. We owe a debt of gratitude to the Ford Foundation for their funding of this research project.

Jayantha Dhanapala
Director

UNIDIR

United Nations Institute for Disarmament Research

UNIDIR is an autonomous institution within the framework of the United Nations. It was established in 1980 by the General Assembly for the purpose of undertaking independent research on disarmament and related problems, particularly international security issues.

The work of the Institute aims at:

1. Providing the international community with more diversified and complete data on problems relating to international security, the armaments race, and disarmament in all fields, particularly in the nuclear field, so as to facilitate progress, through negotiations, towards greater security for all States and toward the economic and social development of all peoples;
2. Promoting informed participation by all States in disarmament efforts;
3. Assisting ongoing negotiations in disarmament and continuing efforts to ensure greater international security at a progressively lower level of armaments, particularly nuclear armaments, by means of objective and factual studies and analyses;
4. Carrying out more in-depth, forward-looking, and long-term research on disarmament, so as to provide a general insight into the problems involved, and stimulating new initiatives for new negotiations.

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FOREWORD

Efforts by the international community to control and reduce nuclear weapons have resulted in a number of multilateral treaties such as the Nuclear Non-Proliferation Treaty, concluded in 1968, or the Partial Test Ban Treaty, concluded in 1963. Negotiations between the United States and the Soviet Union, the possessors of the largest arsenals of nuclear weapons, have produced several bilateral agreements; the two most significant ones are the treaty on the elimination of intermediate-range and shorter-range missiles, which was concluded in 1987 (INF Treaty), and the treaty on the reduction of strategic nuclear weapons, concluded on 31 July 1991 (START Treaty).

In general, bilateral nuclear arms control and disarmament negotiations seem to attract more attention than the multilateral negotiations. Nonetheless, nuclear disarmament issues continue to be discussed, but not negotiated, on a multilateral level in the Conference on Disarmament in Geneva. Although, since 1968, these discussions have not produced any major nuclear arms control agreement, many States regard them as important. From a researcher's as well as practitioner's point of view they may be interesting also for another reason; they reflect a number of problems that emerge when the interests of nuclear powers, who generally prefer to negotiate nuclear weapon issues among themselves, meet with the concerns of non-nuclear-weapon States who believe that they are equally affected by the existence and threat of nuclear weapons.

This research report examines three nuclear weapon issues that have been discussed in the Conference on Disarmament and its predecessors: Security assurances to non-nuclear-weapon States; the Prevention of nuclear war, including all related matters; and the Cessation of the nuclear arms race and nuclear disarmament. The fourth "nuclear issue" on the agenda of the Conference on Disarmament, the question of a nuclear test ban, has been addressed in a separate research report.¹ This report will focus exclusively on the debate in the Conference on Disarmament. Developments outside the Conference are already covered by a very large body of literature which one may also consult. The institutional set-up of the Conference on Disarmament has been described in two previous volumes of the series of guides to the negotiations in the Conference on Disarmament and, thus, shall not be restated in this report.²

One of the problems in presenting the relevant positions and proposals of the delegations to the Conference on Disarmament is that there have been dramatic changes in Eastern Europe and in East-West relations. These changes have had an impact on the positions of many countries. However, in many cases, there are no recent official proposals on any of the three agenda items which would allow us to determine the precise positions of the States as of now. In any event, it is sometimes not quite clear which of the earlier proposals,

¹ Schmalberger, Thomas, *In Pursuit of a Nuclear Test Ban Treaty: A Guide to the Debate in the Conference on Disarmament*, New York 1991: United Nations (UNIDIR).

² Bernauer, Thomas, *The Projected Chemical Weapons Convention: A Guide to the Negotiations in the Conference on Disarmament*, New York 1990: United Nations (UNIDIR), pp.5-8. Schmalberger, *op. cit.*, pp.37-38. Further information can be found in the United Nations Disarmament Yearbooks and the annual report of the Conference on Disarmament to the UN General Assembly. The rules of procedure of the Conference on Disarmament are spelled out in CD/8/Rev.4 of 1990.

especially those by countries of the formerly named Socialist Group (now the "Group of Eastern European and other States"), are still valid. We shall, therefore, try to point out, as well as possible, which of the proposals might not be valid anymore, and in which direction the positions might be evolving.

I would like to thank Pham Thanh Van, from the Foreign Ministry of Vietnam, and Samad Hammadi, from the Foreign Ministry of Bangladesh, each of whom has worked for three months at UNIDIR as a visiting fellow. They have contributed working papers that were useful in the writing of this Report. Michael Cassandra and Vladimir Bogomolov from the UN Department for Disarmament Affairs, and several delegates to the Conference on Disarmament, have provided me with valuable advice on the subject. My special thanks go to Jozef Goldblat who, in his capacity as consultant to UNIDIR, and also as a dear friend, scrutinized the preliminary drafts. His corrections and suggestions were of great worth in enhancing the value of this report. Finally, a word of gratitude goes to Mary Katherine Dalton who helped me in improving the language of this report.

August 1991
Thomas Bernauer

CHAPTER I

Security Assurances to Non-Nuclear-Weapon States

1.1 Historical Background

Since the beginning of the nuclear age, non-nuclear-weapon States, especially those not belonging to a military alliance with a nuclear power, have sought to obtain assurances that nuclear weapons would not be used against them. Many proposals have been made to this end, including a UN General Assembly resolution¹, adopted in 1961, which advocated a conference to conclude a convention banning the use of nuclear weapons. A particularly strong demand for security assurances to non-nuclear-weapon States emerged from discussions and proposals concerning nuclear-weapon-free zones.² The 1967 Treaty of Tlatelolco, which established a nuclear-weapon-free zone in Latin America, was the first international agreement that provided an explicit legal framework for security assurances (see section 1.2).

Special efforts to arrive at security assurances for non-nuclear-weapon States were made during negotiations on the Nuclear Non-Proliferation Treaty (NPT), held in the 1960s in the Eighteen-Nation Committee on Disarmament (ENDC), a predecessor of the Conference on Disarmament (CD). Many non-nuclear-weapon States have ever since then regarded such assurances as a counterbalance to their forswearing of the nuclear weapons option under the NPT.

No agreement could be reached on whether or in what form to include security assurances in the NPT. The Treaty simply recalled that, in accordance with the UN Charter, States must refrain from the threat or use of force in international relations (Preamble). However, before the NPT had been signed, the three nuclear-weapon States parties to the NPT, the Soviet Union, the United Kingdom, and the United States, provided some assurances in the form of identical declarations. These assurances were noted in UN Security Council Resolution 255, adopted on 19 June 1968 (see Appendix I). Resolution 255 recognized that aggression with nuclear weapons or the threat of such aggression against a non-nuclear-weapon State would call for immediate action by the UN Security Council, especially by the nuclear-weapon States permanent members of the Council, in accordance with their obligations under the UN Charter. It welcomed the intention, expressed by the three mentioned nuclear powers, to provide or support immediate assistance, in accordance with the UN Charter, to any non-nuclear-weapon State party to the NPT that becomes a victim of an act or an object of a threat of aggression in which nuclear weapons are used. The Resolution also reaffirmed the right of States to individual and collective self-defense, recognized under Article 51 of the UN Charter, until the UN Security Council has taken measures to maintain international peace and security. Ten members of the Council, including the United Kingdom, the United States and the USSR

¹ Resolution 1653 (XVI) of 24 November 1961. See Chapter II.

² A brief overview can be found in: United Nations, *The United Nations and Disarmament*, New York 1985, pp.89-106.

which had sponsored the Resolution, voted in favour. No negative vote was cast, but Algeria, Brazil, France (a nuclear-weapon power), India and Pakistan abstained; mainly because they were critical of the NPT. The People's Republic of China, which had become a nuclear-weapon State in 1964, was, at the time when the resolution was adopted, not recognized as a member of the United Nations. (It became a member of the UN in 1971.³)

Many non-nuclear-weapon States welcomed these so-called "positive" security assurances -- the commitment to assist non-nuclear-weapon States attacked or threatened with nuclear weapons. Nevertheless, they argued that the assurances given were not sufficient and pointed to the following weaknesses of Security Council Resolution 255. The Resolution merely re-affirmed obligations of the three nuclear powers already expressed in the UN Charter, namely to provide assistance or support to a country that is the object of an aggression, independent of the type of weapon used in the attack (Chapter VII of the Charter). The Resolution called for assistance once an act or threat of aggression with nuclear weapons had occurred, and irrespective of whether a request by the victim of the aggression had been made; for neutral or non-aligned countries the latter problem may be particularly delicate. The Resolution did not specify the nature of the assistance and the actions to be taken against the aggressor. And finally, it was considered very unlikely that the Security Council would be able to take a decision to provide assistance because of the veto right of all five nuclear powers (once the People's Republic of China had become a permanent member of the Council). If one of the five nuclear-weapon States were to be the aggressor, it could block any action by the Security Council.⁴

Shortly after the signing of the NPT, a conference of non-nuclear-weapon States, attended by a large number of countries, was convened in Geneva from 29 August to 28 September 1968.⁵ One of the main points on its agenda was how to assure the security of non-nuclear-weapon States. Many participants contended that the nuclear-weapon States should provide also "*negative*" security assurances -- namely commit themselves not to use or threaten to use nuclear weapons against non-nuclear-weapon States. Sixteen Latin American countries submitted a draft resolution by which the UN General Assembly was to be asked to convene a conference for the purpose of concluding a multilateral agreement. Under the proposed agreement, the nuclear-weapon States were to adopt "appropriate" measures to assure the security of all non-nuclear-weapon States.⁶ Uganda, Tanzania and Zambia tabled a draft resolution recommending the establishment of a preparatory committee for the convening of a conference, not later than August 1969, to conclude a convention or a protocol to the NPT. Under the proposed legal instrument, the nuclear-weapon States would undertake not to attack non-nuclear-weapon States or one another with nuclear weapons and the parties would be obliged to assist any State attacked by nuclear or conventional weapons.⁷ Pakistan put forward a draft resolution by which the conference of non-nuclear-weapon States was to urge the nuclear-weapon powers to refrain from the use or threat of use of nuclear weapons against any non-nuclear-weapon State which had renounced the manufacture or acquisition of nuclear

³ By Res 2758 (XXVI) of 1971, the General Assembly decided "to restore all its rights to the People's Republic of China and to recognise the representatives of its Government as the only legitimate representatives of China in the UN".

⁴ See, for example, NPT/CONF.IV/17 (Nigeria), pp. 3-4.

⁵ See United Nations, *The United Nations and Disarmament 1945 - 1970*, New York 1970: United Nations, pp.307-326. The Final Document of the Conference is contained in: Official Records of the General Assembly, Twenty-third Session, agenda item 96, document A/7277.

⁶ A/Conf.35/C.1/L.3/Rev.1 and 2.

⁷ A/Conf.35/C.1/L.4.

weapons. The conference was to recommend that the permanent members of the UN Security Council provide immediate assistance, in accordance with the UN Charter, to any non-nuclear-weapon State which had renounced the manufacture or acquisition of nuclear weapons and had been the object of the use or threat of use of nuclear weapons.⁸ However, resolution A of the conference, which reflected wording proposed by the Federal Republic of Germany⁹, merely reaffirmed "The principle, indivisible in its application, of the non-use of force and the prohibition of the threat of force in relations between States by employing nuclear or non-nuclear weapons, and the belief that all States without exception have an equal and inalienable right to enjoy the protection afforded by this principle, recognized under Article 2 of the United Nations Charter." The conference requested the nuclear-weapon States to confirm these principles on their behalf.¹⁰ This wording of the declaration simply reiterated the relevant provisions of the UN Charter without distinguishing nuclear and non-nuclear weapons and was considered by many as little progress.

At the First Review Conference of the parties to the NPT, which was held in May 1975, many delegations, in particular those from developing countries, criticized the existing security assurances as insufficient. A draft resolution¹¹, sponsored by eleven non-nuclear-weapon States and introduced by Romania, proposed the conclusion of an additional protocol to the NPT. Under this agreement, the three nuclear powers parties to the NPT were to undertake never to use or threaten to use nuclear weapons against non-nuclear-weapon States parties whose territories were completely free from nuclear weapons. They were to refrain from the first-use of nuclear weapons against any other non-nuclear-weapon State party to the NPT. For reasons explained below, no agreement could be reached on such an undertaking.

At the First Special Session of the UN General Assembly devoted to disarmament, held in 1978, the five declared nuclear-weapon States provided, or in the case of China re-iterated, negative security assurances in the form of unilateral declarations. Most of these declarations did not match the expectations of many non-nuclear-weapon States: the declarations stated different conditions under which the security assurances would be applicable; parts of the terminology used in the wordings of the assurances was regarded as unclear and the conditions therein as subject to different interpretations (see below); and the form of the assurances was considered not binding enough -- in the absence of an international treaty or a uniform commitment expressed by a UN Security Council resolution, the assurances could be easily changed or revoked. Consequently, in the Final Document of the Special Session (see Appendix II) the participating States took note of the unilateral declarations made by the nuclear-weapon 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" (para 59). In all subsequent efforts, reference has been made to this document as the overall mandate for discussions and negotiations concerning security assurances.

In 1979, following the appeal by the First Special Session, the Conference on Disarmament included the issue in its agenda under the heading "Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear

⁸ A/Conf.35/C.1/L.11.

⁹ A/Conf.35/C.1/L.13/Rev.1.

¹⁰ Resolution A of the Conference, Official Records of the UN General Assembly, Twenty-third session, agenda item 96, document A/7277, p.4.

¹¹ NPT/Conf.1/22.

weapons". In July of the same year a special subsidiary body of the Conference on Disarmament began work on the question.

1.2 Existing Negative Security Assurances

All five nuclear-weapon States have made individual declarations which can be regarded as legally binding unilateral commitments not to use nuclear weapons against non-nuclear-weapon States under the conditions spelled out in these declarations.

In addition to these unilateral declarations, the five nuclear powers have contracted legal commitments in a regional framework; namely under the Treaty of Tlatelolco¹², concluded in 1967, and, in the case of China and the USSR, also under the Treaty of Rarotonga¹³, concluded in 1985. Both treaties have established a nuclear-weapon-free zone in the respective region (Latin America, the South Pacific). The parties to Additional Protocol II of the Treaty of Tlatelolco have undertaken "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 3). The parties to Protocol 2 of the Treaty of Rarotonga are obliged "not to use or threaten to use any nuclear explosive device against: (a) Parties to the Treaty; or (b) any territory within the South Pacific Nuclear Free Zone for which a State that has become a Party to Protocol 1 is internationally responsible" (Article I).

China, France, the United Kingdom, the United States, and the Soviet Union have, upon signing and/or ratifying Protocol II of the Treaty of Tlatelolco, made interpretative statements (see below). Except for China¹⁴, these statements amount, in practical terms, to reservations, even though the Treaty explicitly rules out reservations. During the discussion in the Conference on Disarmament, several delegations have pointed to an incompatibility in this regard.¹⁵ Protocol 2 of the Treaty of Rarotonga has been signed and ratified by China and the USSR. Both countries have made interpretative statements upon signing the Protocol (see below).¹⁶ The remaining three nuclear powers have not joined the Protocol. The United States stated that it would under "current circumstances" not be able to sign the Protocol because of its global security interests and responsibilities. It stated that its practices and activities within the Treaty area were consistent with the Treaty and its Protocols. The United Kingdom said that adherence to the Protocol would not serve its national interest, but that it would respect the intentions of regional States on the Protocol. France which tests nuclear weapons in the Treaty area has taken a decision not to adhere.¹⁷ The conditions set forth by the five nuclear-weapon powers in their unilateral declarations and in connection with the two mentioned treaties have been shaped by their respective nuclear doctrines (see Appendix III).

¹² A list of parties to this treaty is contained in the SIPRI Yearbook 1991.

¹³ A list of parties to this treaty is contained in the SIPRI Yearbook 1991.

¹⁴ Upon signing the Protocol on 21 August 1973, China declared that it "will never use or threaten to use nuclear weapons against non-nuclear Latin American countries and the Latin American nuclear-weapon-free zone; nor will China test, manufacture, produce, stockpile, install or deploy nuclear weapons in these countries or in this zone, or send her means of transportation and delivery carrying nuclear weapons to cross the territory, territorial sea or air space of Latin American countries." (United Nations, Status of Multilateral Arms Regulation and Disarmament Agreements, Third Edition: 1987, New York 1988: United Nations, pp.66-67.)

¹⁵ E.g. CD/421 (Report of the Ad Hoc Committee), p.46.

¹⁶ The Rarotonga Treaty explicitly rules out reservations (Article 14). It is not clear, however, whether this clause also applies with regard to the Protocols, because the Treaty does not define the Protocols as an integral part of the Treaty, and neither the Treaty nor Protocol 2 state that Article 14 applies with regard to Protocol 2.

¹⁷ Memorandum from the Secretariat of the South Pacific Forum (NPT/CONF.IV/16, 25 May 1990).

The following sections will briefly describe the negative security guarantees given by each of the five nuclear-weapon States.

China

In June 1978, China reiterated a declaration it had made already in 1964, when it exploded its first nuclear device, and stated the following:

"For the present, all the nuclear countries, particularly the super-powers, which possess nuclear weapons in large quantities, should immediately undertake not to resort to the threat or use of nuclear weapons against the non-nuclear countries and nuclear-free zones. China is not only ready to undertake this commitment but wishes to reiterate that at no time and in no circumstances will it be the first to use nuclear weapons."¹⁸

In April 1982, China added that it

"undertakes unconditionally not to use or threaten to use nuclear weapons against non-nuclear countries and nuclear-free zones."¹⁹

When signing Protocol II of the Treaty of Tlatelolco, China made an interpretative statement which can, however, not be regarded as setting conditions for its negative security assurances. No interpretative statement was made by China upon ratification. In signing Protocol 2 of the Rarotonga Treaty in February 1987, China declared that it respected the status of the South Pacific as a nuclear-weapon-free zone. It would not use or threaten to use nuclear weapons against the zone and would not test nuclear weapons in the area. But, it reserved the right to reconsider its obligations under the Protocol if other nuclear-weapon States or the Parties to the Treaty took any action in "gross" violation of the Treaty and its protocols, thus changing the status of the zone and endangering the security interests of China.²⁰ China did not repeat this interpretative statement upon ratification of the treaty in 1989 and it is, therefore, not clear whether the statement is still valid.

France

In June 1978, France stated that it was

"prepared to give such assurances, in accordance with arrangements to be negotiated, to States which constitute non-nuclear zones."²¹

In June 1982, it expanded the scope of its negative security assurances and announced that

"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."²²

¹⁸ A/S-10/AC.1/17, annex, para 7.

¹⁹ A/S-12/11.

²⁰ SIPRI Yearbook 1990, p.666.

²¹ Official Records of the General Assembly, Tenth Special Session, Plenary Meetings, 27th meeting, para 190.

²² Official Records of the General Assembly, Twelfth Special Session, Plenary Meetings, 9th meeting.

When signing Protocol II of the Treaty of Tlatelolco in July 1973, France stated that the obligation not to use or threaten to use nuclear weapons against the parties to the Treaty (Article 3) is "*without prejudice to the full exercise of the right of self-defence confirmed by Article 51 of the Charter of the United Nations.*"²³

Soviet Union

In May 1978, the Soviet Union declared that it

"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."²⁴

In June 1982, it added that it had assumed "*an obligation not to be the first to use nuclear weapons.*" On the same occasion, it stated that the problem of security assurances could be resolved through an international convention, and that the Soviet Union was also prepared to conclude bilateral agreements on guarantees with States which do not possess nuclear weapons and do not have them on their territory.²⁵

When signing Protocol II of the Treaty of Tlatelolco in May 1978, the Soviet Union stated that

"Any action taken by one or more States parties to the Treaty of Tlatelolco that is incompatible with its non-nuclear status, and the commission by one or more States parties to the Treaty of an act of aggression in support of a nuclear-weapon State or jointly with that State, will be considered by the Soviet Union as incompatible with the relevant obligations of those countries under the Treaty. In such cases the Soviet Union reserves the right to review its obligations under Additional Protocol II. The Soviet Union also reserves the right to review its position with regard to Additional Protocol II in the event of any action on the part of other nuclear-weapon States that is incompatible with their obligations under the said Protocol."²⁶

When signing Protocol 2 of the Treaty of Rarotonga in December 1986, the Soviet Union stated the following:

"In the event of any actions undertaken by the State or States, which are parties to the Rarotonga Treaty, in violation of their main commitments under the Treaty connected with the non-nuclear status of the zone and perpetration by one or several States parties to the Treaty of an act of aggression with the support of a State having nuclear weapons or jointly with it with the use by such a State of the territory, air space, territorial sea or archipelago waters of those countries for calls by naval ships and flying vehicles with nuclear weapons on board or transit of nuclear weapons, the Soviet Union will have the right to consider itself free from the commitments undertaken under Protocol Two to the Treaty. In the event of any other actions by the parties to the Treaty incompatible with their non-nuclear status, the USSR reserves for itself the right to reconsider the commitments undertaken under the said Protocol."²⁷

The Soviet Union did not make a reference to this interpretative statement made at the time of signature when ratifying Protocol II of the Treaty of Rarotonga in 1988. It is not clear, therefore, whether this statement can still be regarded as valid.

²³ United Nations, Status of Multilateral Arms Regulation and Disarmament Agreements, p.67.

²⁴ Official Records of the General Assembly, Tenth Special Session, Plenary Meetings, 5th meeting, paras 84 and 85.

²⁵ Official Records of the General Assembly, Twelfth Special Session, Plenary Meetings, 12th meeting.

²⁶ United Nations, Status of Multilateral Arms Regulation and Disarmament Agreements, p.68.

²⁷ United Nations, Status of Multilateral Arms Regulation and Disarmament Agreements, p.181.

United Kingdom

In June 1978, the United Kingdom gave the following assurance

"to non-nuclear-weapon States which are parties to the Treaty on the Non-Proliferation of Nuclear Weapons and 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."²⁸

The United Kingdom, upon ratifying Protocol II to the Treaty of Tlatelolco in December 1969, stated that it would,

"in the event of any act of aggression by a Contracting Party to the Treaty in which that Party was supported by a nuclear-weapon State, be free to reconsider the extent to which they could be regarded as committed by the provisions of Additional Protocol II."²⁹

United States

In November 1978, the United States declared that it

"will not use nuclear weapons against any non-nuclear-weapon 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-weapon State or associated with a nuclear-weapon State in carrying out or sustaining the attack."³⁰

The United States, in ratifying Additional Protocol II of the Treaty of Tlatelolco in May 1971, stated

"That as regards the undertaking in Article 3 of Protocol II not to use or threaten to use nuclear weapons against the Contracting parties, the United States Government would have to consider that an armed attack by a Contracting Party, in which it was assisted by a nuclear-weapon State, would be incompatible with the Contracting Party's corresponding obligations under Article 1 of the treaty."

1.3 The Starting Point: Weaknesses of the Existing Negative Security Assurances

During the debate on negative security assurances in several fora, including the UN General Assembly and the Conference on Disarmament, several weaknesses of the existing assurances have been pointed out. The perceived deficiencies may be summarized as follows:

(a) The main weakness is the permissibility of the use of nuclear weapons against non-nuclear-weapon States under certain conditions. These conditions have been so formulated as to conform with the strategic doctrines of the nuclear powers.

²⁸ Official Records of the General Assembly, Tenth Special Session, Plenary Meetings, 26th meeting, para 12.

²⁹ United Nations, Status of Multilateral Arms Regulation and Disarmament Agreements, p.64. The commitments of the United Kingdom are discussed in detail in CD/177 (United Kingdom; see Appendix VI).

³⁰ A/C.1/33/7, annex. The same statement was re-iterated on several occasions (e.g. in the Conference on Disarmament on 13 March 1990).

(b) Due to the different conditions set forth by each of the five nuclear powers, it may be difficult for some non-nuclear-weapon States to qualify for all assurances simultaneously.

(c) Although, according to international law, unilateral declarations can have a legally binding character, the commitments that the nuclear powers have entered into could be withdrawn or changed relatively easily.

(d) Some of the conditions for negative security assurances, as set forth by the nuclear powers under the existing arrangements, are lacking precision and may thus lend themselves to different interpretations. Firstly, some of the key terms in the unilateral declarations and interpretative statements under the regional arrangements are not defined in detail: Examples are the terms "non-nuclear countries" in the Chinese declaration; "aggression" in the French declaration; "attack" in the United States and the British declarations; "do not have them (nuclear weapons) on their territories" in the Soviet declaration; or "in alliance with" and "in association with" in the French, British and United States declarations. In the case of China, France and the Soviet Union, for example, it has remained unclear whether the non-nuclear status required by them, and the non-stationing of nuclear weapons required by the Soviet Union, could be based on a unilateral declaration or must be founded on an internationally contracted legal commitment (e.g. a treaty), and whether such status must be verifiable. Secondly, the wordings of the interpretative statements by the same country under the Treaty of Tlatelolco and the Treaty of Rarotonga are different in some cases. Moreover, it is unclear whether statements made at the time of signature, but not repeated at the time of ratification, are still valid. This could possibly cause uncertainties.

The general thrust of efforts to improve the existing arrangements has, therefore, been to reduce the conditions for assurances or eliminate the conditions; reach a uniformity of scope of the commitments; and put the negative security assurances into a more binding form.

1.4 Action by the UN General Assembly

Since 1978, the question of security assurances has continuously figured on the agenda of the UN General Assembly. Until 1990, the Assembly adopted at each session two resolutions on the subject. One resolution was introduced by the Soviet Union and, after 1979, by Bulgaria³¹ on behalf of the Socialist States, the other by Pakistan³². In the early 1980s, the resolution submitted by the Socialist countries proposed the conclusion of a legally binding international convention on negative security assurances. Since 1986, the emphasis was put on "effective international arrangements". The resolution introduced by Pakistan stressed the need for an agreement on a common formula to be included in an international legal instrument. It has remained virtually unchanged over the years.

³¹ E.g. UN General Assembly Resolutions 40/85, 41/51, 42/31, 43/68, 44/110.

³² E.g. UN General Assembly Resolutions 40/86, 41/52, 42/32, 43/69, 44/111.

In 1989, the resolution introduced by Bulgaria³³ was, for the first time, adopted without a negative vote, but with 21 abstentions³⁴. The adoption without negative votes was possible because the co-sponsors removed a phrase which, in previous years, had considered that "*non-nuclear-weapon States having no nuclear weapons on their territory have every right to receive reliable, uniform and unconditional international legal assurances against the use or threat of use of nuclear weapons*"³⁵. Western countries have opposed the "non-stationing" condition (see below). In the same year, the draft resolution submitted by Pakistan, which for the past few years had been adopted with no negative votes and very few abstentions, was adopted with a 151 votes to none, and 3 abstentions³⁶.

In 1990, the General Assembly adopted, for the first time, only one resolution on negative security assurances (see Appendix IV). The resolution was adopted 145 to none, with 3 abstentions (France, the United Kingdom and the United States).³⁷ It noted that there was no objection, in principle, to the idea of an international convention to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, although the difficulties as regards evolving a common approach acceptable to all were pointed out. It appealed particularly to the nuclear-weapon powers to deploy the necessary political will and flexibility to reach agreement on a common approach, and in particular a common formula that could be included in an instrument of a legally binding character. The resolution recommended that the Conference on Disarmament pursue its efforts, "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."

1.5 Work in the Conference on Disarmament

Until 1979, the question of negative security assurances was discussed in the "Eighteen-Nation Committee on Disarmament (ENDC)" and the "Conference of the Committee on Disarmament" (CCD; its successor) as part of the larger question of the implementation of the NPT. The Conference on Disarmament, the successor of the CCD, has each year since 1979, with the exception of 1986, established a subsidiary body to deal with the question of negative security assurances (agenda item 6 of the Conference). The mandate for the subsidiary body, which was first called "Ad Hoc Working Group", and since 1984 "Ad Hoc Committee"³⁸, has remained the same since 1979. The Committee's task is "*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*"³⁹.

The debate on negative security assurances in the Conference on Disarmament has focused on two main topics: the scope or content of negative security assurances; and the form

³³ A/44/110.

³⁴ Those abstaining were: Argentina, Belgium, Brazil, Chile, Denmark, France, Federal Republic of Germany, Greece, Iceland, Israel, Italy, Japan, Luxembourg, Netherlands, Norway, Portugal, Spain, Turkey, United Kingdom, United States, Uruguay.

³⁵ A/43/68.

³⁶ Brazil, India, United States.

³⁷ A/45/54.

³⁸ CD/446.

³⁹ E.g. CD/11 (17.3.1980), CD/964 (6.2.1990).

in which the assurances should be given. As the following analysis will show, the two questions are interrelated, but may for the purpose of an analysis be treated separately.

1.5.1 Scope of the Arrangements

Whereas the common objective of the delegations participating in the Ad Hoc Committee has been to effectively assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, there has been strong disagreement with regard to the scope of the arrangements to be arrived at. The following sections will explain the proposals that have been under consideration. It will be evident that some of these proposals are not mutually exclusive and have in fact been combined in the existing assurances described above.

A general ban on the use of nuclear weapons

Proposals for a general ban on the use or threat of use of nuclear weapons have been made by member States of the Group of 21 (neutral and non-aligned members of the CD)⁴⁰, members of the Group of Socialist States (now the Group of Eastern European and other States)⁴¹, and China⁴². In connection to this, the conclusion of an international convention prohibiting the use of nuclear weapons has been proposed, for example by Ethiopia and eleven other African and Asian countries in 1961⁴³, the Soviet Union in 1967⁴⁴ and by India and other non-aligned countries from 1978 until today.⁴⁵ Such a ban would be broader in scope than negative security assurances to non-nuclear-weapon States since it would apply with regard to nuclear and non-nuclear countries.

The three Western nuclear-weapon States and other countries of the Western group have opposed these proposals. They have taken the position that the prohibition of the use of nuclear weapons must be considered in the context of the prevention of war in general. They have regarded nuclear weapons as an essential element of their security and have stated that they

⁴⁰ E.g. CD/280, CD/407.

⁴¹ In 1967, the UN General Assembly, upon request by the Soviet Union, placed on its agenda the question of the conclusion of a convention on banning the use of nuclear weapons. A draft convention was submitted by the Soviet Union at the same time. The Soviet initiative resulted in the adoption of a resolution by which the General Assembly stated that it was essential to continue the examination of the question of the prohibition of the use of nuclear weapons and the conclusion of an appropriate international convention. The resolution was adopted by 77 votes to none and 29 abstentions (mainly Western States). See also the statement in the Ad Hoc Committee on 31 March 1988.

⁴² E.g. CD/207, CD/278.

⁴³ Ceylon, Ghana, Guinea, Indonesia, Liberia, Libya, Nigeria, Somalia, Sudan, Togo, and Tunisia (Official Records of the General Assembly, Sixteenth Session, Annexes, agenda items 73 and 72, document A/4942/Add.3); UN General Assembly Resolution 1653 (XVI). The views of 62 Governments on the subject of convening a special conference for signing the proposed convention on the prohibition of the use of nuclear weapons were subsequently submitted to the UN Secretary General (Official Records of the Disarmament Commission, supplement for January 1961 to December 1962, documents DC/201 and Add. 1-3, DC/204 and Add.1, and DC/205).

⁴⁴ UN General Assembly Resolution 2289 (XXII); Official Records of the General Assembly, Twenty-second Session, Annexes, agenda item 96, document A/6834.

⁴⁵ E.g. UN General Assembly Resolutions 34/83 G, 35/152 D, 36/92 I..40/151 F, 41/60 F, 42/39 C, 43/76 E, 44/117 C, 45/59 B. A draft convention on the prohibition of the use of nuclear weapons was annexed to these resolutions. Most Western States have usually voted against these resolutions whereas the Socialist States often have voted in favour (until 1989). As to the latest resolution, 45/59 B, the following countries voted against: Australia, Belgium, Canada, Denmark, France, Germany, Iceland, Italy, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Spain, Turkey, United Kingdom and United States. Bulgaria, Czechoslovakia, Greece, Hungary, Ireland, Israel, Japan, Liechtenstein, Poland, and Romania abstained. It may be noted that the abstaining Eastern European countries had, in 1989, voted in favour of the resolution.

would not use their weapons, including nuclear ones, if they were not attacked.⁴⁶ They have contended that States have the right to use the means they deem most appropriate in accordance with the UN Charter, in particular Article 2, para 4, and Article 51 of the Charter, and in conformity with other international law.⁴⁷ However, the United States and some other States have mentioned that dependence on dangerous weapons must be reduced and a more stable balance should be found at a lower level of armaments.^{48 49}

States advocating a general ban on the use of nuclear weapons have held the view that the only effective way of assuring non-nuclear-weapon States against the use or threat of use of nuclear weapons was complete nuclear disarmament. Pending this, the use of nuclear weapons should be prohibited. They have argued that nuclear-weapon States are, in any event, under the obligation to provide clear and categorical assurances that nuclear weapons will not be used against non-nuclear-weapon States or that their use will not be threatened against those States.⁵⁰ They have held that under Article 2, para 4, of the UN Charter, which calls on the member States to refrain in their international relations from the threat or use of force⁵¹, nuclear-weapon States have a special responsibility. Article 51 of the UN Charter, which sets forth the legitimate right of individual or collective self-defence if an armed attack occurs⁵², could not be invoked to justify the use of nuclear weapons. The US-Soviet Summit statement of November 1985 (see Chapter 2.1), that "a nuclear war cannot be won and must never be fought" was often cited in this context. It was opined that existing international law precluded the use of nuclear weapons. (See Appendix XVII) Several UN General Assembly Resolutions, adopted by majority vote against the votes of most Western countries, were recalled. These resolutions have declared the use of nuclear weapons as a violation of the UN Charter and a crime against humanity.⁵³

Following initiatives at the First Special Session of the UN General Assembly devoted to disarmament, the question of a general prohibition of the use of nuclear weapons has been discussed under a separate agenda item of the Conference on Disarmament entitled "Prevention of nuclear war; including all related matters". The issue will therefore not be pursued here. (See Chapter II)

⁴⁶ E.g. CD/540, p.170.

⁴⁷ E.g. CD/421, p.49.

⁴⁸ United Nations, *the United Nations and Disarmament, 1945 - 1985*, New York 1985: United Nations, p.40.

⁴⁹ A question which has received little attention in the Ad Hoc Committee is whether the "use" or also the "threat of use" should be banned. In practice, it may be extremely difficult to define a threat. One may indeed argue that the already existing nuclear weapons, or even ambiguity about whether a particular country has such weapons (e.g. India, Israel) may, in particular circumstances, be regarded by some countries as a threat. There have been a few threats in the past, but they have not been explicit.

⁵⁰ E.g. CD/787, p.179.

⁵¹ Article 2, para 4, reads as follows: "All Members shall refrain in their international 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."

⁵² Article 51 reads as follows: "Nothing in the present Charter shall impair the inherent right 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. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security."

⁵³ E.g. 1653 (XVI) of 24 November 1961, 2936 (XXVII) of 29 November 1972, 33/71 B of 14 December 1979, 34/83 G of 11 December 1979, 35/152 D of 12 December 1980, 36/921 of 9 December 1981....44/117 C of 15 December 1989, 45/59 of December 1990.

A prohibition of the first-use of nuclear weapons

An issue which has, since 1983, been increasingly considered in the Ad Hoc Committee is the implication of a general no-first-use obligation on the part of the nuclear powers for the security of non-nuclear-weapon States.⁵⁴ During the discussions in the Ad Hoc Committee, it has been contended that such an obligation would assure the non-use of nuclear arms against non-nuclear-weapon States because the latter, by virtue of their non-nuclear status, could not provoke retaliation. However, in cases where a nuclear weapon is fired from the territory of a non-nuclear-weapon country, a no-first-use policy by the nuclear powers might not protect the non-nuclear country concerned from retaliation with nuclear weapons. Proposals to conclude an agreement banning the first-use of nuclear weapons were made mainly by members of the Group of Socialist States⁵⁵ and China⁵⁶. China issued a unilateral declaration to this end already in 1964, the USSR in 1982 (see 1.2). Most States belonging to the North Atlantic Alliance (NATO) have rejected proposals for a no-first-use obligation since such a commitment would not be compatible with the nuclear strategy of NATO which provides for the first-use of nuclear weapons under certain circumstances ("flexible response", see Appendix III). They have argued that the validity of a no-first-use commitment *erga omnes* may at any moment be called into question by the actions of another nuclear-weapon State.⁵⁷

Negative security assurances without any condition

Many members of the Group of 21⁵⁸, notably Pakistan⁵⁹, have demanded that unconditional assurances be given to non-nuclear-weapon States. These assurances should be unlimited in scope, application and duration. Those members of the Group of 21 which are parties to the NPT or one of the two nuclear-weapon-free zones have argued that, having voluntarily foresworn the nuclear weapons option, they would expect that the nuclear-weapon States renounce these weapons as well. Unconditional negative security assurances were regarded as necessary for achieving a universal non-proliferation regime.⁶⁰ The majority of Western countries, which have not supported unconditional assurances, have held that an unconditional no-use obligation would also apply with regard to countries which have not renounced the possession of nuclear weapons.⁶¹ They noted that negative security assurances should be designed so as to stimulate adherence to the NPT. On the other hand, States which were not parties to the NPT said that the existing conditional assurances were working in the opposite direction.

⁵⁴ CD/421 (Report by the Working Group), p.47.

⁵⁵ E.g. UN General Assembly Resolutions 40/152 A, 41/86 B, 42/42 A, 43/78 B, 44/119 B. In 1981, the Soviet Union submitted to the UN General Assembly a draft "Declaration on the prevention of nuclear catastrophe", which strongly condemned the first-use of nuclear weapons and doctrines which envisage a first-use. The draft was adopted by a vote of 82 to 19 with 41 abstentions.

⁵⁶ E.g. CD/PV.53, p.25.

⁵⁷ CD/540, p.172.

⁵⁸ E.g. Political Declaration of the Eighth Conference of Heads of State or Government of Non-Aligned Countries (1986); Declaration of the Ninth Conference of Heads of State or Government of the Movement of Non-Aligned Countries (1989); Final Communiqué of the Nineteenth Islamic Conference of Foreign Ministers (1990); CD/280; CD/407.

⁵⁹ CD/120, CD/161.

⁶⁰ E.g. CD/787, p.180.

⁶¹ E.g. CD/1039, p.328.

The "non-possession" condition

All five nuclear-weapon States have made their negative security assurances conditional on the non-possession of nuclear weapons (see 1.2). The United Kingdom and the United States have demanded that the non-nuclear status of a country must be verifiable.⁶² They have taken the position that negative security assurances should be given to non-nuclear-weapon States parties to the NPT or any other comparable internationally binding commitment not to acquire nuclear explosive devices (e.g. the Treaty of Tlatelolco or Rarotonga).⁶³ ⁶⁴ China has referred to "non-nuclear countries" and to nuclear-weapon-free zones. France gave its assurances to "a State that does not have them and that has pledged not to seek them" (nuclear arms), and the Soviet Union has referred to "those States which renounce the production and acquisition of such weapons". In the case of China and France, the lack of a specification of what the non-nuclear status means may partly be explained by the fact that both countries are not parties to the NPT. France has, on 3 June 1991, announced that it will join the NPT.⁶⁵ China has done the same on 11 August 1991.⁶⁶ The implications of these steps for the respective negative security assurances remain to be seen.

As noted in the introduction, efforts have been made to find an agreement on negative or positive security assurances within the framework of the NPT, i.e. outside the context of the Conference on Disarmament. At the First Review of the NPT in 1975, a group of non-aligned States and Romania submitted a proposal for an additional protocol to the NPT. Under this protocol the depositary governments of the NPT were to undertake never and under no circumstances to use or threaten to use nuclear weapons against non-nuclear-weapon States parties to the NPT whose territories were completely free of nuclear weapons; and to refrain from the first-use of nuclear weapons against any other non-nuclear-weapon State party to the NPT.⁶⁷ A draft agreement on security assurances to non-nuclear-weapon States parties to the NPT was submitted by Nigeria in 1990 for consideration at the Fourth NPT Review Conference (see Appendix IX and X).⁶⁸ The Nigerian proposal received some attention at the Review Conference but was not considered in detail in the Conference on Disarmament.⁶⁹ (The contents of the proposal will be discussed below in the section on "nuclear security arrangements"). One of the reasons for this lack of attention in the CD was that the proposal was situated in the NPT context. It was therefore difficult to treat in the CD, in which a number of important non-parties to the NPT such as Argentina, Brazil, China, France, India or

⁶² CD/177, p.2 (UK).

⁶³ As of 1 January 1990, there were 141 States parties to the NPT. 82 non-nuclear-weapon States among them had concluded a safeguards agreement with the IAEA. (SIPRI Yearbook 1990, p.638)

⁶⁴ It may be noted that the Treaty of Tlatelolco does not prohibit nuclear devices for peaceful purposes. However, the United Kingdom, the United States and the USSR regard it as prohibiting all nuclear explosive devices. The Treaty of Rarotonga prohibits any nuclear explosive devices. Parties to both treaties have accepted international safeguards by the IAEA. The United States, in signing Protocol II of the Treaty of Tlatelolco, stated that it understands that the technology of making nuclear explosive devices for peaceful purposes is indistinguishable from the technology of making nuclear weapons. Therefore, it considers that Article 5 of the Treaty which defines nuclear weapons, and the according prohibitions, encompass all nuclear explosive devices. A similar view was expressed by the Soviet Union. The United Kingdom stated that the Treaty would "not permit the Contracting Parties...to carry out explosions of nuclear devices for peaceful purposes unless and until advances in technology have made possible the development of devices for such explosions which are not capable of being used for weapon purposes." (United Nations, Status of Multilateral Arms Regulation and Disarmament Agreements. Third Edition: 1987, New York 1988: United Nations, p.65-70.)

⁶⁵ CD/1079.

⁶⁶ Neue Zürcher Zeitung, 12 August 1991, p.3.

⁶⁷ NPT/CONF.II/22 (Bolivia, Ecuador, Ghana, Honduras, Jamaica, Lebanon, Liberia, Mexico, Morocco, Nepal, Nicaragua, Nigeria, Peru, Philippines, Romania, Sudan, Syria, Yugoslavia, Zaire).

⁶⁸ CD/967.

⁶⁹ The 1990 Report by the Ad Hoc Committee does not even contain a reference to a discussion of the Proposal. The proposal was simply listed without comment.

Pakistan are participating. Generally speaking, proposals for arrangements based on the non-possession criterion in terms of participation in the NPT or a nuclear-weapon-free zone seemed to enjoy wide support in the Ad Hoc Committee, but were rejected in particular by some States not parties to the NPT. At the Fourth NPT Review Conference, Egypt proposed to adopt a new Security Council Resolution to build up and enhance the existing positive security assurances under Resolution 255. It proposed that the new resolution define assistance in a more comprehensive manner so as to include technical, financial and humanitarian assistance; and to impose sanctions against any State which attacks a non-nuclear-weapon country party to the NPT with nuclear weapons. As different from Resolution 255, the commitment would be collective and not only tripartite.⁷⁰ Egypt submitted another working paper to the Fourth Review Conference in which it outlined a number of proposals on how to bolster Security Council Resolution 255⁷¹. It proposed that the Review Conference call upon the Security Council to pass a new Resolution containing the proposed elements.

The "non-stationing" condition

Members of the Group of Eastern European and other States (formerly named the Group of Socialist States) and, on some occasions, members of the Group of 21⁷² have, in addition to the non-possession criterion, proposed security assurances to non-nuclear-weapon States which have no nuclear weapons stationed on their territory or under their jurisdiction or control. In particular members of the Group of Socialist States linked the non-stationing criterion to the criterion of non-possession of nuclear weapons. Both the non-possession and the non-stationing criteria are used in the unilateral assurances given by the Soviet Union. Consequently, the Soviet Union and its allies proposed, in 1978, to conclude an international treaty containing the following provisions: the nuclear powers commit themselves not to use or threaten to use nuclear weapons against non-nuclear-weapon States which have renounced the production and acquisition of nuclear weapons and do not have such weapons on their territory or anywhere under their jurisdiction or control, on land, on the sea, in the air or in outer space. This obligation would extend to armed forces and installations of non-nuclear-weapon States wherever they may be. Any party could secede from the agreement if its higher interests were jeopardized.⁷³

The reasoning behind the non-stationing criterion is that States which have nuclear weapons stationed on their territory, and are, therefore, the potential source of a nuclear attack, cannot be immune to a response in-kind. States advocating the non-stationing criterion have, thus, held that such countries could only receive a no-first-use guarantee (see above).

It was noted that agreements on nuclear-weapon-free zones or the non-stationing of nuclear weapons on the territory of States where there are, at present, no such weapons would facilitate an agreement on wider ranging negative security assurances. Proposals for a nuclear-weapon-free zone in Central Europe were repeatedly made by the Soviet Union and its allies,

⁷⁰ NPT/CONF.IV/MC.I/WP.3/Rev.1.

⁷¹ NPT/CONF.IV/31.

⁷² The non-stationing criterion has, for example, been supported by Egypt in a proposal submitted to the Fourth NPT Review Conference. (NPT/CONF.IV/31, 24 August 1990) It was also used in a proposal submitted by a group of non-aligned States and Romania to the First NPT Review Conference (see above).

⁷³ CD/23 (Bulgaria, Czechoslovakia, German Democratic Republic, Hungary, Mongolia, Poland, USSR), pp.3-4, see also UN General Assembly Resolution 33/72 A.

for example Poland (Rapacki Plan), since 1957. They were rejected by member States of NATO with a view to the military balance in Europe, especially the perceived superiority of the Warsaw Treaty Organization in terms of conventional armaments. Nuclear-weapon-free zones have also been proposed for Africa, the Balkans, the Middle East, the Mediterranean, Northern Europe, and South Asia.⁷⁴ The position that the members of nuclear-weapon-free zones should receive unconditional negative security assurances was supported by the large majority of delegations in the CD, including China and the USSR⁷⁵. It may be noted that the parties to a nuclear-weapon-free zone would fulfil both the non-possession and non-stationing criteria. The three Western nuclear powers and, to some extent, also the Soviet Union (see the Soviet statement in connection with the Treaty of Tlatelolco) have made their assurances in this regard dependent on the "non-attack" criterion (see below).

The main criticism of the non-stationing criterion has come from Western countries. They argued that the mentioned proposals and the unilateral Soviet commitment did not include a clear definition of the non-nuclear status required for the assurances. Nuclear explosive devices other than nuclear weapons were not covered. The non-stationing of nuclear weapons would not be verifiable. States which are parties to the NPT but have nuclear weapons on their territory (for example the Federal Republic of Germany) would not be eligible for the assurances.⁷⁶ And, it was pointed out that the withdrawal clause in the proposal submitted by a group of Socialist countries, left some uncertainties as to how strong the commitments would in fact be. However, one of the main reasons for the opposition of Western countries was that the non-stationing criterion would in certain cases be incompatible with NATO's strategy of "flexible response". This strategy included the option of a nuclear response to a massive conventional attack by the Warsaw Pact countries, which could include a nuclear attack on States that did not have nuclear arms on their territory.

Additional problems with the non-stationing criterion that were mentioned in the discussion include: (a) Would countries allowing the transit of nuclear weapons through their territory or territorial waters be eligible for the security assurances? Such a condition may be difficult to implement in terms of verification, especially with regard to the "no confirmation and no denial" policy of some nuclear-weapon States concerning the possible presence of nuclear weapons on their ships.⁷⁷ (b) Would States having only support facilities for nuclear warfare on their territory be entitled to receive negative security assurances or would the non-stationing condition strictly apply to the non-presence of nuclear weapons (nuclear warheads, nuclear bombs...) or nuclear explosive devices?

Until 1988, a draft resolution traditionally introduced in the General Assembly by Bulgaria, considered that "non-nuclear-weapon States having no nuclear weapons on their territory have every right to receive reliable, uniform and unconditional international legal

⁷⁴ E.g. United Nations, *The United Nations and Disarmament: 1945 - 1985*, New York 1985: United Nations, pp.98-99.

⁷⁵ China, in its unilateral declaration, has explicitly referred to nuclear-weapon-free zones. The non-possession and non-stationing criteria contained in the unilateral declaration by the Soviet Union, imply such a commitment.

⁷⁶ E.g. CD/177 (United Kingdom).

⁷⁷ It will be noted that the Treaty of Tlatelolco does not explicitly prohibit the transit of nuclear weapons. The Soviet Union, however, has advocated a ban on transit, including the entry into port in a nuclear-weapon-free zone of ships carrying nuclear weapons. Western States have argued that each party to a nuclear-weapon-free zone should retain the right to grant or deny transit rights. The Treaty of Rarotonga (Article 5) holds that "Each Party in the exercise of its sovereign rights remains free to decide for itself whether to allow visits by foreign ships and aircraft to its ports and airfields, transit of its airspace by foreign aircraft, and navigation by foreign ships in its territorial sea or archipelagic waters in a manner not covered by the rights of innocent passage, archipelagic sea lane passage or transit passage or straits."

assurances against the use or threat of use of nuclear weapons"⁷⁸. This phrase was dropped in 1989 and led to the adoption of the Resolution without negative votes. It has remained unclear whether this omission, which was supported by the Soviet Union, indicates a change of the Soviet position as regards the non-stationing condition.

The "non-attack" condition

France, the United Kingdom and the United States have included this condition in their unilateral declarations and their interpretative statements connected to Protocol II of the Treaty of Tlatelolco.⁷⁹ The Soviet Union has reserved a similar right under Protocol II of the Treaty of Tlatelolco (see above). The wordings of this condition have raised questions as to what would be considered as an "attack" or an "aggression" "in association or alliance with a nuclear-weapon State". It was criticized that these terms may allow for a very broad interpretation. The United Kingdom responded that it would in practice be obvious if an attack were in progress and whether the non-nuclear-weapon State concerned was acting in association or alliance with a nuclear power. It stated, however, that in the final analysis it would be up to the nuclear power concerned to make the judgement taking account of its own security interests.⁸⁰

The criterion of "nuclear security arrangements"

In 1978, Pakistan⁸¹ proposed that security assurances be extended to all non-nuclear-weapon States which are not parties to the nuclear security arrangements of a nuclear power; that is, States that are not covered by the "nuclear umbrella" of a nuclear-weapon State. The proposal stated that "this undertaking is without prejudice to the obligations of States Parties to this Convention arising from treaties establishing nuclear-weapon-free zones." The latter phrase may imply that the reservations expressed by parties with regard to the Tlatelolco and Rarotonga Treaty would subsist under the proposed Convention on security assurances. In any event, the phrase pointed to the question of how obligations to be expressed in the proposed new global arrangement would relate to the existing arrangements in a regional framework. The draft treaty, submitted by Pakistan, went on to say that nuclear-weapon States parties undertake to "avoid the possibility of the use or threat of use of nuclear weapons in any contingency and to achieve nuclear disarmament..." It was also suggested to combine several criteria and distinguish non-nuclear States belonging to an alliance with a nuclear power and having, or not having, nuclear weapons on their territory, from States not belonging to an alliance but having nuclear security arrangements with a nuclear power.⁸²

These proposals may be regarded as an effort to break the deadlock in the debate which was largely the result of the East-West conflict and the military situation in Europe. Members of NATO and the now dissolved Warsaw Treaty Organization were clearly parties to nuclear

⁷⁸ A/43/68.

⁷⁹ For a criticism of this condition see CD/SA/WP.8 (Bulgaria).

⁸⁰ CD/177, p.3.

⁸¹ CD/10, pp.1-2, CD/SA/WP.3, UN General Assembly Resolution 33/72 B.

⁸² CD/421 (Report of the Ad Hoc Committee), p.48. This proposal seems to have been made by Brazil. See also the proposal by Nigeria discussed below.

security arrangements and would therefore not be covered by the proposed assurances.⁸³ Countries making the proposals believed that it may be easier, especially for the four nuclear powers located or involved in Europe, to provide unconditional guarantees to countries outside the two alliances.

Criticism, mainly by Western countries, centered on the following points. The proposed arrangements did not require a demonstration by countries of their non-nuclear status (e.g. safeguards under the NPT or under a nuclear-weapon-free zone agreement) and were to extend the assurances to countries which had not committed themselves not to acquire nuclear arms. The proposals would have, in some cases, reduced the scope of existing assurances (for example in the case of the Federal Republic of Germany). According to the assurances given by the United Kingdom, for example, a non-nuclear-weapon State having a nuclear security arrangement with a nuclear power would be covered by the British assurances as long as it did not participate, together with a nuclear power, in an attack on the United Kingdom. (The same holds for the two other Western nuclear powers). Finally, it may not be easy to determine which States are parties to a specific nuclear security arrangement.⁸⁴ A number of such arrangements may be secret or, for some countries, it may even be unclear whether they are covered by the nuclear umbrella of a friendly nuclear power. And yet, it is precisely in such ambiguous cases, where security assurances might be of greatest relevance.⁸⁵

A draft convention, submitted by Nigeria⁸⁶ in 1990 (see Appendix X), builds to a large extent on the criterion of military alliances or other security arrangements. The draft prohibits the use or threat of use of nuclear weapons against any non-nuclear-weapon State party to the NPT which does not belong to a military alliance and does not have other security arrangements providing for mutual defence with a nuclear-weapon State. The scope of the proposed assurances is thus wider than the criterion of nuclear security arrangements. According to the proposal, the use or threat of use of nuclear weapons would also be prohibited with regard to any non-nuclear-weapon State party to the NPT which belongs to a military alliance or has other security arrangements providing for mutual defence with a nuclear-weapon State, but has no nuclear weapons stationed on its territory. The latter category of non-nuclear-weapon States would, in turn, be obliged not to partake in, or contribute to, any military attack on any nuclear-weapon State party to the agreement, or its allies, parties to the NPT, except in self-defence, in accordance with the UN Charter. As mentioned above, there was no detailed discussion on the Nigerian proposal during the 1990 session of the CD and some delegates regarded the proposal as a non-starter.

1.5.2 Form of the Arrangements

Several proposals have been made as to the form of the envisaged security assurances. These proposals have usually reflected the positions taken on the question of the scope of the arrangements.

⁸³ CD/540, p.174.

⁸⁴ E.g. CD/117 (United Kingdom).

⁸⁵ See Goldblat, Jozef, Sverre Lodgaard, *Non-Use of Nuclear Weapons. Security Assurances for Non-Nuclear Weapon States*, in: *Bulletin of Peace Proposals*, No.2, 1980.

⁸⁶ CD/967.

*An international convention based on a "common formula"*⁸⁷

As noted in the many UN General Assembly Resolutions, and in the yearly reports of the Conference on Disarmament, the majority of countries favours the conclusion of an international convention containing a common formula of security assurances. In principle, no member State of the CD has expressed a clear objection to the idea of such a convention.

The Group of 21⁸⁸, the Group of Eastern European and other States, and China have been the main advocates of such a solution. Some of these countries have argued that, although the presently existing assurances were legally binding, their content could easily be changed or revoked. The assurances should therefore be given in a more binding form. The common formula to be used therefore would ensure that the requirements for receiving the assurances would be equal for all non-nuclear-weapon States. This approach would make it easier for non-nuclear-weapon States to qualify for the assurances of all five nuclear powers simultaneously.⁸⁹

Western countries, while not objecting to the idea of a convention based on a common formula, have remained very sceptical as to the feasibility of such a solution.⁹⁰ They have noted that the difficulties were rooted in the different nuclear doctrines and security perceptions of the nuclear powers and their allies.⁹¹ They have not, however, accepted the premise that without a common formula for negative security assurances nothing has been achieved and have recalled the unilateral assurances that had been given. They have considered these assurances to be "firm, credible and reliable commitments".⁹² They have contended that despite the different wordings of existing assurances and the qualifications included, most non-nuclear-weapon States were in fact covered. They have also stated that a single common formula would give negative security assurances also to countries who have refused to accept a binding form for their non-proliferation undertakings.

One of the questions which arose in this context was whether a convention should be negotiated and concluded among the nuclear powers, or among nuclear and non-nuclear-weapon States. The argument for the latter approach was that an involvement of non-nuclear-weapon States was necessary to specify clearly the rights and obligations of both categories of countries. In accordance with customary international law, rights and obligations provided for in a treaty can only be applicable to the parties to a treaty. Moreover, participation of non-nuclear weapon States may be necessary because there are several nuclear threshold countries which may already now, or in the time to come, be in a position to use nuclear weapons, but are not declared nuclear powers.⁹³ The obligations of the non-nuclear-weapon States under a treaty on negative security assurances could be to observe their non-nuclear status, or comply with other conditions for the provision of negative security assurances.⁹⁴

⁸⁷ During the debate in the Conference on Disarmament and the UN General Assembly, the terms "common approach" and "common formula" have been used. "Common approach" describes every form of assurance which is given as a common effort of the States involved, notably the nuclear powers. "Common formula" refers to identical assurances given by all five nuclear powers. (All possible common formulas are thus a subcategory of a common approach.) However, no authoritative definition of the terms exists.

⁸⁸ E.g. CD/280, CD/407.

⁸⁹ E.g. CD/SA/WP.4 (Bulgaria).

⁹⁰ CD/1039, pp.324-329.

⁹¹ E.g. CD/125.

⁹² CD/1039, pp.328.

⁹³ This point was made by Egypt during the Fourth Review of the NPT in 1990 (NPT/CONF.IV/31, p.2).

⁹⁴ E.g. CD/SA/WP.4 (Bulgaria).

A common formula with reservations

Some countries have proposed to conclude an international convention or adopt a UN Security Council Resolution (see below) based on a common formula, but to allow reservations reflecting the unilateral declarations by the nuclear powers. Such an approach may not necessitate a revision of the nuclear doctrines of some nuclear powers and would thus be relatively easy to achieve. The Treaty of Tlatelolco may be regarded as a model for such an approach.⁹⁵ In ratifying Protocol II of the Treaty, which contains an unconditional non-use commitment with regard to the nuclear-free-zone, the five nuclear-weapon States have made interpretative statements. These statements can, in some cases, be regarded as reservations (see above).⁹⁶

On 5 August 1988, Nigeria submitted a proposal for a convention under which the nuclear-weapon powers would undertake not to use or threaten to use nuclear weapons against non-nuclear-weapon States parties to the convention. The nuclear-weapon powers would be allowed to express reservations when ratifying or acceding to the convention. The reservations that the five nuclear-weapon States could be expected to express were attached to the proposal.⁹⁷ Nigeria subsequently withdrew its proposal, most likely because it proved unacceptable to many. During the discussion on the proposal, it was pointed out, especially by members of the Group of 21, that such a convention might to some extent improve upon the existing situation because the existing commitments would become more binding. Nonetheless, many members of the Group concluded that such an arrangement would not produce credible guarantees and would not meet the security concerns of non-nuclear-weapon States. Some Western countries, including the Western nuclear-weapon States, welcomed the proposal and stated that it required further discussion. Socialist States argued that the nuclear-weapon States could use the occasion of ratification of such an agreement to improve the substance of their existing commitments.⁹⁸

Common formulas for different categories of non-nuclear-weapon States

Since 1983, several proposals have been made to divide non-nuclear-weapon States into categories.⁹⁹ Instead of one single formula for all non-nuclear-weapon States, which has evidently been impossible to realize, a common formula for each category of non-nuclear-weapon State was thus to be elaborated. Several categories of non-nuclear-weapon States have been mentioned in this regard. They have been based on the criteria discussed in section 1.5.1.

⁹⁵ Such a possibility was mentioned by Pakistan already in 1981 (CD/161, p.2).

⁹⁶ It will be noted that Protocol II of the Treaty of Rarotonga contains a withdrawal clause that would allow each party to denounce the Protocol upon notification if in its opinion there have arisen or may arise circumstances connected with the content of the Treaty or of the annexed Protocols which affect its supreme interests or the peace and security of one or more contracting parties (Article 30). It may be argued that this clause would provide the nuclear powers with an "exit" option. This may render reservations of the kind expressed by the nuclear powers unnecessary. This issue has not been discussed in detail in the Ad Hoc Committee. The same applies to Protocol 2 of the Treaty of Rarotonga. This Protocol contains a withdrawal clause which would allow each party, in exercising its national sovereignty, to withdraw from the Protocol if its decided that extraordinary events, related to the subject matter of the Protocol, have jeopardized its supreme interests. Three months advance notice must be given to the Depository of the Protocol.

⁹⁷ Informal text, submitted by Nigeria. See also NPT/CONF.IV/11, p.10.

⁹⁸ E.g. NPT/CONF.IV/11, p.10.

⁹⁹ CD/417. Such a proposal was made by Brazil in 1983.

In 1987, Nigeria submitted a proposal for an agreement providing for mutual obligations among nuclear and non-nuclear-weapon States. The proposal was based on the categorizational approach and took stock of the criteria and conditions for security assurances put forward so far. It included the following provisions.¹⁰⁰ (Appendix IX):

(a) 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 power. The non-nuclear-weapon States referred to would undertake not to produce or acquire nuclear weapons;

(b) The non-use obligation would also apply with regard to any alliance partner of a nuclear-weapon State that does not have nuclear weapons stationed on its territory. The non-nuclear-weapon States referred to would, in turn, be obliged not to manufacture or acquire nuclear weapons or contribute to any military attack on any party to the agreement, except in self-defence and in accordance with the UN Charter;

(c) The nuclear powers would undertake not to use or threaten to use nuclear weapons against non-nuclear alliance partners of a nuclear-weapon State even if they had nuclear weapons stationed on their territory. The relevant non-nuclear-weapon States must in turn undertake not to manufacture or acquire nuclear weapons and provide assurances, in forms that are satisfactory to the nuclear-weapon States, that the weapons stationed on their territory will not be used against any State, except in self-defence and in accordance with the UN Charter;

(d) Nuclear-weapon States would start, without delay, negotiations on agreements for the withdrawal of their nuclear weapons from the territory of other States, prohibit the use of nuclear weapons, and reduce and eliminate existing stocks.

The proposal to categorize non-nuclear-weapon States and find a common formula for each category was welcomed by members of the Group of Socialist States. They said that agreement on such an approach would represent a step forward towards a single common formula. Both Western and Socialist countries welcomed the fact that the proposed obligations of nuclear and non-nuclear-weapon States were based on the principle of reciprocity and took into account the concerns of the nuclear-weapon States. They noted that the proposal could be applied on a step-by-step basis. The category which would be the easiest to deal with was said to be those non-nuclear-weapon States which do not belong to a military alliance with a nuclear power. Nevertheless, several Western States, including the United States, the United Kingdom and France, argued that categorizing the non-nuclear-weapon States would limit the scope of already existing unilateral assurances. Several members of the Group of 21 criticized the proposal as undermining the perceived consensus on a single common formula. They regarded the proposal as unacceptable because it was based on conditions imposed on non-nuclear-weapon States, something that was rejected particularly by Argentina and Pakistan.¹⁰¹ Some members of the group, especially parties to the NPT or the two nuclear-weapon-free zones, said that States which had unconditionally renounced the possession of nuclear weapons were entitled to receive unconditional security guarantees.¹⁰²

¹⁰⁰ CD/768.

¹⁰¹ NPT/CONF.IV/11, p.10.

¹⁰² Eg. CD/875, p.238.

A common formula embodied in a UN Security Council or General Assembly Resolution

It was suggested that identical negative security assurances by all nuclear powers ("common formula") could be expressed in a UN Security Council or General Assembly Resolution. The Netherlands proposed a common formula for a Security Council Resolution. The wording of the proposed formula resembled the unilateral declarations by the United States and the United Kingdom.¹⁰³ It was also suggested that a common formula, to be expressed in this form, could be accompanied by interpretative statements or reservations by the nuclear powers (see above).¹⁰⁴ The problems of arriving at a common formula in such a form would, however, be the same as for the proposed convention.

A UN General Assembly or Security Council Resolution in which the unilateral declarations by the five nuclear-weapon States are noted and/or cited

Such an approach has been advocated mainly by members of the Western group since they have preferred not to touch upon the existing assurances. Proposals to this effect were made by the United States in 1978 and 1979¹⁰⁵ and the Netherlands in 1981 and 1987¹⁰⁶. It was also suggested that the nuclear powers deposit their unilateral declarations with the UN Secretary-General, and/or transpose the relevant provisions into special national laws to make them more binding.¹⁰⁷

Most members of the Group of 21 and the Group of Socialist States felt that such a step would be of marginal use since it would not remedy the deficiencies of existing commitments. As a matter of fact, the Final Document of the First Special Session of the UN General Assembly devoted to disarmament in 1978 had already noted the unilateral declarations. Some delegations have stated, however, that such a step might serve as an interim measure by enhancing the binding force of the existing assurances until more effective arrangements are agreed upon, provided that the Security Council resolution expresses the willingness of the nuclear powers to cooperate in the elaboration of more effective arrangements.¹⁰⁸ In this context, Pakistan¹⁰⁹ put forward a draft resolution for adoption by the Security Council as an interim measure. This resolution was to urge the Committee on Disarmament (now Conference on Disarmament) to pursue negotiations for a binding international instrument on security assurances; request the nuclear powers to pursue these negotiations in good faith, in particular by appropriately revising their unilateral declarations; and urge the nuclear powers, as a provisional measure, to confirm in a legally binding manner, that they would not use or threaten to use nuclear weapons against non-nuclear-weapon States which were not parties to the nuclear security arrangements of the two major military alliances.

¹⁰³ CD/SA/WP.6 and 9. The proposal reads: "The Security Council...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."

¹⁰⁴ E.g. CD/215 (Report by the Ad Hoc Committee).

¹⁰⁵ A/C.1/33/7, UN General Assembly Resolution 34/86, CD/27, pp.3-4.

¹⁰⁶ E.g. CD/SA/WP.9.

¹⁰⁷ E.g. CD/161 (Pakistan). See also Goldblat, Jozef, Sverre Lodgaard, Non-Use of Nuclear Weapons. Security Assurances for Non-Nuclear Weapon States, in: Bulletin of Peace Proposals, No.2, 1980.

¹⁰⁸ E.g. CD/SA/WP.4 (Bulgaria), p.3.

¹⁰⁹ CD/SA/WP.3, CD/120. See also CD/161 (Pakistan).

1.6 Conclusions

A general assessment of the results of the many years of discussions on negative security assurances in the Conference on Disarmament and its predecessors must be rather sober. What has been termed negotiation in the mandate of the Ad Hoc Committee has essentially been a discussion of possible criteria for the extension of security assurances to non-nuclear-weapon States and possible forms in which these assurances could be given. The criteria are to identify countries which are eligible for negative security assurances, and define cases in which the right of self-defense as enshrined in the UN Charter, interpreted by some as allowing the use of any type of weapon, would prevail. In the interpretation of several members of the Group of Western States, this right of self-defence includes the option to use nuclear weapons. Members of the Group of 21 and some delegations from the Group of Eastern European and other States have held the view that the use of nuclear weapons would be a violation of the UN Charter and a crime against humanity.

Efforts to harmonize the proposed criteria and arrive at an agreement on the scope and form of a common arrangement have not produced any results. Since at least 1981, there has been no progress whatsoever and it is rather unlikely that substantial negotiations will come off the ground in the near future. In 1983 already, "Some delegations were of the view that the Working Group had exhausted its discussions on the subject."¹¹⁰ This judgement may still hold to a large extent.

The positions of delegations have changed only little since the debate started. The Group of 21, which can be regarded as the driving force behind the efforts and is composed exclusively of non-nuclear-weapon States, has advocated the conclusion of an international legal instrument. This instrument is to contain a uniform, unconditional and unlimited commitment of the nuclear powers not to use or threaten to use nuclear weapons against non-nuclear-weapon States. Some members of the Group of 21, such as Nigeria, were ready to go for less and accept certain conditions such as a legally binding and verifiable non-possession or a non-stationing commitment in exchange for negative security assurances. Others, especially non-parties to the NPT, have rejected any obligations on the part of non-nuclear-weapon States in exchange for security assurances.

Some of the nuclear-weapon powers have so far not been prepared to revise their conditions for the provision of negative security assurances as expressed in their unilateral declarations. Their positions have been shaped by their respective nuclear doctrines. Any revision of these doctrines, which might be the only way of reaching agreement on a common formula, is regarded by them as touching upon their most fundamental security interest. The non-nuclear-weapon States which are members of the Group of Eastern European and other States have, until around 1989, aligned themselves in many instances with the position of the Soviet Union. This position has been based on the non-possession, the non-stationing and, in connection with the Treaty of Tlatelolco, also the non-attack criteria. Non-nuclear-weapon States of the Western group have aligned themselves with the position of the three nuclear powers belonging to their group. Their position has been based on the non-possession and the

¹¹⁰ CD/421, p.47 (Report of the Ad Hoc Committee).

non-attack criteria. Only the negative security assurances given by China, and to some extent also the assurances given by the Soviet Union, have proven acceptable to most members of the Group of 21.

Conducting negotiations on the question of security assurances outside the Conference on Disarmament, possibly in the NPT context, as suggested by the Nigerian proposal submitted in 1990, would avoid difficulties with NPT hold-outs, some of which refuse any legally binding and verifiable non-possession obligation on their part in exchange for negative security assurances. However, such an approach may not offer a solution. It may not reconcile the different positions of the nuclear powers which are based on different security perceptions and nuclear doctrines. Moreover, it is unclear how far a protocol of the type proposed by Nigeria would strengthen the NPT and attract the hold-outs.

In the course of the debate, the possibility of a general no-first-use policy on the part of the nuclear powers has repeatedly been mentioned as a possible way out of the deadlock. Such a policy would by its nature imply unconditional negative security assurances to non-nuclear-weapon States (at least those which do not have nuclear weapons on their territory). If all nuclear powers adopted such a policy, negotiations on negative security assurances might become redundant. The Soviet Union and China have already adopted a no-first-use doctrine. Recent developments in Europe may suggest the possibility of a trend in the direction of a no-first-use policy also on the part of NATO. The political undertaking to refrain from the use of force, included in the 1986 Stockholm document of the CSCE¹¹¹; the announced revision of NATO's nuclear doctrine¹¹² which may be accelerated by a successful reduction of conventional forces in Europe under the CFE agreement¹¹³; and the dismantling of the military structures of the Warsaw Treaty Organization on 31 March 1991¹¹⁴ have underscored this. However, a revision of NATO's strategy may not necessarily imply a revision of the nuclear strategy of all three Western nuclear powers individually. France made it clear already, that even if NATO revises its nuclear doctrine, France's strategy of deterrence will remain autonomous and its unilateral declaration is therefore unlikely to be revised.¹¹⁵

The recent Gulf war, in which three nuclear-weapon States were involved, led to discussions about the possibility of using nuclear weapons in this conflict. According to the existing unilateral commitments, such use was clearly ruled out at any moment.¹¹⁶ Iraq fulfilled the condition of a non-possessor status (party to the NPT and subject to nuclear safeguards by the IAEA, even though not acting in compliance with the NPT) and the condition of non-stationing. It did not attack any of the three allied nuclear powers in association or alliance with another nuclear power. Also, Kuwait was not formally allied with any nuclear weapon power. Iraq was therefore covered by the existing negative security assurances. Indeed, there may be few non-nuclear-weapon States which are not covered by the existing assurances.

¹¹¹ United Nations, Disarmament (a periodic Review by the United Nations), Vol. IX, No.3. See also CD/1070.

¹¹² Declaration on a Transformed North Atlantic Alliance, issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in London, on 5-6 July 1990 (CD/1013). Para 20 of the statement reads: "In the context of these revised plans for defence and arms control, and with the advice of NATO Military Authorities and all member States concerned, NATO will prepare a new Allied military strategy moving away from "forward defence", where appropriate, towards a reduced forward presence and modifying "flexible response" to reflect a reduced reliance on nuclear weapon." See also the Document adopted at the Ministerial Meeting of the North Atlantic Council at Tumbery, UK, on 7 and 8 June 1990 (CD/1006), para.20.

¹¹³ CD/1064.

¹¹⁴ Statement adopted at the Special Meeting of the Political Consultative Committee of the Warsaw Treaty, held in Budapest on 25 February 1991 (CD/1071).

¹¹⁵ Statement in the Ad Hoc Committee on 30 July 1990.

¹¹⁶ See, for example, International Herald Tribune, 5 and 12 February 1991.

States which have a (verifiable) non-nuclear status (member of the NPT or other arrangements), do not participate in an attack on a nuclear power or its ally in alliance or association with another nuclear power, and do not have nuclear weapons stationed on their territory would not be exposed to a nuclear threat. Nevertheless, the mere fact that the possibility of using nuclear arms was discussed during the Gulf war in at least one of the nuclear-weapon States involved in the conflict may suggest that the presently existing assurance may have to be rendered more binding.

1.7 Appendices

(The following documents relevant to Chapter I are partly reproduced in the Appendix of the research report. For the page number, see table of contents)

Appendix I	UN Security Council Resolution 255
Appendix II	Final Document of the Second Special Session of the UN General Assembly devoted to disarmament (A/S-10/4; excerpts)
Appendix III	Official doctrinal positions of the nuclear-weapon States (excerpts from the UN Comprehensive Study on Nuclear Weapons; A/45/373, September 1990, pp.139-146.)
Appendix IV	UN General Assembly Resolution 45/54
Appendix V	UN General Assembly Resolution 45/59 B
Appendix VI	CD/177 (United Kingdom)
Appendix VII	CD/278 (China)
Appendix VIII	CD/407 (Group of 21)
Appendix IX	CD/768 (Nigeria)
Appendix X	CD/967 (Nigeria)
Appendix XI	CD/SA/WP.13 (Egypt)

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CHAPTER II

Prevention of Nuclear War

2.1 Introduction

There appears to be an international consensus today that a nuclear war cannot be won and, therefore, must never be fought.¹ The UN General Assembly, at its First Special Session devoted to disarmament (SSOD I) in 1978 declared by consensus that mankind was confronted with the unique threat of annihilation in the event of nuclear war. It stated that "removing the threat of a world war - a nuclear war - is the most acute and urgent task of the present day".² It urged that "all States, in particular nuclear-weapon States, should consider as soon as possible various proposals designed to secure the avoidance of the use of nuclear weapons, the prevention of nuclear war and related objectives, where possible through international agreement, and thereby ensure that the survival of mankind is not endangered." Furthermore, it stated that "all States should actively participate in efforts to bring about conditions in international relations among States in which a code of peaceful conduct of nations in international affairs could be agreed and which would preclude the use or threat of use of nuclear weapons."³ Following SSOD I, several UN General Assembly resolutions requested that the Conference on Disarmament commence negotiations on the prevention of nuclear war, and the question was put on the agenda of the Conference in 1983.

This Chapter examines how and why agenda item 3 of the Conference on Disarmament -- "Prevention of nuclear war, including all related matters" -- emerged and describes the relevant positions and proposals.

2.2 Background

Agenda item 3 of the Conference on Disarmament, which is entitled "Prevention of nuclear war, including all related matters", has emerged from a debate on the legality of the possession and use of nuclear weapons, and on how to control, reduce or eliminate these weapons in order to prevent nuclear war. The debate started in the UN General Assembly in 1946 and intensified

¹ A statement to this effect was made by US President Reagan when addressing the UN General Assembly in 1983 (Official Records of the General Assembly, Twelfth Special Session, Plenary Meetings, 5th meeting). A very similar phrase is included in the joint statement by the then Secretary General of the CPSU Gorbachev and US President Reagan issued at their summit meeting in Geneva in 1985. (The text of the bilateral statement can be found in UN General Assembly document A/40/1070)

² A/S-10/2, para 18. On the possible consequences of nuclear war see WHO, *Effects of Nuclear War on Health and Health Services*, Geneva 1984:WHO; United Nations, *Effects of the Possible Use of Nuclear Weapons and the Security and Economical Implications for States of the Acquisition and Further Development of These Weapons*, New York 1968: United Nations; United Nations, *Comprehensive Study on Nuclear Weapons*, UN General Assembly document A/45/373, September 1990.

³ A/S-10/2, para 58.

in the early 1960s. It has resulted in a large number of resolutions on the subject. All of these resolutions have been adopted by vote⁴, reflecting a wide range of positions with regard to the conditional or unconditional prohibition of nuclear weapons.

The three Western nuclear powers, often supported by their allies, have stressed the fact that Article 51 of the UN Charter states that nothing shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a member of the United Nations, until the UN Security Council has taken measures to maintain international peace and security. The use of nuclear weapons would, therefore, be allowed under certain circumstances. They have contended that the prevention of nuclear war can only be achieved together with the prevention of war in general. Neutral and Non-aligned countries, on the other hand, supported by the formerly named Group of Socialist States (now the Group of Eastern European and other States) and by China, have argued that the use of nuclear weapons would be a violation of the UN Charter and contrary to the laws of humanity. Consequently, they have held that the use of nuclear weapons must be prohibited.

In resolution 1653 (XVI), adopted by vote on 24 November 1961⁵, the UN General Assembly declared that the use of nuclear or thermo-nuclear weapons would be a violation of the UN Charter. It stated that any country using such weapons would be considered as acting contrary to the laws of humanity and committing a crime against mankind and civilization. (This declaration has been reiterated in subsequent resolutions.⁶) The General Assembly also suggested the convening of a conference for signing a convention on the prohibition of the use of nuclear weapons. The model for this proposal was the 1925 Geneva Protocol which prohibits the use in war of chemical and biological weapons.⁷ The UN Secretary-General was asked to consult Governments on the question. 62 Governments replied to his request. The reaction by most Western States was, for reasons explained below, negative and the conference was never convened.⁸

In 1967, the Treaty of Tlatelolco was concluded, creating a nuclear-weapon-free zone in Latin America. In connection with this Treaty, the five nuclear-weapon States have provided mostly conditional security guarantees to the parties to the zone; these are conditional guarantees not to attack them with nuclear weapons. The guarantees given under the Treaty of Tlatelolco have to some extent restricted the right of some of the nuclear powers to use their nuclear weapons. In addition, unilateral declarations by the five nuclear powers, and security guarantees given by China and the USSR in connection with the Treaty of Rarotonga, constitute further constraints on the use of nuclear weapons. The question of how to reinforce the existing security guarantees has been under discussion in the Conference on Disarmament for many years. (See Chapter I)

⁴ From 1961 to 1983, the following resolutions on the question of the non-use of nuclear weapons and the prevention of nuclear war were adopted by the UN General Assembly: 1653 (XVI) of 1961, 1801 (XVII) of 1962, 1909 (XVIII) of 1963, 2164 (XXI) of 1966, 2289 (XXII) of 1967, 2936 (XXVII) of 1972, 33/71 B of 1978, 34/83 G of 1979, 35/152 D of 1980, 36/81 B, 36/92 I and 36/100 of 1981, 37/78 I, 37/78 J and 37/100 C of 1982, 38/73 G, 38/75, 38/183 B and 38/183 G of 1983. Resolutions from 1984 until 1990 will be discussed below.

⁵ The resolution was submitted by Ethiopia and eleven other African and Asian countries and was adopted against the vote of most Western countries (55 votes for, 20 against, 26 abstentions).

⁶ E.g. 33/71 B of 14 December 1978, 34/83 G of 11 December 1979, 35/152 D of 12 December 1980, 36/92 I of 9 December 1981.

⁷ As in the case of the 1925 Geneva Protocol, it was assumed that the prohibition of use would eventually lead to a ban on possession.

⁸ Similar proposals were made in the following years (e.g. by Nigeria in 1984) but were unsuccessful.

Upon request by the Soviet Union, the conclusion of a convention prohibiting the use of nuclear weapons was put on the agenda of the UN General Assembly in 1967, and the Soviet Union submitted a draft convention.⁹ A General Assembly resolution, which resulted from the Soviet initiative and was adopted by 77 votes to none and 29 abstentions (mainly Western countries), stated that it was essential to continue the examination of the question of prohibiting the use of nuclear weapons and to conclude an appropriate international convention. It urged all States to examine the question and in particular the Soviet draft convention, and to undertake negotiations on the conclusion of such a convention by means of an international conference.¹⁰

During the First Special Session of the UN General Assembly devoted to disarmament, held in 1978, India submitted a draft resolution which stated that the use of nuclear weapons would be a violation of the UN Charter and a crime against humanity. Such use should therefore be prohibited pending nuclear disarmament. Attached to the proposal was a draft convention on banning the use of nuclear weapons. Since all decisions at SSOD I were to be taken by consensus, India did not press for a vote. It submitted the draft again at the subsequent regular session of the General Assembly in 1978, this time co-sponsored by 34 countries, mainly non-aligned. The resolution¹¹ was adopted with 103 votes in favour, 18 against (France, the United Kingdom, the United States and most other Western countries) and 18 abstentions (USSR and its allies). Similar draft resolutions, including a proposal for a convention, have since 1978 been submitted annually to the General Assembly and have been adopted with similar voting patterns.¹²

From 1981 to 1989, three resolutions on the issue of preventing nuclear war were adopted annually by the UN General Assembly.

Firstly, a resolution introduced by India and co-sponsored by non-aligned countries. Since 1982, this resolution has requested the Conference on Disarmament to negotiate a convention banning the use of nuclear weapons, taking into account the draft convention proposed by India.

Secondly, a resolution introduced by a Group of Socialist Countries. It issued a warning that there could never be any justification or pardon for statesmen taking the decision to be the first to use nuclear weapons, and proclaimed that any doctrine endorsing the first use of such weapons would be incompatible with the principles of human morality and the ideals of the United Nations.¹³ In 1981, the resolution was adopted by vote of 82 to 19 with 41 abstentions.¹⁴ Similar voting patterns could be observed regarding subsequent resolutions of

⁹ Official Records of the General Assembly, Twenty-second Session, Annexes, agenda item 96, document A/6834.

¹⁰ 2289 (XXII).

¹¹ 33/71 B.

¹² A/34/83 G in 1979 was passed by vote of 112 to 16 and 14 abstentions, A/35/152D in 1980 with 112 to 19 and 14 abstentions, and A/36/92 I in 1981 with 121 to 19 and 6 abstentions. Subsequent resolutions, adopted annually, were: 37/100 C, 38/73 G, 39/63 H, 40/151 F, 41/60 F, 42/39 C, 43/76 E, 44/117C, 45/59 B. In 1990, the following countries voted against Resolution 45/59 B: Australia, Belgium, Canada, Denmark, France, Germany, Iceland, Italy, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Spain, Turkey, United Kingdom, United States. The following countries abstained: Bulgaria, Czechoslovakia, Greece, Hungary, Ireland, Israel, Japan, Liechtenstein, Poland and Romania.

¹³ The Soviet Union declared at SSOD II in 1982, that it had adopted a no-first-use policy. China had done so already in 1964. (See Chapter I)

¹⁴ 36/100.

the same type. Western countries voted against and many non-aligned countries and China abstained. Since 1984, the resolution requested the Conference on Disarmament to consider the elaboration of a legally binding instrument to prohibit the first use of nuclear weapons.¹⁵

Thirdly, a resolution, initiated by Argentina and co-sponsored mainly by non-aligned States. From 1982 to 1988, this resolution requested the Conference on Disarmament to start negotiations on appropriate and practical measures that could be negotiated and adopted individually for the prevention of nuclear war. This resolution was each year adopted with none or few votes against it and some abstentions (Western countries).¹⁶ Since 1983, it requested the Conference on Disarmament to establish a special ad hoc committee to deal with this question.¹⁷

In 1989 and 1990, the question of "Prevention of nuclear war" and the "Cessation of the nuclear arms race and nuclear disarmament" (see Chapter III) were dealt with together in the resolution introduced by Argentina.¹⁸ The resolution requested the Conference on Disarmament to establish ad hoc committees for both issues with adequate mandates to allow a structured and practical analysis of how the Conference could best contribute to progress on these two urgent matters (see Appendix XVI).

In 1990, only two resolutions on the question of the prevention of nuclear war were adopted by the General Assembly. They were the resolution introduced by Argentina¹⁹ and the resolution introduced by India²⁰, both of which remained practically unchanged.

2.3 The Debate in the Conference on Disarmament

The above-mentioned UN General Assembly resolutions introduced by Argentina²¹ must be regarded as a compromise. They were explicit enough to provide a reference point for countries, mainly non-aligned and Socialist countries, which were advocating multilateral negotiations in the Conference on Disarmament on a prohibition of use or first-use of nuclear weapons. On the other hand, the wording of the resolutions was too vague to provide a clear guideline as to what should be negotiated. This reflected the interests of many Western countries. These States took the position that the prevention of nuclear war must be regarded in a broader context and considered that a prohibition of the use or no-first-use of nuclear weapons would not contribute to the prevention of nuclear war. This position was already reflected in the final document of SSOD I.

¹⁵ See resolutions 37/78 J, 38/75, 38/183 B, 39/148 D, 40/152 A, 41/86 B, 42/42 A, 43/78 B, 44/119 B.

¹⁶ See Resolutions 36/81 B, 37/78 I, 38/183 G, 39/148 P, 40/152 Q, 41/86 G, 42/42 D, 43/74, 44/119 E, 45/62 C.

¹⁷ 38/183 G.

¹⁸ 44/119 E, 45/62 C.

¹⁹ A/45/62 C. Belgium, Canada, France, Germany, Italy, Luxembourg, the Netherlands, Portugal, Spain, Turkey, the United Kingdom and the United States voted against. Czechoslovakia, Denmark, Greece, Iceland, Israel, Japan, Norway, Poland and Romania abstained.

²⁰ For the voting pattern on this resolution see above.

²¹ 38/183 G.

In 1983, the Conference on Disarmament agreed, after a lengthy debate, to the following reformulation of one of its agenda items: "Cessation of the nuclear arms race and nuclear disarmament; Prevention of nuclear war, including all related matters". Taking into account the mentioned UN General Assembly resolution²², adopted in 1983, a separate agenda item 3 "Prevention of nuclear war, including all related matters" was established in 1984. The "Cessation of the nuclear arms race and nuclear disarmament" remained agenda item 2 of the Conference. However, the delineation between agenda items 2 and 3 of the CD has remained somewhat unclear. Very often, similar issues have been discussed under both agenda items. Proposals have been made to merge the two items again. The fact that the resolution introduced by Argentina in 1989 and 1990 covers both agenda items may point to a possible trend in this direction.

Due to very divergent views on the substance of agenda item 3, the Conference on Disarmament has, until 1991, failed to agree on the establishment of a special ad hoc committee.²³ The discussion on the "Prevention of nuclear war, including all related matters", has taken place in plenary meetings of the Conference on Disarmament and in informal meetings. The debate has, so far, never moved beyond an agenda-setting stage. There is no agreement on the questions that should be addressed, in which priority they should be addressed, and whether there should be negotiations or only discussions. Without going into much detail, the debate has touched upon a very wide range of measures that could possibly serve the prevention of nuclear war. They include a prohibition of the use or first-use of nuclear weapons, a freeze of nuclear arsenals, the cessation of nuclear weapons testing or a moratorium on such testing, nuclear-weapon-free zones, non-proliferation of nuclear weapons, the prevention of nuclear war by accident, misinterpretation or miscalculation, the non-use of force in international relations, peaceful settlement of disputes, etc.²⁴

2.3.1 Positions and Proposals

Group of 21

The Group of 21 (neutral and non-aligned member States of the CD) has expressed the view that the greatest peril facing mankind today is the threat of destruction by nuclear war. The members of the Group have stated that they could not accept that the security of their countries and the survival of mankind should be in jeopardy due to the actions of a handful of nuclear-weapon States. The effects of the use of nuclear weapons would extend far beyond national borders and would affect belligerents as well as non-belligerents. Therefore, all States have a

²² A/38/183 G.

²³ The procedural rules of the Conference on Disarmament require consensus for such a decision.

²⁴ The results of the debate until 1985 on the prevention of nuclear war are summarized in: Report by the Secretary-General on Prevention of Nuclear War (CD/603). This report also incorporates relevant statements by Argentina, Australia, Brunei Darussalam, Bulgaria, Byelorussian SSR, Canada, Czechoslovakia, Denmark, Egypt, France, GDR, FRG, Greece, Hungary, Iraq, Italy, Japan, Kenya, Lesotho, Mexico, the Netherlands, Nigeria, Norway, Poland, Romania, Spain, Sweden, Thailand, Turkey, Ukrainian SSR, USSR, United Kingdom, United States, Viet Nam and Yugoslavia. Conference on Disarmament document CD/398, prepared by the Secretariat, lists relevant proposals and documents up to 1983. Relevant documents include in particular CD/238 (Venezuela), CD/282 (Mexico), CD/295 (India), CD/309 (India), CD/327 (Poland), CD/341 (non-aligned), CD/345 (Socialist group), CD/355 (a Group of Socialist States), CD/357 (FRG), CD/380 (Belgium).

vital interest in negotiations concerning measures to prevent nuclear war, even though the nuclear-weapon States bear primary responsibility in this respect.

The members of the Group of 21 have also referred to the obligation of all parties to the Nuclear Non-Proliferation Treaty under Article VI to "pursue negotiations in good faith on effective measures relating to the cessation of the nuclear arms race at an early date and to nuclear disarmament". They have argued that to refuse participation by non-nuclear-weapon States in negotiations on nuclear disarmament measures would be "morally indefensible as well as legally incorrect".²⁵ In their view, the Conference on Disarmament is the appropriate forum for multilateral nuclear arms control and disarmament negotiations because of its global representation and the participation of all five nuclear-weapon States.

Each year, from 1984 to 1990, the Group of 21 submitted to the Conference on Disarmament a draft mandate for an ad hoc committee on the prevention of nuclear war, including all related matters.²⁶ The proposed mandate, which did not envisage actual negotiations, was regarded by the Group as a compromise: the committee would be set up "as a first step, to consider all proposals relevant to agenda item 3, including appropriate and practical measures for the prevention of nuclear war."

The Group of 21 has held that the proposed ad hoc committee should consider all aspects - legal, political, technical and military - of all proposals and issues before the Conference. It stated that an ad hoc committee "would not only contribute to a better understanding of the subject but also pave the way for negotiations for an agreement on prevention of nuclear war".²⁷ The proposals for an ad hoc committee have been supported by the Group of Socialist States (until 1989) and by China. However, the fate of these proposals has, each year, been very similar. After consultations on the proposed mandate had not produced consensus (required by the rules of the Conference), the proposal was usually put up for formal decision. As a result of Western opposition, the ad hoc committee has never been established.

The Group of 21 has constantly stressed that the most effective guarantee against nuclear war would be complete nuclear disarmament. Pending that, the use or threat of use of nuclear weapons should be prohibited. In addition, the Group has also advocated several other measures serving the prevention of nuclear war, including a comprehensive nuclear test ban, a nuclear-weapons freeze and nuclear-weapon-free zones.²⁸

The members of the Group have rejected all doctrines and concepts justifying the possession of nuclear weapons or their use under any circumstances. In particular, they have opposed the concept of nuclear deterrence. The Group has opposed the Western view (see below) that the question of the prevention of nuclear war must be considered in the context of the prevention of all armed conflict in the nuclear age. Since nuclear war presents a unique threat, it could not be equated with conventional war; nuclear and conventional weapons could therefore be considered separately. The Group has held that Article 51 of the UN Charter could

²⁵ CD/1039, p.28.

²⁶ See CD/515 (of 11 July 1984) and its subsequent Revisions. An earlier proposal for a mandate was submitted by India in 1982 (CD/309). See also CD/341 (Group of 21).

²⁷ CD/PV.547(1990).

²⁸ E.g. CD/688 (Argentina).

not be invoked to justify the use of nuclear weapons in the exercise of the right of self-defence because of the mass destructive nature of nuclear weapons and their indiscriminate effect on civilians and armed forces alike.²⁹ It has noted that nuclear weapons had not been developed when the UN Charter was drafted.

Very few concrete proposals on the substance of the agenda item have been submitted to the Conference on Disarmament. Most of them have been made and discussed in the framework of the UN General Assembly or in the context of the NPT Treaty.³⁰ A working paper by Argentina³¹ lists a wide range of measures that could be implemented, without going into detail. (See Appendix XIV) Among other things, it suggests the establishment of multilateral nuclear alert and crisis control centres. Drawing on bilateral agreements between the United States and the Soviet Union (see section on Western countries), it submits that such centres could be established in all five nuclear-weapon States, possibly with the participation of non-nuclear-weapon countries. During the debate, a proposal by the UN Secretary-General for setting up, within the Organization, a multilateral centre for reducing the threat of war was mentioned but not discussed in detail. The Soviet Union suggested that direct lines of communication could be established between UN Headquarters, the capitals of the five permanent members of the UN Security Council, and the location of the Chairman of the Movement of Non-Aligned countries.³² Another idea which was expressed was to multilateralize the bilateral US-Soviet agreement on the prevention of incidents on and over high seas, which was concluded in 1972.³³

Eastern European and other States

The recent changes in Eastern European countries - which used to form the Group of Socialist States - as well as far-reaching conventional and nuclear disarmament negotiations and agreements (CFE, START) have, since 1989, affected the positions of Eastern European States on arms control issues, including the question of the prevention of nuclear war. The relevant positions are still undergoing revisions. Therefore, the explanations below are partly historical, and, where new developments are concerned, tentative.

²⁹ See, for example, CD/PV.425 (India), CD/PV.412(Argentina).

³⁰ In November 1989, Nigeria submitted to the parties to the NPT a proposal for an agreement banning the use or threat of use of nuclear weapons against non-nuclear-weapon States parties to the NPT. Virtually the same proposal was submitted to the Conference on Disarmament in March 1990 and to the Fourth NPT Review Conference in August 1990 (NPT/CONF.IV/17, CD/967). Articles I and II of the proposal read: "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...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 has 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."

³¹ CD/688.

³² UN Disarmament Yearbook 1987, p.148.

³³ The non-aligned position is reflected in statements of the non-aligned movement and the "six nations summits" (the signers of the six nations initiative; Argentina, Greece, India, Mexico, Sweden and Tansania); e.g. A/44/318. See also A/38/27 and corr.1, CD/421, CD/354, A/43/125-S/19478, A/44/551, Annex, para 9.

Until 1988, the official views of the members of the Socialist Group regarding the prevention of nuclear war were almost identical. The members of the Group called for the elimination of nuclear weapons and shared the view of non-aligned States that Article 51 of the UN Charter could not be invoked to justify the use or threat of use of nuclear weapons.³⁴ They condemned the concept of nuclear deterrence. In particular, they denounced strategic concepts that were based on the assumption that nuclear war could be won. They pointed out that such doctrines advocated the first-use of nuclear weapons. They stressed the importance of commitments by the Soviet Union and China concerning the no-first-use of nuclear weapons and stated that other nuclear-weapon States, that had not yet assumed such an obligation, should do so.³⁵

Consequently, they held that the Conference on Disarmament should establish an ad hoc committee to negotiate concrete measures for the prevention of nuclear war, including an agreement on the renunciation by all nuclear-weapon States of the first-use of nuclear weapons. In 1981, a resolution adopted by the UN General Assembly on the initiative of a group of Socialist countries declared that the first-use of nuclear weapons could not be justified and that any doctrine envisaging a first use would be against the principles of human morality and the ideals of the United Nations.³⁶ This statement was particularly directed against NATO's strategy of "flexible response". The latter allows for the possibility to use nuclear weapons not only in response to a nuclear attack, but also in a conventional war to warn the attacker that aggression could lead to an escalation of conflict that would not be confined to conventional warfare.³⁷ At SSOD II in 1982, the Soviet Union declared that it would not use nuclear weapons first because it believed that, once a nuclear war broke out, it would mean the destruction of mankind. The debate on the no-first-use proposals was particularly fuelled by the dispute over the deployment, by both sides, of medium-range nuclear forces in Europe in the first half of the 1980s.

In contrast to the Western position, the Socialist Group held that nuclear weapons could not be equated with conventional weapons and that, therefore, the latter could be considered separately. However, the Socialist countries also regarded the issue in its broader context. In addition to their proposals for a prohibition of the first-use of nuclear weapons and their support for non-aligned proposals for the conclusion of a convention on the prohibition of the use of nuclear weapons, they advocated the conclusion of a global treaty on the non-use of force in international relations. In the early 1970s, the Soviet Union started to promote the idea of such a treaty. In 1972, a UN General Assembly resolution, adopted on the initiative of the Soviet Union, declared on behalf of the UN member States "their renunciation of the use or threat of force in all its forms and manifestations in international relations, in accordance with the Charter of the United Nations, and the permanent prohibition of the use of nuclear weapons." The resolution was adopted with 73 votes in favour, 4 against (including China) and 46 abstentions (including France, the United Kingdom and the United States).³⁸ In January 1983, the members of the now dissolved Warsaw Treaty Organization proposed a treaty

³⁴ E.g. CD/875, p.32.

³⁵ E.g. CD/PV.421.

³⁶ The resolution was adopted by vote of 82 to 19 with 41 abstentions.

³⁷ United Nations, Comprehensive Study on Nuclear Weapons, UN General Assembly document A/45/373, September 1990, pp.144-146.

³⁸ 2936(XXVII).

between the two major military blocs on the mutual non-use of military force and maintenance of peaceful relations.

The Group of Socialist States also proposed a wide range of nuclear arms control and disarmament measures which could be discussed in the Conference on Disarmament under agenda item 3. Such measures included a comprehensive nuclear test ban, a moratorium on nuclear testing, a freeze of nuclear weapons arsenals³⁹, the establishment of nuclear-weapon-free zones, negative security assurances to non-nuclear-weapon States, the prevention of an arms race in outer space, universal adherence to the Nuclear Non-Proliferation treaty, etc. The Socialist Group expressed its readiness to discuss also other multilateral steps aimed at the prevention of nuclear war, in particular the prevention of accidental or unauthorised use of nuclear weapons and avoidance of surprise attack.⁴⁰

Since 1989, the positions of Eastern European countries seem to have moved in the direction of the positions of Western countries. The members of the Group of Eastern European and other States have not insisted on the establishment of an ad hoc committee for agenda item 3, but have welcomed the decision of the Conference to hold informal talks on the issue.⁴¹ Although the Group would prefer to establish an ad hoc committee, it has been of the view that informal talks would also allow for a specific exchange of views and prepare the ground for negotiations.⁴²

The Soviet Union, which previously put forward a plan for a nuclear-weapons-free world and the elimination of all nuclear weapons until the year 2000⁴³, has more recently noted that the elimination of nuclear weapons could only be a long term goal. It has regarded nuclear disarmament as part of a broader process of deep cuts in armed forces and conventional arms, the establishment of non-offensive defence structures, and a wide range of transparency and confidence-building steps. Pending the achievement of its ultimate goal, it has proposed a concept of "minimal deterrence" and the elimination of the most dangerous dimensions of nuclear deterrence.⁴⁴

In the relevant part of the 1990 report of the Conference on Disarmament, measures advocated by the Socialist Group in previous years (e.g. a no-first use or no-use agreement, nuclear-weapon-free zones, a nuclear-weapons freeze) were not mentioned. Moreover, the Group emphasized the link between practical and verifiable measures of conventional and nuclear disarmament that should lead to a state of "reasonable defence sufficiency" on a global level. It suggested that the Conference on Disarmament could elaborate principles, criteria and parameters for defence sufficiency.

³⁹ In the view of the Socialist countries, a nuclear-weapons freeze meant: to cease the build-up of all components of nuclear arsenals; not to deploy new types of nuclear weapons; a moratorium on the testing of nuclear weapons and new types of delivery vehicles; and a cessation of the production of fissionable material for nuclear weapons purposes (E.g. CD/484).

⁴⁰ The positions and proposals by the Group of Socialist States are reflected in the following Conference on Disarmament documents: CD/406 (GDR), CD/484 (Socialist countries), CD/355 (Socialist countries), CD/710 (Bulgaria), CD/608 (Romania).

⁴¹ CD/PV.547 (1990).

⁴² CD/1039, p.26.

⁴³ CD/649.

⁴⁴ CD/1039, pp.34-38. The change of position of Eastern European countries is reflected in CD/934 and CD/914.

Some members of the Group have argued that the agenda item under discussion was too broad and, thus, have proposed to split it into concrete components. In this context, they suggested that the Conference on Disarmament discuss the idea of a multilateral convention among all nuclear-weapon States to reduce the danger of the outbreak of nuclear war, and proposed the idea of the establishment of national risk reduction centres by all nuclear powers.⁴⁵

Western Countries

Western countries have held the view that the prevention of nuclear war must be considered in a broad perspective, namely in terms of how to prevent war and maintain peace and security in the nuclear age. They have argued that the very title of the agenda item ("Prevention of nuclear war, *including all related matters*") reflects this position.⁴⁶

Most Western States have regarded nuclear weapons as an essential component of the strategy of deterrence. They have underlined the effectiveness of nuclear deterrence in the prevention of war and the preservation of peace in Europe since 1945, whereas in the same period millions of casualties have resulted from wars conducted with conventional weapons.⁴⁷ They have repeatedly reaffirmed that their nuclear weapons would not be used except in response to armed attack and that their nuclear arsenals have but a single function; namely, to prevent war through the strategy of deterrence.⁴⁸ On 6 July 1990, the members of NATO stated that they would "never in any circumstance be the first to use force" and that under the new situation in Europe, a new strategy, which would make nuclear weapons arms of last resort, could be adopted.⁴⁹ They have noted that this commitment went much further than the unilateral Soviet commitment not to use nuclear weapons first.

Western countries have stated that to outlaw the use of nuclear weapons would be inconsistent with Article 51 of the UN Charter. No Article in the UN Charter imposes restrictions as regards the types of weapons that can be used in self-defence.⁵⁰ The only restrictions could therefore be other international treaties and customary international law.⁵¹

⁴⁵ CD/1039, p.53. For a summary of the official doctrinal position of the Soviet Union on nuclear weapons and nuclear disarmament see: United Nations, Comprehensive Study on Nuclear Weapons, UN General Assembly document A/45/373, September 1990, pp.141-142.

⁴⁶ This view was, for example, expressed in a draft resolution on the "prevention of war, in particular nuclear war", submitted to SSOD II by the FRG, Japan and the Netherlands. As decisions at SSOD II were taken by consensus, and there was opposition, especially from non-aligned countries, the draft was not put to vote. At the UN General Assembly in 1984, the FRG submitted a draft resolution on the "Prevention of nuclear war, including all related matters: prevention of war in the nuclear age" (A/C.1/39/L.40). Again, there was serious opposition and the FRG withdrew its proposal.

⁴⁷ E.g. CD/PV.391(USA, 1987), p.10; CD/1039, pp.53-55.

⁴⁸ E.g. Declaration by the Heads of State or Government of NATO member States, 10 June 1982 (NATO Review, No.3, 1982).

⁴⁹ CD/1013.

⁵⁰ Article 51 simply states that "nothing in the present Charter shall impair the inherent right 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."

⁵¹ Many countries have stated, however, that international customary law, general principles of international law, judicial decisions, resolutions of the UN Security Council, etc. must also be considered. Especially the laws of armed conflict do not allow a free choice as to the means of warfare. See the Geneva Conventions of 1949 and the additional Protocols to the Conventions (1977). See also United Nations, Comprehensive Study on Nuclear Weapons, UN General Assembly document A/45/373, September 1990, pp.130-134.

In addition, Western States have opined that a prohibition of use or of first-use of nuclear weapons would be purely declaratory, unverifiable and unenforceable and could, therefore, not prevent nuclear war.

In accordance with their interpretation of the title of the agenda item, Western States have held the position that the question of the prevention of nuclear war must be addressed through a comprehensive approach, including the renunciation of force in international relations; strict compliance with the UN Charter; the peaceful settlement of disputes; restraint; balanced and verifiable disarmament measures and confidence-building to reduce dependence on nuclear weapons and to increase transparency in military matters; measures to reduce the risk of nuclear escalation implicit in conventional war; regional measures; the prevention of nuclear proliferation; etc.

Several Western countries have proposed a wide range of confidence-building and other measures that could be discussed in the Conference on Disarmament. Most of these proposals do not go into detail.⁵² Members of the Western Group have, in particular, pointed to the importance of taking measures to reduce the risk of the initiation of nuclear war by miscalculation, misinterpretation or accident and have referred to a number of relevant agreements between four of the five nuclear-weapon States⁵³.

Western countries have argued that deep and verifiable cuts in nuclear weapons are necessary, but that the reduction in one class of weapons must not make the rise of other types

⁵² E.g. CD/357 (FRG) contains some ideas as to the environment in which the prevention of war must be discussed. CD/411 (Australia, Belgium, FRG, Italy, Japan, Netherlands), CD/578 (FRG) and CD/581 (Australia) outline issues which could be explored. In CD/380, Belgium presents some ideas on confidence-building measures to prevent nuclear war, including measures concerning information on nuclear matters, notification measures, measures to prevent a nuclear accident, measures relating to actions by nuclear-weapon-States, measures providing for consultations in event of crisis and communication links. The paper stresses that existing arrangements do not involve China and should therefore be expanded to include all five nuclear powers. It notes that the Conference on Disarmament could play a role in this context.

⁵³ A considerable number of bilateral agreements have been concluded to prevent nuclear war by accident, miscalculation or misinterpretation. They include: 1. US-Soviet Memorandum of understanding regarding the establishment of a direct communication link (1963), 2. French-Soviet communique regarding the establishment of a direct communication link (1966), 3. British-Soviet agreement on the establishment of a direct communication link (1967), 4. US-Soviet agreement on measures to improve the US-Soviet direct communications link (1971), 5. US-Soviet agreement on measures to reduce the risk of an outbreak of nuclear war (1971), 6. US-Soviet agreement on the prevention of incidents on and over high seas (1972), 7. US-Soviet agreement on the prevention of nuclear war (1973), 8. US-Soviet agreement on amending the 1971 agreement on measures to improve the US-Soviet direct communications link (1975), 9. French-Soviet agreement on the prevention of accidental or unauthorized release of nuclear weapons (1976), 10. British-Soviet agreement on the prevention of accidental nuclear war (1977), 11. US-Soviet agreement on the establishment of nuclear risk reduction centres in their capitals (1987; CD/814 and CD/815), 12. US-Soviet agreement on the notification of launches of intercontinental ballistic missiles and submarine launched ballistic missiles (1988; CD/845 and CD/847), 13. US-Soviet agreement on the prevention of dangerous military activities (1989, CD/942, CD/943). The 1971 US-Soviet agreement on measures to reduce the risk of an outbreak of nuclear war, for example, includes a pledge to take measures to maintain and improve organizational and technical safeguards against accidental or unauthorized use of nuclear weapons, arrangements for the immediate notification if a risk from such incidents arises, advance notification of missile launches beyond the territory of the launching party in the direction of the other party, etc. The 1989 US-Soviet agreement covers four areas: an agreement to refrain from the use of force in case of border incursion by the other State's military forces, aircraft or ships; an agreement not to use laser-range finders or other like devices while the two sides' forces are in close proximity (such devices can temporarily blind soldiers if they are struck directly in the eye); an agreement to set up special caution zones in areas such as the Persian Gulf, when both sides's forces come into contact; an agreement to refrain from electronic jamming of either side's command and communications systems. Direct communication lines between units of the two States in the field are envisaged.

of weapons more probable. Therefore, the disarmament process must take into account the threat posed by conventional and chemical weapons. In particular, they have noted that a reduction of the imbalance in conventional armaments in Europe would reduce reliance on nuclear weapons.

Western countries have not supported proposals for establishing an ad hoc committee on the prevention of nuclear war. They have preferred a comprehensive and structured discussion of the issues involved in plenary meetings or informal meetings of the Conference on Disarmament. In their view, the aim of the discussion should be to identify measures which could be negotiated and agreed.⁵⁴

China

China has argued that the best way to prevent nuclear war would be the complete prohibition and destruction of nuclear weapons. The two States possessing the largest nuclear arsenals should therefore take the lead in achieving a substantial reduction in their arsenals. They should in particular take the lead in stopping the testing, production and deployment of nuclear weapons and reduce their arsenals at home and abroad. Pending the total elimination of nuclear weapons, all nuclear-weapon States should undertake not to be the first to use nuclear weapons at any time and under any circumstances. To this end, a multilateral convention should be negotiated under agenda item 3 of the Conference on Disarmament. In accordance with its unilateral commitment, adopted in 1964 (see Chapter I), China has proposed that all nuclear-weapon States should unconditionally pledge not to use or threaten to use nuclear weapons against non-nuclear-weapon States or nuclear-weapon-free zones.⁵⁵

China has also proposed that all nuclear-weapon States that have deployed nuclear weapons abroad, particularly the United States and the Soviet Union, should withdraw these weapons to their own territories.⁵⁶ In China's view, this step would increase confidence among nations, reduce the risk of nuclear war, and promote nuclear non-proliferation. China noted that conventional disarmament was equally necessary because, in certain regions with a high concentration of nuclear and conventional arms, conventional war could escalate into a nuclear war. It stated that to prevent nuclear war, the principles of the UN Charter must be complied with and countries must in particular refrain from the threat or use of force against the territorial integrity or political independence of any State. In this context, it pointed to the principles of non-intervention and non-interference in the internal affairs of States, peaceful coexistence and the peaceful settlement of disputes.

⁵⁴ The position of Western countries is reflected in the NATO comprehensive concept of arms control and disarmament, adopted in May 1989 (CD/926). For a summary of the official doctrinal position of the United States, France and the United Kingdom on nuclear weapons and nuclear disarmament see: United Nations, Comprehensive Study on Nuclear Weapons, UN General Assembly document A/45/373, September 1990, pp.140, 142-146.

⁵⁵ CD/875, p.35.

⁵⁶ CD/1039, p.56.

China has supported both the proposals of the Group of 21 for the establishment of an ad hoc committee as well as the proposals by Western countries for holding separate informal meetings on the issue.⁵⁷

2.4 Conclusions

Since the beginning of the 1960s, non-aligned countries, supported by the Socialist Group and China, have pressed for multilateral negotiations and discussions with a view to prohibiting the use or threat of use of nuclear weapons as a first step towards complete nuclear disarmament. After an intensified debate on how to prevent nuclear war, which started at SSOD I in 1978, the issue was introduced into the agenda of the Conference on Disarmament in 1983.

Western countries, however, have succeeded in placing the question of preventing nuclear war in a broader context, which is reflected in the title of the agenda item, namely "Prevention of nuclear war; *including all related matters*". They have held the view that the prevention of nuclear war cannot be achieved by declaratory and unverifiable measures such as the prohibition of the use or first-use of nuclear weapons. They have contended that the actual question is how to prevent any war, be it nuclear or conventional, in the nuclear age. Although the Western countries seem to agree that a nuclear war cannot be won and must never be fought, they have, for reasons mentioned in various parts of this Report, been opposed to most proposals by non-aligned and Socialist States relevant to agenda items 2 and 3. They have proposed a discussion on a wide range of issues to identify questions that could be dealt with in the framework of the Conference on Disarmament. Nevertheless, they have remained sceptical as to whether actual negotiations on the question of preventing nuclear war could be conducted in the framework of the Conference.⁵⁸

As a result of fundamental disagreement on how to approach the substance of agenda item 3 in the multilateral context of the CD, it has remained unclear what could be discussed or negotiated in the proposed ad hoc committee. Since 1989, the Group of Eastern European and other States seems to have lost much of its interest in proposals that had been advocated earlier (e.g. a treaty prohibiting the use or first-use of nuclear weapons, a nuclear-weapons freeze, nuclear-weapon-free zones) and the discussion has virtually come to a standstill.

2.5 Appendices

(The following documents relevant to this Chapter are partly included in the Appendix of this research report)

⁵⁷ The Chinese position on the prevention of nuclear war is reflected in CD/691. A brief summary of the official Chinese position on nuclear weapons and nuclear disarmament can be found in: United Nations, *Comprehensive Study on Nuclear Weapons*, UN General Assembly document A/45/373, September 1990, p.139.

⁵⁸ Australia, for example, noted: "what has been made clear to us...is that the two major nuclear weapon states prefer, at least at the present stage, to conduct their nuclear arms control and disarmament negotiations bilaterally" (CD/PV.426).

- Appendix XII: CD/411 (Australia, Belgium, FRG, Italy, Japan, Netherlands)
- Appendix XIII: CD/691 (China)
- Appendix XIV: CD/688 (Argentina)
- Appendix XV: CD/710 (Bulgaria)
- Appendix XVI: UN General Assembly Resolution 45/62 C
- Appendix XVII: "Nuclear Weapons and International Law", excerpts from the United Nations Comprehensive Study on Nuclear Weapons, pp.130-131.

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CHAPTER III

Cessation of the Nuclear Arms Race and Nuclear Disarmament

3.1 Introduction

Proposals relating to nuclear arms control and disarmament have been made and discussed within the framework of the United Nations since its establishment.¹ The debate intensified in the 1960s and culminated in the conclusion of two multilateral treaties: the Partial Test Ban Treaty of 1963 and the Nuclear Non-Proliferation Treaty (NPT) of 1968. Both treaties were concluded in the Eighteen-Nation Committee on Disarmament, a predecessor of the Conference on Disarmament. Under Article VI of the NPT, "Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament..."

At the First Special Session of the UN General Assembly devoted to disarmament (SSOD I) in 1978, the question of nuclear disarmament received particularly wide attention. The Final Declaration of SSOD I (paragraph 50) stated the following: "The achievement of nuclear disarmament will require urgent negotiation of agreements at appropriate stages and with adequate measures of verification satisfactory to the States concerned for: (a) Cessation of the qualitative improvement and development of nuclear-weapon systems; (b) Cessation of the production of all types of nuclear weapons and their means of delivery, and of the production of fissionable material for weapons purposes; (c) A comprehensive, phased programme with agreed time-frames, whenever feasible, for progressive and balanced reduction of stockpiles of nuclear weapons and their means of delivery, leading to their ultimate and complete elimination at the earliest possible time. Consideration can be given in the course of the negotiations to mutual and agreed limitation or prohibition, without prejudice to the security of any State, of any types of nuclear armaments."²

Many States have regarded paragraph 50 of the Final Declaration of SSOD I as the general guideline for nuclear arms control and disarmament. Consequently, the principal drive for a multilateral follow-up process to this declaration has come from the United Nations. Since 1978, many UN General Assembly resolutions have called upon the Soviet Union and the United States to pursue their bilateral negotiations on measures for the cessation of the nuclear arms race and nuclear disarmament. They have also pressed for multilateral negotiations in the Conference on Disarmament with a view to implementing the measures envisaged in the Final Document of SSOD I. The following chapter provides a short overview of the relevant UN General Assembly resolutions and examines the positions taken and proposals made at the Conference on Disarmament.

¹ See United Nations, *The United Nations and Disarmament 1945-1970*, New York 1970: United Nations. United Nations, *The United Nations and Disarmament 1970-1975*, New York 1976: United Nations. United Nations, *The United Nations and Disarmament 1945-1985*, New York 1985: United Nations.

² Official Records of the General Assembly, Tenth Special Session, Supplement No.4 (A/S-10/4).

3.2 UN General Assembly Resolutions

From 1978 to 1990, almost all UN General Assembly resolutions on various aspects of nuclear arms control and disarmament were adopted by a majority vote, not by consensus, reflecting the differences of opinion. The following resolutions have provided the background for discussions in the CD on the cessation of the nuclear arms race and nuclear disarmament.³

Resolutions calling for negotiations in the Conference on Disarmament on the cessation of the nuclear arms race and nuclear disarmament

From 1978 to 1985, a resolution introduced each year by the Soviet Union or one of its former allies and adopted by vote⁴ requested the Committee on Disarmament⁵ to initiate, as a matter of high priority, negotiations, with the participation of all nuclear-weapon States, on the question of the cessation of the nuclear arms race and nuclear disarmament, in accordance with paragraph 50 of the Final Declaration of SSOD I. Since 1980, this resolution called on the Committee on Disarmament to start consultations on the establishment of an ad hoc working group to deal with the subject, and, since 1982, it also called on the Committee on Disarmament to establish a nuclear disarmament programme.

In 1980, a resolution introduced by Mexico and co-sponsored by non-aligned countries urged the Committee on Disarmament to establish an ad hoc working group on the cessation of the nuclear arms race and nuclear disarmament. It considered that the working group should elaborate and clarify the stages of nuclear disarmament envisaged in paragraph 50 of the Final Document of SSOD I. Furthermore, the working group was to identify the responsibilities of nuclear and non-nuclear-weapon States in the process.⁶

From 1984 to 1988, a resolution annually introduced by Argentina requested the Conference on Disarmament to establish an ad hoc committee to elaborate on paragraph 50 of the Final Document of SSOD I. The committee was to make recommendations on how to initiate multilateral negotiations on appropriate stages for (a) the cessation of the qualitative improvement and development of nuclear-weapon systems; (b) the cessation of the production of all types of nuclear weapons and their means of delivery and of the production of fissionable material for weapons purposes; (c) the substantial reduction of existing nuclear weapons with a view to their ultimate elimination.⁷ In 1989 and 1990, the previous resolutions on the prevention of nuclear war and on the cessation of the nuclear arms race and nuclear disarmament - both of them introduced by Argentina - were merged into one. In its operative paragraphs, the new resolution requested the Conference on Disarmament to establish ad hoc

³ Resolutions concerning the question of a nuclear test ban and bilateral negotiations will not be discussed here. Also, the arguments for or against the particular resolutions will not be examined in detail (see the United Nations Disarmament Yearbooks and Schmalberger, Thomas, *In Pursuit of a Nuclear Test Ban Treaty*, New York 1991: United Nations (UNIDIR).

⁴ 33/71 H of 1978, 34/83 J of 1979, 35/152 B of 1980, 36/92 E of 1981, 37/78 C of 1982, 38/183 D of 1983, 39/148 C of 1984, 40/152 C of 1985.

⁵ The Committee on Disarmament is a predecessor of the Conference on Disarmament.

⁶ 35/152 C.

⁷ 35/152 C of 1980, 39/148 K of 1984, 40/152 P of 1985, 41/86 F of 1986, 42/42 C of 1987, 43/78 E of 1988.

committees on both issues with adequate mandates in order to allow a structured and practical analysis of how the Conference can best contribute to progress on the two urgent matters.⁸

Western countries usually voted against the mentioned resolutions or abstained, which reflects their position taken on the issue in the framework of the Conference on Disarmament (see below).⁹

Resolutions on the non-stationing of nuclear weapons

From 1978 to 1982, a resolution on this issue was annually initiated by the Soviet Union or one of its allies and adopted by vote¹⁰. The resolution expressed the belief that it was necessary to examine possibilities for an international agreement on the non-stationing of nuclear weapons on the territories of States where there were no such weapons. Since 1980, it has requested the Committee on Disarmament to start talks with a view to formulating such an agreement. The resolution was initiated and adopted against the background of the dispute over the deployment by both military blocks of intermediate-range nuclear missiles in Europe. The proponents of the resolution argued that the proposed agreement would strengthen the nuclear non-proliferation regime and would contribute to the establishment of nuclear-weapon-free zones. It would also reduce the danger of nuclear war. Most Western countries cast negative votes on the resolution for reasons related to their military strategy (see Chapter II of the Report). Many non-aligned countries that abstained did so because they did not wish to interfere in the dispute over the stationing of intermediate-range nuclear forces in Europe.

Resolutions on the prohibition of the production of fissionable material for weapons purposes

Each year from 1978 to 1990, a resolution on this subject has been introduced by Canada¹¹. The resolution has requested the Conference on Disarmament to pursue its consideration of the question of an adequately verified cessation and prohibition of the production of fissionable material for nuclear weapons and other nuclear explosive devices.¹² The resolution was usually

⁸ 44/119 E of 1989, 45/62 C of 1990.

⁹ In 1990 (45/62 C) the following countries voted against the resolution introduced by Argentina: Belgium, Canada, France, Germany, Italy, Luxembourg, Netherlands, Portugal, Spain, Turkey, United Kingdom, United States. The following States abstained: Czechoslovakia, Denmark, Greece, Iceland, Israel, Japan, Norway, Poland, Romania.

¹⁰ 33/91 F of 1978, 34/87 C of 1979, 35/156 C of 1980, 36/97 E of 1981, 37/99 A of 1982.

¹¹ 33/91 H of 1978, 34/87 D of 1979, 35/156 H of 1980, 36/97 G of 1981, 37/99 E of 1982, 38/188 E of 1983, 39/151 H of 1984, 40/94 G of 1985, 41/59 L of 1986, 42/38 L of 1987, 43/75 K of 1988, 44/116 H of 1989, 45/58 L of 1990. In 1990, France voted against the resolution, and Argentina, Cameroon, China, India, the United Kingdom and the United States abstained.

Proposals to cut off the production of fissionable material for weapons purposes and to transfer the stocks of such material to peaceful uses date back to 1957, when the United States proposed such a step (see also ENDC/120 of 1964). The United States reversed its position later on and opposed such a measure. The Soviet Union, which (until around 1983) rejected proposals for a cut-off of the production of fissionable material, proposed the destruction of all stockpiles of nuclear weapons and the prohibition of their manufacture (ENDC/172 of 1966). See CD/90 (Australia, Canada) of 1980.

¹² The resolution stated that the cessation of production of fissionable material for weapons purposes and the progressive conversion and transfer of stocks to peaceful uses would be a significant step towards halting and reversing the nuclear arms race. However, the Conference on Disarmament is only requested to pursue the question of the cessation of production.

adopted with few or no votes against and some abstentions.¹³ The proponents have held that such a step would strengthen the non-proliferation regime and would also contribute to halting the nuclear arms race. Some of the opponents, for example India, Brazil or Argentina, have argued that the question could not be divorced from the question of general nuclear disarmament. They insisted on a simultaneous stoppage of the production of nuclear weapons.¹⁴ The United Kingdom and the United States (the country which first proposed a cut-off) usually abstained and France voted against. They held that restraints on or cut-offs of fissile material production would not have much of an arms control value and would undermine deterrence, and that such measures could not be verified.

Resolutions on the prohibition of nuclear "neutron weapons"¹⁵

Each year from 1981 to 1985, Socialist countries introduced a resolution requesting the Conference on Disarmament to negotiate a convention prohibiting the development, production, stockpiling, deployment and use of nuclear neutron weapons. The resolutions were submitted at a time when the United States was considering whether to produce these weapons. The resolutions were usually adopted against the vote of most Western countries and a large number of abstentions.¹⁶ Those voting against or abstaining held the view that neutron weapons were just one category of nuclear weapons and there was no reason for giving them special treatment.

Resolutions on a nuclear-arms freeze

From 1982 to 1987, non-aligned countries, especially India and Mexico, put forward two separate draft resolutions on a nuclear-arms freeze, which were adopted by the General Assembly. The first resolution, which was introduced by India, called for a simultaneous freeze by all nuclear-weapon States providing for a simultaneous total stoppage of any further production of nuclear weapons and a complete cut-off in the production of fissionable material for weapons purposes.¹⁷ The second resolution, introduced by Mexico, urged the two superpowers to proclaim an immediate nuclear-weapons freeze as a first step towards a comprehensive programme of disarmament. The freeze would include a comprehensive ban on testing nuclear weapons and their delivery vehicles; the complete cessation of the manufacture of nuclear weapons and their means of delivery; a prohibition of all further deployment of nuclear weapons or their delivery vehicles; and the complete cessation of the production of fissionable material for weapons purposes. The freeze would be introduced for an initial five-year duration, subject to prolongation if other nuclear-weapon States joined the freeze.¹⁸ From 1988 to 1990, the two resolutions were merged into one.¹⁹ The new resolution urged the

¹³ Since 1984, the Eastern European States, which had previously voted against or abstained, voted in favour of the resolution.

¹⁴ It may be noted that both the stoppage of production of nuclear weapons and the cessation of production of fissionable material would require so called full-scope safeguards for all the nuclear-weapon States.

¹⁵ So-called "nuclear neutron weapons" are nuclear weapons with enhanced radiation effects and reduced blast and thermal effects.

¹⁶ 36/92 K of 1981, 37/78 E of 1982, 38/183 C of 1983, 39/148 E of 1984, 40/152 H of 1985.

¹⁷ 37/100 A of 1982, 38/73 B of 1983, 39/63 G of 1984, 40/151 E of 1985, 41/60 E of 1986, 42/39 B of 1987.

¹⁸ 37/100 B of 1982, 38/73 E of 1983, 39/63 C of 1984, 40/151 C of 1985, 41/60 I of 1986, 42/39 H of 1987.

¹⁹ 43/76 B of 1988, 44/117 D of 1989, 45/59 D of 1990.

United States and the Soviet Union to agree on an immediate nuclear-arms freeze. This freeze should provide for the simultaneous total stoppage of any further production of nuclear weapons and a complete cut-off of the production of fissionable material for weapons purposes by the two States. At the same time, it called on all nuclear-weapon States to agree, through a joint declaration, to a comprehensive nuclear-arms freeze. The resolution stated that such a freeze should comprise: a comprehensive ban on testing nuclear weapons and their delivery vehicles; the complete cessation of the manufacture of nuclear weapons and their delivery vehicles; a ban on all further deployment of nuclear weapons and their delivery vehicles; the complete cessation of the production of fissionable material for weapons purposes.²⁰

Each year from 1982 to 1985, the Socialist countries used to introduce a resolution on a nuclear freeze. This resolution appealed to all nuclear-weapon States to freeze, from a specific date, their arsenals on a global scale and under appropriate verification, as a first step towards the reduction of their arsenals and with a view to the complete elimination of nuclear weapons. It urged the two superpowers to take the first step in this direction.²¹

The nuclear freeze resolutions were usually adopted against the votes of most Western countries and some abstentions (including China).²² Those voting against held that a nuclear-arms freeze would reinforce existing imbalances in nuclear forces, present verification problems, and would reduce the incentive for negotiations on balanced reductions of nuclear forces.²³ The proponents argued that a nuclear-arms freeze would be verifiable, would contribute to halting the arms race, and would constitute a first step towards nuclear disarmament.²⁴

3.3 The Debate in the Conference on Disarmament

Nuclear matters have been dealt with in the Conference on Disarmament and its predecessors for many years.²⁵ Since SSOD I in 1978, a wide range of topics has been discussed under agenda item 2 of the Conference which is entitled "cessation of the nuclear arms race and nuclear disarmament". These topics have included: the cessation of production of nuclear weapons and their delivery systems; the cut-off of further production of fissionable material for weapon purposes and the transfer of stocks of such material to peaceful uses; the restriction or prohibition of the deployment of nuclear weapons on the territory of other States; the freezing of nuclear-weapon arsenals; the non-use or no-first-use of nuclear weapons; the cessation of nuclear-weapon testing; and nuclear-weapon-free zones and the non-proliferation of nuclear weapons. The following sections summarize the positions and proposals put forward in the

²⁰ 43/76 B of 1988, 44/117 D of 1989, 45/59 D of 1990.

²¹ 37/100 B of 1982, 38/76 of 1983, 39/151 D of 1984, 40/94 H of 1985.

²² In 1990, the following countries voted against resolution 45/59 D: Belgium, Canada, France, Germany, Israel, Italy, Japan, Luxembourg, Netherlands, Portugal, Spain, Turkey, United Kingdom, United States. The following countries abstained: Bulgaria, China, Czechoslovakia, Denmark, Finland, Greece, Hungary, Iceland, Liechtenstein, Norway, Poland, Romania.

²³ This position is, for example, reflected in CD/394 (France).

²⁴ It will be noted that the idea of a nuclear-weapons freeze dates back to at least 1964 (ENDC/120, United States).

²⁵ For a description of the organizational aspects of the negotiating forum see the United Nations Disarmament Yearbooks. Proposals concerning nuclear disarmament issues from the establishment of the United Nations to SSOD I in 1978 are compiled in CD/293 (Secretariat). Proposals concerning nuclear disarmament from SSOD I to 1981 are compiled in CD/171 (Secretariat).

context of this agenda item of the CD. Most of the mentioned issues have been discussed only in very general terms and there have hardly been any concrete and substantive proposals. (For the general views of the delegations with regard to nuclear disarmament see also Chapter II)

Group of 21

With a view to the General Assembly resolutions mentioned above and the Final Document of SSOD I, the Group of 21 has constantly pressed for the establishment of an ad hoc body within the Conference on Disarmament to commence negotiations on concrete measures for the cessation of the nuclear arms race and nuclear disarmament. Such measures should, in their opinion, lead to the complete elimination of nuclear weapons. The members of the Group of 21 have recognized that the nuclear powers bear the primary responsibility for nuclear disarmament. However, they argue that all States should take part in negotiations leading to the elimination of nuclear weapons. Members of the Group which are parties to the NPT have also regarded agenda item 2 of the Conference on Disarmament as a vehicle to ensure the implementation of Article VI of the NPT, which obliges the nuclear-weapon States parties to the treaty to pursue negotiations in good faith on effective measures relating to the cessation of the nuclear arms race at an early date and to nuclear disarmament.

In 1979, the Group of 21 submitted a working paper²⁶ proposing informal meetings and consultations to identify the prerequisites and elements of multilateral negotiations on nuclear disarmament. On the basis of progress on the issue, a working group for negotiating agreements and concrete measures was to be set up. As a first step, the relationship between the different aspects and stages of nuclear disarmament, as outlined in paragraph 50 of the Final Document of SSOD I, were to be discussed. Once the broad guidelines were established, the nuclear powers could negotiate concrete measures among themselves.

Since 1979, the Group of 21 has submitted several draft mandates for an ad hoc committee to start negotiations on the cessation of the nuclear arms race and nuclear disarmament. But, due to opposition by Western countries, these proposals have never materialized.²⁷ According to the latest proposal, the committee would be set up to: (a) elaborate and clarify the stages of nuclear disarmament envisaged in paragraph 50 of the Final Document of SSOD I, and identify the responsibilities of nuclear-weapon States and the role of non-nuclear-weapon States; (b) clarify the issues involved in prohibiting the use or threat of use of nuclear weapons, pending nuclear disarmament, and the prevention of nuclear war; (c) clarify the issues involved in eliminating reliance on doctrines of nuclear deterrence; (d) identify measures to ensure the effective discharge by the Conference on Disarmament of its role in this respect (see Appendix XVIII)^{28, 29}.

²⁶ CD/36/Rev.1.

²⁷ In 1981, the Group of 21 proposed that the ad hoc body elaborate stages of nuclear disarmament envisaged in paragraph 50 of the Final Document of SSOD I; clarify the issues involved in the prohibition of the use or threat of use of nuclear weapons pending nuclear disarmament, and the prevention of nuclear war (CD/116). See also CD/64, CD/180, CD/309 (India), CD/526. In 1984 (CD/526), the Group proposed a mandate that reflected the contents of the UN General Assembly resolution usually introduced by Argentina and mentioned above.

²⁸ CD/819/Rev.1 of July 1989.

²⁹ The views of the Group of 21 are reflected in CD/36/Rev.1, CD/64, CD/116, CD/143 (Mexico), CD/180 of 1981, CD/188 of 1981. The most recent position of the Group of 21 is contained in CD/1039, pp.28-32.

Several possible measures for the cessation of the nuclear arms race and nuclear disarmament were mentioned by members of the Group over the years. They include the freezing of nuclear-weapons arsenals, the cessation of nuclear testing, the cessation of the production of fissionable material for weapons purposes and the placing of stocks of fissionable material under international safeguards, and subsequent negotiations on dismantling nuclear armaments. It was also suggested that the question of naval nuclear armaments be discussed in the Conference on Disarmament. Measures in this context would include a prohibition of naval tactical nuclear weapons. Another proposal was to hold negotiations to standardize and multilateralize existing bilateral agreements on the prevention of incidents at sea.

In 1988, India submitted a document to SSOD III, outlining an action plan for ushering in a nuclear-weapon-free and non-violent world order. The action plan was also circulated in the Conference on Disarmament. The plan provided for negotiating a binding commitment for a phased elimination of nuclear weapons by the year 2010.³⁰ (See Appendix XIX) During the first stage of the plan, to be carried into effect from 1988 to 1994, the United States and the Soviet Union were to implement the following measures: eliminate all their land-based medium and shorter-range missiles according to the INF Treaty; agree on a 50 % cut in their strategic nuclear weapons; agree on a phased elimination, until the year 2000, of their short-range battlefield and air-launched nuclear weapons. During the same stage, all nuclear-weapon powers were to cease the production of nuclear weapons and of weapon-grade fissionable material and enter a moratorium on nuclear weapon testing. During stage two, to last from 1995 to 2000, the two superpowers would complete their reductions envisaged for stage one and all nuclear-weapon powers would become involved in the process of nuclear disarmament. The medium- and short-range -- sea-based, land-based and air-launched -- nuclear missiles of all nuclear powers would be eliminated. Their tactical battlefield nuclear weapons would also be eliminated and a comprehensive test-ban treaty would enter into force. During stage three, to last from 2001 to 2010, the elimination of all nuclear weapons from the world would be completed and a single integrated multilateral and comprehensive verification system would be established. This system would ensure that no nuclear weapons are produced. And, a comprehensive global security system would be established. The nuclear disarmament process would be accompanied by a wide range of collateral measures relating to nuclear and other types of weapons.

Eastern European and other States

Until 1988, the official positions of the countries forming the Group of Socialist States (since 1990 called the "Group of Eastern European and other States") used to be almost identical. Since 1989, the positions of some of these countries have undergone substantial changes and the account below has partly a historical value.

In 1979, the Socialist group submitted a working paper which proposed negotiations on ending the production of all types of nuclear weapons, and on gradually reducing stockpiles

³⁰ A/S-15/12, also submitted as CD/859. Proposals calling for gradual and comprehensive nuclear disarmament according to a set timetable, although in a more general form, were submitted also by the Non-Aligned Movement (e.g. A/S-15/27).

until their complete destruction.³¹ This proposal was repeated in subsequent years. The Socialist group held that the elimination of nuclear weapons would have to proceed in agreed stages and could comprise the cessation of the qualitative improvements of nuclear arms, the cessation of the production of fissionable material for military purposes, and a gradual reduction of stockpiles of this material.³² In 1980, the Socialist group submitted another working paper which elaborated on the previous one and outlined a number of steps the Conference on Disarmament could take. These included consultations to identify the main points for negotiation, the establishment of an ad hoc committee, and the compilation of relevant documents by the Secretariat.³³

Since 1980, the Group has submitted several proposals for the establishment of an ad hoc committee³⁴, and supported proposals made by non-aligned countries. In the latest proposal, which dates back to 1984, the group proposed that the ad hoc committee elaborate practical measures for the cessation of the nuclear arms race and nuclear disarmament, in accordance with paragraph 50 of the Final Document of SSOD I, including a nuclear disarmament programme.³⁵ However, the group has conceded that informal meetings of the CD also offer to all delegations the opportunity to exchange views on how to prepare for negotiations. It did not insist on the establishment of an ad hoc committee, which, nonetheless, remained its preference.³⁶

In accordance with their position taken in the UN General Assembly, the Socialist countries proposed a nuclear-weapons freeze, which would be followed by gradual reductions of nuclear-weapon stockpiles until their complete elimination. In 1983, the Soviet Union proposed in the Conference on Disarmament that all nuclear powers should simultaneously freeze, both quantitatively and qualitatively, all nuclear weapons at their disposal. The freeze could enter into force between the United States and the Soviet Union immediately, on the understanding that the other nuclear powers would follow.³⁷ Since 1985, when bilateral US-Soviet negotiations on nuclear disarmament were resumed and the dispute over the stationing by both military blocks of intermediate nuclear forces in Europe faded, the issue received less attention.

From 1981 to 1985, the Group of Socialist States proposed the establishment of an ad hoc committee within the Conference on Disarmament to negotiate a convention prohibiting nuclear neutron weapons.³⁸ The text of such a convention had been submitted to the predecessor of the Conference on Disarmament in 1978.³⁹ The Soviet Union and its allies also proposed an agreement on the non-stationing of nuclear weapons in countries where there were

³¹ CD/4. It will be noted that proposals for the prohibition of development, production and stockpiling of nuclear weapons had been made already many years earlier. Proposals on nuclear disarmament issues from the establishment of the United Nations until SSOD I in 1978 are compiled in CD/293 (Secretariat). Proposals on nuclear disarmament from SSOD I to 1981 are compiled in CD/171 (Secretariat).

³² See also CD/934 which calls for a stable and secure Europe free of nuclear and chemical weapons and for a substantial reduction of armed forces, armaments and military spending. This document calls for a staged reduction and subsequent complete elimination of nuclear weapons.

³³ CD/109 (GDR), see also CD/160.

³⁴ CD/259 (GDR) of 1982, CD/523 of 1984 (socialist countries, see appendix).

³⁵ CD/523.

³⁶ The most recent position of the group is reflected in CD/1039, pp.32-38.

³⁷ CD/385.

³⁸ CD/219. See also CD/344 (GDR) of 1983.

³⁹ CCD/559.

no such weapons.⁴⁰ Both proposals were made in accordance with relevant UN General Assembly resolutions that had been initiated by members of the Socialist group (see above).⁴¹

In January 1986, the Soviet Union presented a comprehensive nuclear disarmament proposal, providing for a stage-by-stage elimination of nuclear weapons by the year 2000.⁴² (See Appendix XX) During the first five to eight years of the programme, the United States and the Soviet Union would reduce by 50 % their nuclear weapons that could reach each other's territories. During the same stage, all intermediate-range ballistic and cruise missiles of the two powers in Europe would be eliminated. The two sides would renounce the development, testing and deployment of space strike weapons⁴³. During the second stage, which was to start by 1990 and last five to seven years, the other nuclear-weapon powers would become involved in nuclear disarmament. They would pledge to freeze their nuclear arsenals and not station them in the territories of other countries. The two superpowers would continue the agreed reduction of their nuclear arsenals, eliminate all their medium-range nuclear weapons, and freeze their tactical nuclear weapons. Following the completion of the 50 % reduction by the United States and the Soviet Union of their strategic nuclear weapons, all nuclear-weapon States would eliminate their tactical nuclear arms and cease nuclear-weapon testing. During the third stage, which was to begin no later than 1995, the elimination of all remaining nuclear weapons was to be completed and a universal accord would be concluded to prevent a re-armament. Destruction or limitation would be verified by national technical means and on-site inspections. At the same time, measures relating to other categories of weapons would be implemented. More recently, the Soviet Union has been seeking to attain a level of minimum deterrence on the way to a nuclear-free world. The most dangerous dimensions of nuclear deterrence would therefore be eliminated while the deterrent effect of these weapons would be maintained.

From 1984 to 1990, the Group of Eastern European and other States has supported proposals for the conclusion of an agreement on the cessation and complete prohibition of the production of fissionable material for nuclear weapons.⁴⁴ Moreover, suggestions were made, inter alia by the Soviet Union, to reach an agreement on refraining from military use of nuclear material released as a result of nuclear disarmament measures.

Without going into much detail, several possible topics for discussion were mentioned by the members of the group. Together with a few non-aligned countries and China, members of the Group of Eastern European and other States suggested talks on naval arms limitation and disarmament, including confidence-building measures in this area. Measures such as notification of naval transfers and manoeuvres, restraints on naval exercises, exchanges of relevant information, invitation of observers, notification of the presence or absence of nuclear weapons

⁴⁰ CD/256 (GDR) of 1982.

⁴¹ The position of the socialist group is reflected in CD/193 (GDR) of 1981.

⁴² A/41/97, also issued as CD/649. The members of the Warsaw Treaty Organization also proposed, at SSOD III in 1988, the elaboration of a comprehensive and phased programme of nuclear disarmament leading to the complete elimination of nuclear weapons by the year 2000 (A/S-15/26). Details for such a programme were proposed by the GDR on the same occasion (A/S-15/23).

⁴³ The term space strike weapons is used by several delegations in the Ad Hoc Committee on the Prevention of an Arms Race in Outer Space, although it has never been officially defined. The term refers to offensive or defensive devices -- earth- or space-based -- capable of striking an object in outer space.

⁴⁴ E.g. A/CN.10/117 (Bulgaria, Czechoslovakia, GDR, USSR), submitted to the Disarmament Commission of the UN General Assembly in 1989. It will be noted that the Soviet Union used to be adamantly opposed to such proposals in the 1960s.

on ships entering the ports of other countries, etc. were suggested. The question of zones of reduced density of naval armaments was mentioned. Other suggestions were to multilateralize the INF Treaty, to agree on measures to prevent the proliferation of missile technology, and to promote cooperation in the peaceful uses of outer space.

Western Countries

Since the beginning of the debate, most Western countries have held that, for the time being, no concrete nuclear disarmament negotiations could be conducted in the framework of the Conference on Disarmament. They have argued that bilateral negotiations between the United States and the Soviet Union are the most appropriate way for dealing with the pending issues.⁴⁵ As to the smaller nuclear powers, France has posed the condition that, before it could become involved in nuclear disarmament negotiations, the gap between the nuclear arsenals of the two major powers and that of France must be reduced; ballistic missile defence systems must not be deployed; the imbalance in conventional arms must be corrected; and chemical weapons must be eliminated. Western countries have held that the discussion on the agenda item should be pursued in plenary meetings of the Conference where the views of delegations are put on record, or in informal meetings of the Conference.

The members of the Western group have re-iterated their arguments put forward in the context of the debate on the prevention of nuclear war and negative security assurances (see Chapters I and II). They have opined that nuclear disarmament could not be separated from the disarmament affecting other types of weapons. Some States in the Western group have agreed, however, that certain limited steps could be taken within the Conference on Disarmament. Among them could be the prohibition of the production of fissionable material for weapons purposes. In 1980, Australia and Canada⁴⁶ submitted a working paper on this issue which reviewed past proposals. A prohibition of the production of fissionable material for weapons purposes would, in the view of its proponents, arrest the momentum of the nuclear arms race and stem nuclear weapons proliferation. Due to the opposition by the three Western nuclear powers and a few non-aligned countries, the debate on this question has not gone far.⁴⁷

China

China has supported the proposals of the Group of 21 for establishing an ad hoc committee to deal with agenda item 2, but has also agreed to discuss the issue in plenary or informal meetings of the Conference on Disarmament.

⁴⁵ It will be noted that the United States and the Soviet Union have, from time to time, and in a rather general way, provided other delegations to the Conference on Disarmament with information on their bilateral nuclear arms limitation and disarmament negotiations.

⁴⁶ CD/90.

⁴⁷ The most recent position of the Group of Western Countries is contained in CD/1039 of August 1990, pp.38-44. See also the comprehensive concept of arms control and disarmament, adopted by the members of NATO in May 1989 (CD/926). In this document, the members of NATO state that "the basic goal of the Alliance's arms control policy is to enhance security and stability at the lowest balanced level of forces and armaments consistent with the requirements of the strategy of deterrence."

China has argued that the ultimate goal of nuclear disarmament must be the complete prohibition and destruction of nuclear weapons. Since the United States and the Soviet Union are, in China's view, responsible for the escalating nuclear arms race, they should take the lead in halting the testing, production and deployment of all types of nuclear weapons and drastically reduce all types of nuclear arms deployed by them. Following that, a broadly representative international conference on nuclear disarmament with the participation of all nuclear-weapon powers should be convened with a view to eliminating all remaining nuclear weapons. China also stated that nuclear disarmament must go hand in hand with other disarmament measures, including conventional disarmament and the prevention of an arms race in outer space.

China has repeatedly proposed that, pending the elimination of nuclear weapons, all nuclear-weapon States should undertake not to use nuclear weapons first, at any time and under any circumstances, and should unconditionally pledge not to use them against non-nuclear-weapon States or nuclear-free zones. Furthermore, an international convention prohibiting the use of nuclear weapons should be concluded with the participation of all nuclear powers (see Chapter II).⁴⁸

3.4 Conclusions

The debate under agenda item 2 of the Conference on Disarmament has so far been of a very general nature. It has touched on a wide range of nuclear arms control and disarmament issues without going into detail. The positions and proposals put forward at the Conference have been a mere reflection of discussions and proposals outside the Conference, notably on the US-Soviet bilateral level and in the UN General Assembly. Indeed, the bulk of the discussion on the relevant subjects, as summarized in the yearly report of the Conference, consists of general comments on events and developments taking place outside the Conference on Disarmament.

There is total disagreement on whether, and if so which, measures for the cessation of the nuclear arms race and nuclear disarmament should be negotiated by the Conference on Disarmament. All efforts, especially by the non-aligned countries, to establish a specialized working body to commence negotiations have therefore failed.

3.5 Appendices

(The following documents relevant to this Chapter are partly included in the Appendix of this research report. For the page numbers, see table of contents.)

Appendix XIX: CD/819/Rev.1 (Group of 21)

Appendix XX: CD/859 (India)

Appendix XXI: CD/649 (USSR)

⁴⁸ See also A/S-15/20 submitted at SSOD III. The views of China on the agenda item are reflected in CD/1039, pp.44-46, CD/767 of 1987, CD/213 of 1981.

CONCLUSION

Just before the manuscript of this research report was sent to the printer, the new reports by the Conference on Disarmament concerning the three agenda items under examination were issued. Instead of general conclusions, this sections therefore briefly summarizes the results of the 1991 session of the CD.

The outcome of the discussions concerning the three agenda items during the 1991 session seems to be in line with the expectations we stated in the concluding sections of the three Chapters above; there was virtually no progress.

The report of the ad hoc committee on security assurances to non-nuclear-weapon States¹ reflects the same views and positions as in previous years. The only news that can be reported is a working paper by Egypt². This paper contains some ideas for strengthening the "positive" security guarantees expressed in Security Council Resolution 255. For the major part, the working paper simply re-iterates suggestions made by Egypt at the Fourth NPT Review Conference and refers to a number of weak points in Resolution 255. It proposes to adopt a revised version of the Resolution containing credible assurances, but does not go into details. It simply suggests to initiate consultations between the nuclear-weapon States parties and non-parties to the NPT. It appears, therefore, that the Conference on Disarmament will, as one Western delegation put it, have to continue "the patient analysis of ideas that would appear to have some chance of being accepted by the nuclear-weapon states."

The debate concerning the agenda item "Prevention of nuclear war, including all related matters" took place in formal and informal meetings of the Conference. The major part of the report³, which resulted from the discussion, consists of comments on events that took place outside the Conference. The views of States on the issue remained unchanged and no new proposals were submitted. The only concrete suggestion, which was not new however, came from India. It submitted some ideas regarding the verification of a ban on the use of nuclear weapons. It mentioned that procedures of the nuclear-weapon States to prevent the accidental use of nuclear weapons or rule out that such weapons could go into unauthorized possession could be appreciable for preventing the use of nuclear weapons. These procedures could be verified through a high level consultative machinery. Reference was made to a proposal to place the control on nuclear weapons in the hands of the UN Security Council without a veto. Several delegations from the Group of 21 suggested that the Conference address the issue of a multilateral agreement on the prevention of incidents at sea.

Agenda item 3 of the Conference on Disarmament provided delegations with an opportunity to express their views on the question of nuclear disarmament. The report by the Conference on the agenda item⁴ indicates that the positions remained the same as in previous years. Most comments that were made related to developments outside the Conference, notably,

¹ CD/1104 of 19 August 1991.

² CD/SA/WP.13.

³ CD/WP.414/Rev.1 of 28 August 1991.

⁴ CD/WP.413/Rev.1 of 28 August 1991.

the START Treaty, the NPT, the declaration of Foz de Iguacu, signed by Argentina and Brazil in November 1990, the initiative by Egypt to establish a zone free of weapons of mass destruction in the Middle East, the US and the French plans for arms control and disarmament, etc. Delegations from various groups suggested that the Conference could commence negotiations on the cessation of the production of fissionable material for weapon purposes, but no concrete steps were taken.

APPENDICES

APPENDIX I: UN Security Council Resolution 255

QUESTION RELATING TO MEASURES TO SAFEGUARD NON-NUCLEAR-WEAPON STATES PARTIES TO THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS

Resolution 255 (1968) of 19 June 1968

The Security Council,

Noting with appreciation the desire of a large number of States to subscribe to the Treaty on the Non-Proliferation of Nuclear Weapons,⁴² and thereby to undertake not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly or indirectly, not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices,

Taking into consideration the concern of certain of these States that, in conjunction with their adherence to the Treaty on the Non-Proliferation of Nuclear Weapons, appropriate measures be undertaken to safeguard their security,

Bearing in mind that any aggression accompanied by the use of nuclear weapons would endanger the peace and security of all States,

1. *Recognizes* that aggression with nuclear weapons or the threat of such aggression against a non-nuclear-weapon State would create a situation in which the Security Council, and above all its nuclear-weapon State permanent members, would have to act immediately in accordance with their obligations under the United Nations Charter;

2. *Welcomes* the intention expressed by certain States that they will 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 or an object of a threat of aggression in which nuclear weapons are used;

3. *Reaffirms* in particular the inherent right, recognized under Article 51 of the Charter, of individual and 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.

Adopted at the 1433rd meeting by 10 votes to none, with 5 abstentions (Algeria, Brazil, France, India and Pakistan).

⁴² General Assembly resolution 2373 (XXII), annex.

APPENDIX II: Final Document of the Second Special Session of the UN General Assembly devoted to disarmament (A/S-10/4; paragraphs 56-59)

56. 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.

57. Pending the achievement of this goal, for which negotiations should be vigorously pursued, and bearing in mind the devastating results which nuclear war would have on belligerents and non-belligerents alike, the nuclear-weapon States have special responsibilities to undertake measures aimed at preventing the outbreak of nuclear war, and of the use of force in international relations, subject to the provisions of the Charter of the United Nations, including the use of nuclear weapons.

58. In this context all States, in particular nuclear-weapon States, should consider as soon as possible various proposals designed to secure the avoidance of the use of nuclear weapons, the prevention of nuclear war and related objectives, where possible through international agreement, and thereby ensure that the survival of mankind is not endangered. All States should actively participate in efforts to bring about conditions in international relations among States in which a code of peaceful conduct of nations in international affairs could be agreed and which would preclude the use or threat of use of nuclear weapons.

59. 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-weapon States against the use or threat of use of nuclear weapons.

APPENDIX III: Official doctrinal positions of the nuclear-weapon States (excerpts from the UN Comprehensive Study on Nuclear Weapons; A/45/373, September 1990, pp.139-146)

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APPENDIX I

Official doctrinal positions of the nuclear-weapon States

CHINA

[Original: Chinese]

**Basic positions of the Government of China on
nuclear weapons and nuclear disarmament**

1. China has consistently opposed the arms race and is dedicated to the cause of maintaining world peace and security. China always stands for disarmament and complete prohibition and thorough destruction of nuclear weapons.

2. China declared on the very first day when it came into possession of nuclear weapons that at no time and under no circumstances would it be the first to use nuclear weapons. China respects the status of the existing nuclear-weapon-free zones and will not use, or threaten to use, nuclear weapons against non-nuclear-weapon States or nuclear-weapon-free zones.

3. With respect to nuclear disarmament, China is of the view that:

(a) The ultimate goal of nuclear disarmament should be the complete prohibition and thorough destruction of nuclear weapons. All measures aimed at nuclear disarmament should serve the realization of this goal;

(b) The United States of America and the Union of Soviet Socialist Republics possess the world's largest and most sophisticated nuclear arsenals and are still improving and upgrading their nuclear weapons. They bear a special responsibility for halting the nuclear arms race and reducing nuclear weapons. They should take the lead in halting the testing, production and deployment of all types of nuclear weapons, reducing and destroying drastically all types of nuclear weapons that they have deployed anywhere inside or outside their countries. After this is done, a broadly representative international conference on nuclear disarmament may be convened with the participation of all nuclear-weapon States to discuss further steps and measures for thorough destruction of nuclear weapons. This would be a truly effective way to achieve nuclear disarmament;

(c) As an effective measure to prevent nuclear war, all nuclear-weapon States should undertake not to be the first to use nuclear weapons at any time and under any circumstances, and not to use or threaten to use nuclear weapons against non-nuclear-weapon States and nuclear-weapon-free zones. On this basis, an international convention banning the use of nuclear weapons should be concluded with the participation of all the nuclear-weapon States.

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FRANCE

[Original: French]

Defence doctrine of France

1. France's defence doctrine rests on nuclear deterrence. As the President of the Republic said in his speech to the Institute of Advanced National Defence Studies on 11 October 1988:

"Deterrence means preventing any possible aggressor from meddling with our vital interests because of the risks he would run. Deterrence does not exist to win war but to prevent, to forestall it."

2. The point is that the weak can deter the strong by means of a range of resources capable of persuading the opponent that the nuclear risk he runs on his own territory would outweigh any benefit he might think to gain by attacking France.

3. A nuclear weapon is thus a political weapon, a diplomatic weapon for keeping balance and countering blackmail from any source. It renders the very enterprise of war pointless, since war becomes impossible to win.

4. This is why France's deterrent force does not seek to match the opponent's nuclear capacity but is based on the idea of sufficiency, made possible by the equalizing power of the atom.

5. This is also why it must be maintained above the credibility threshold by means of continuous, technologically wholly independent modernization.

6. Given the seriousness of the stakes, France considers that only a threat to its vital interests - that is, the very existence of the nation - could justify the use of its force de frappe (strike force). For that very reason, the decision to use force rests with the Head of State alone, whose autonomy must be absolute: he is the one who has to define where France's vital interests begin.

7. French deterrence has another component, the final warning, which is an integral part of it. The final warning, delivered against a military target - by pre-strategic weapons in the first instance, even if the final warning is not solely a matter for short-range weapons - is to indicate to the aggressor that the vital interests of France are at stake and that continued aggression will result in strategic weapons being used.

8. By offering a chance of last-minute negotiations, the final warning theory enhances overall deterrence.

9. France's autonomy of decision allows the criteria for and timing of the use of nuclear force in the event of aggression to remain uncertain, thus increasing the deterrence effect.

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10. While nuclear weapons, on which deterrence rests, have been chiefly responsible for keeping the peace for more than 40 years, and while France believes that the human mind cannot come up with any credible alternative to nuclear weaponry for exercising deterrence, this of course does not make France any less well-disposed towards efforts to reduce nuclear over-armament. It thus attaches the highest priority to Soviet-American strategic talks and devoutly hopes for an agreement resulting in a substantial reduction in the arsenals concerned. It hopes that those efforts will continue.

11. The French President, speaking on 28 September 1983 at the United Nations, clearly stated the three prior conditions France has set before it will take part in any negotiations:

"The first of these conditions is the correction of the fundamental difference, in terms of type and quantity, between the armaments of the two major Powers and those of the others ...

"The second condition flows from the wide gap between conventional forces, particularly in Europe, a gap which has become even wider ... because of the existence of chemical and biological weapons, the manufacture and stockpiling of which must be prohibited by a convention.

"The third condition is the cessation of the escalation in anti-missile, anti-submarine and anti-satellite weapons."

12. France devoutly hopes that these conditions will be fulfilled and will spare no effort to attain this end.

UNION OF SOVIET SOCIALIST REPUBLICS

[Original: Russian]

Military doctrine of the USSR

1. Soviet military doctrine is profoundly defensive, aimed at guaranteeing the security of the USSR and its allies. Its goal is not to prepare for, but to prevent, nuclear war.

2. That goal was reflected, in particular, in the Soviet Union's pledge never in any circumstances to be the first to use nuclear weapons. That most important political act reflects the determination of the Soviet Union to work for the gradual reduction and, ultimately, complete elimination of the risk of a nuclear war. The Soviet Union believes that a nuclear war must never be fought and cannot be won.

3. The Soviet Union is a staunch opponent of war in all its aspects. It considers that a nuclear war, once begun, would assume global proportions and would have disastrous consequences not only for the belligerents but for all mankind; the assumption that such a war can be restricted to one region or theatre of operations is untenable.

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4. Historically, the Soviet Union was compelled to develop nuclear weapons and subsequently assemble nuclear forces as a countermeasure.
5. However, the USSR considers that state of affairs to be an intermediate stage in the radical reduction of nuclear weapons - which has already begun - since the current balance of the nuclear potentials of the opposing sides is disproportionately high and, for the time being, only guarantees equal peril for both sides. The continuation of the nuclear-arms race will inevitably increase that equal peril and may lead to a situation in which even parity will cease to be a factor in military and political restraint.
6. Hence, the Soviet Union is in favour of guaranteeing strategic stability at the lowest possible level of nuclear balance and, in the long run, eliminating nuclear weapons completely. This goal, of course, cannot be achieved immediately. It has to be approached through a process of step-by-step reductions by all nuclear-weapon States, with guarantees, at every stage, of international security and strategic stability.
7. The Soviet Union has put forward a balanced programme for the elimination of nuclear weapons by the year 2000, which was presented in the statement by the General Secretary of the Central Committee of the Communist Party of the Soviet Union, Mr. M. S. Gorbachev, on 15 January 1986.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

[Original: English]

United Kingdom nuclear doctrine: Deterrence after the INF Treaty

1. The central aim of the NATO Alliance's defence effort is clear and simple: to remove the option of war permanently from the East/West scene. Nuclear weapons have made this aim wholly compelling and for that very reason wholly attainable. Their virtually infinite destructive power has made nonsense of the idea of war as a contest of strength. That result is irreversible, since it rests on scientific knowledge that cannot be forgotten. The right course is not to attempt vainly to dissolve it, but to build around it a war-prevention system that, without surrendering the great stability we have now, will become progressively less costly and less abrasive.
2. The goal must be a system giving each side thorough assurance - grounded, amid the strains of a changing world, not on beliefs about attitude or motive but on objective military fact - that the other neither has nor seeks options for resolving differences by force. If the East shares that goal, it can increasingly be attained through open and well-understood policies cancelling war not through the brandishing of armaments but through their quiet maintenance at the lowest level needed to ensure that the utter irrationality of aggression remains a plain certainty.

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3. Much that President Gorbachev has said encourages us to hope that he may see the central security need increasingly as we do. There seems ground for optimism that, both in the extensive arms control agenda and elsewhere, he will be ready to work with us towards a less tense and costly security system. The Soviet Union still has much larger forces in most categories, and its strategic situation is not the same as the West's; its priorities therefore are different. But with agreement on the central goal, patient and clear-sighted work can bring both parties steadily closer to it in safety.

4. The 1987 INF Treaty, achieved as growing Soviet realism converged with NATO steadfastness, was a major advance in easing tension and building confidence. Its content was specific and exact: the strictly verified abolition of a defined class of missiles. Nothing in it implies an agreement to abandon operational roles or strategies, or leave a hole in the middle of NATO's ability to respond flexibly.

5. Flexible response is the only strategic concept that makes sense for a defensive alliance in the nuclear age. Military victory in the classical sense is not feasible; the use of force at any level, but especially the nuclear level, can have no other aim than to deny an aggressor swift success and to show him that he has underrated the defender's resolve and must, for his own survival, back off. The circumstances in which this task would arise could vary greatly; the defence must therefore have a wide range of options, enabling it to react to any military situation promptly and with the least force needed for the basic political aim of ending the war. Nothing in the INF Treaty makes this strategy less apt than before, or reduces the need to ensure, through the manifest ability to implement it in credible ways, that aggression can never be attractive.

6. For flexible response NATO has to maintain an effective nuclear armoury at several levels. Strategic weapons alone, for all their awesome power, could not be morally tolerable, practically feasible or politically credible for every scenario. Our needs at non-strategic levels will continue to evolve in line with our arms-control commitments, with new technology and with deeper understanding on both sides of the minimum imperatives of mutually assured security. NATO has made major cuts in its non-strategic armoury; the number of warheads in Europe is now 35 per cent less than in 1979, and will fall further by mid-1991. The INF Treaty's abolition of intermediate-range missiles follows past NATO decisions to abandon successively nuclear infantry weapons, nuclear anti-aircraft missiles and nuclear land-mines.

7. Cuts in the armoury can go further yet, and the alliance is working on the possibilities. But the aim for which the armoury as a whole exists, of surely preventing war, cannot be served if we attempt to follow simultaneously both the path of cuts and the path of obsolescence. Nuclear weapons are not mere symbols; like other weapons, they can deter only by evident capability for effective use. Modern technology offers major improvements in range, accuracy and target-acquisition, and these can enable us to cut weapon numbers. But there is no prudent basis for making the cuts without the improvements.

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8. NATO is studying how to keep up-to-date its armoury of warheads supported by the provision of delivery systems and basing arrangements in which European nations rightly share the burden. NATO's military authorities have reported on this to the Nuclear Planning Group. Ministers will consider the steps that need to be taken, for example, replacing the Lance missile, to keep the armoury as a whole at the standard of effectiveness and versatility, and no larger than the minimum size, needed to sustain its purpose.

9. The United Kingdom will continue to play a full part in this effort, and also to maintain the independent non-strategic contribution without which the value of our strategic force, which provides a separate second centre of nuclear decision-making in support of Alliance strategy, would be seriously incomplete. Our non-strategic contribution has since the 1960s rested on WE177 free-fall weapons, usable from various aircraft and in various roles. For technical and operational reasons, these cannot all be relied upon beyond the 1990s. As with the rest of the Western armoury, numbers and types may not have to be kept at present levels; that needs further study. But, under the strategy of flexible response, the basic need for some non-strategic weapons will remain, and procurement lead-times means that initial decisions on modernization - particularly on the choice of an air-launched missile to which warhead work at Aldermaston will be geared - must be taken before long.

10. Work like this has its full counterpart on the Soviet side. Nothing that President Gorbachev has said or done is ground for imagining that he will run military risks with his country's security on suppositions about Western goodwill. We must be similarly objective, recognizing that if there is indeed a Soviet reassessment enabling us all to work together more constructively, it would be folly to dismantle, or let decay, the very structures that have helped to induce it. Cool and steady realism of this kind is not an obstacle but the best guide to strengthening the security system we seek - one in which the total neutralization of war, by agreed non-confrontational means, becomes so sure, accepted and permanent that, even when interests may differ widely, nations of East and West can conduct their business together by means in which the thought of armed conflict simply plays no part.

UNITED STATES OF AMERICA

[Original: English]

United States deterrence policy

1. Deterrence works by making clear that the costs of aggression will exceed any possible gain. This is the basis of United States military strategy against both conventional and nuclear aggression; because conflict carries the risk of escalation, the United States goal is to dissuade aggression of any kind and to prevent coercion of the United States, its allies and friends.

2. To ensure deterrence, the United States must make clear that it has both the capability and the will to respond effectively to coercion or aggression. While

emphasizing its resolve to respond, the United States must avoid specifying just what form the response will take. This is the essence of "flexible response," which has been United States policy since 1961 and a key element of NATO strategy since 1967. A potential aggressor faces three types of possible response by the United States:

(a) Direct defence: to pose the possibility that aggression will be stopped without actions that escalate the conflict. This is sometimes referred to as "deterrence through denial". Defending against conventional attack with conventional forces is an example of direct defence;

(b) Threat of escalation: to warn that aggression could start hostilities that might not be confined to conventional response only, and that escalation could lead to costs that far outweigh any possible gain and that are greater than an aggressor anticipates or could bear. In this regard, NATO's deterrence of aggression is enhanced by NATO resolve to use nuclear weapons, if necessary, to halt that aggression;

(c) Threat of retaliation: to raise the prospect that an attack will trigger a retaliatory attack on the aggressor's homeland, causing him losses that far outweigh any possible gain.

3. While deterrence requires capabilities across the entire spectrum of nuclear conflict, its essential foundation is provided by United States strategic nuclear forces and the doctrine that supports them. The United States must ensure that the effectiveness of these forces and the will to use them, if necessary, are never in doubt.

4. The United States maintains diversified strategic retaliatory forces to prevent a disarming first strike. It maintains a variety of basing modes, launch platforms and attack vehicles, with a triad of submarine-launched ballistic missiles, ground-based intercontinental ballistic missiles and strategic bombers. Adequate and survivable command, control and communications are also essential to United States force structure and to the credibility of the deterrent.

5. United States forces and targeting policy must be perceived as making nuclear warfare unacceptable. The United States does not target populations as an objective in itself and seeks to minimize collateral damage through more accurate, lower-yield weapons.

6. Holding at risk the full range of a potential aggressor's assets is necessary for deterrence, but is not sufficient. United States options in response to aggression cannot be limited to capitulation or mutual destruction. The United States must have the capability and the resolve to employ a broad range of military options.

7. Finally, the United States requires residual capability, as leverage for early war termination and to avoid post-conflict coercion. For this reason, a nuclear reserve force is an integral part of United States strategic forces. In addition, the United States maintains continuity of Government programmes to ensure its

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capability to retaliate in case of an attack aimed at incapacitating its political and military leadership.

8. These capabilities do not imply that the United States seeks the ability to fight a nuclear war. The United States has repeatedly emphasized that nuclear war cannot be won and must never be fought. But any adversaries must understand that they cannot gain their objectives through nuclear warfare or nuclear coercion under any circumstances.

9. Continuing modernization of United States forces is essential. While the United States is committed to arms reductions as one component of policy for enhancing United States and allied security, this does not remove the need for modern nuclear forces for deterrence. Neglecting modernization in expectation of arms reduction agreements would decrease the likelihood of such agreements by reducing incentives to negotiate.

APPENDIX IV: UN General Assembly Resolution 45/54

45/54. Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons

Date: 4 December 1990 Meeting: 54
Vote: 145-0-3 (recorded) Report: A/45/774

The General Assembly,

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 to the survival of civilization,

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

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

Welcoming the progress achieved in recent years in both nuclear and conventional disarmament,

Taking into account the principle of the non-use of force or threat of force enshrined in the Charter of the United Nations,

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 and arrangements to ensure the security of non-nuclear-weapon States against the use or threat of use of nuclear weapons from any quarter,

Recognizing also that effective measures and arrangements to assure the non-nuclear-weapon States against the use or threat of use of nuclear weapons can contribute positively to the prevention of the spread of nuclear weapons,

Bearing in mind paragraph 59 of the Final Document of the Tenth Special Session of the General Assembly, 27/ the first special session devoted to disarmament, in which it urged the nuclear-weapon States 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, and desirous of promoting the implementation of the relevant provisions of the Final Document,

Recalling the relevant parts of the special report of the Committee on Disarmament 28/ submitted to the General Assembly at its twelfth special session, 29/ the second special session devoted to disarmament, and of the special report of the Conference on Disarmament submitted to the Assembly at its fifteenth special session, 30/ the third special session devoted to disarmament, as well as of the annual report of the Conference on its 1990 session, 31/

Recalling also paragraph 12 of the Declaration of the 1980s as the Second Disarmament Decade, contained in the annex to its resolution 35/46 of 3 December 1980, which states, inter alia, that all efforts should be exerted by the Committee on Disarmament urgently 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,

Noting the in-depth negotiations undertaken in the Conference on Disarmament and its Ad Hoc Committee on Effective International Arrangements to Assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons, with a view to reaching agreement on this item,

Taking note of the proposals submitted under that item in the Conference on Disarmament, including the drafts of an international convention,

Taking note also of the decision of the Ninth Conference of Heads of State or Government of the Movement of Non-Aligned Countries, held at Belgrade from 4 to 7 September 1989, 32/ as well as the relevant recommendations of the Organization of the Islamic Conference reiterated in the Final Communiqué of the Nineteenth Islamic Conference of Foreign Ministers, held at Cairo from 31 July to 5 August 1990, 33/ calling upon the Conference on Disarmament to reach an urgent agreement on an international convention to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons,

Taking note further of the unilateral declarations on the security of non-nuclear-weapon States against the use or threat of use of nuclear weapons made by all nuclear-weapon States,

27/ Resolution S-10/2.

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

29/ Official Records of the General Assembly, Twelfth Special Session, Supplement No. 2 (A/S-12/2), sect. III.C.

30/ Ibid., Fifteenth Special Session, Supplement No. 2 (A/S-15/2), sect. III.F.

31/ Ibid., Forty-fifth Session, Supplement No. 27 (A/45/27), sect. III.F.

32/ See A/44/551-S/20870, annex.

33/ See A/45/421-S/21797, annex I, para. 44.

Noting the support expressed in the Conference on Disarmament and in the 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, as well as the difficulties pointed out in evolving a common approach acceptable to all,

Noting also the greater willingness to overcome the difficulties encountered in previous years,

Recalling its relevant resolutions adopted in previous years,

Desirous of promoting the implementation of its resolutions 44/110 and 44/111 of 15 December 1989,

1. Reaffirms the urgent need to reach an early agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons;

2. Notes with satisfaction that in the Conference on Disarmament there is no objection, in principle, to the idea of an international convention to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, although the difficulties as regards evolving a common approach acceptable to all have also been pointed out;

3. Appeals to all States, especially the nuclear-weapon States, to demonstrate the political will and flexibility necessary to reach agreement on a common approach and, in particular, on a common formula that 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 Conference on Disarmament, should be further explored in order to overcome the difficulties;

5. Recommends also that the Conference on Disarmament should 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;

6. Decides to include in the provisional agenda of its forty-sixth session the item entitled "Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons".

RECORDED VOTE ON RESOLUTION 45/54:

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Byelorussia, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cote d'Ivoire, Cuba, Cyprus, Czechoslovakia, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, Gabon, Gambia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libya, Liechtenstein, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, USSR, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zimbabwe.

Against: None.

Abstaining: France, United Kingdom, United States.

Absent: Benin*, Cambodia, Grenada, Panama, Saint Kitts and Nevis, Uganda, Zambia*.

* Later advised the Secretariat that it had intended to vote in favour.

APPENDIX V: UN General Assembly Resolution 45/59 B

Convention on the Prohibition of the Use of Nuclear Weapons

The General Assembly,

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

Conscious that the nuclear-arms race increases the danger of the use of nuclear weapons,

Convinced also that nuclear disarmament is the only ultimate guarantee against the use of nuclear weapons,

Convinced further that a multilateral agreement prohibiting the use or threat of use of nuclear weapons should strengthen international security and help to create the climate for negotiations leading to the complete elimination of nuclear weapons,

Conscious also that the recent steps taken bilaterally by the Union of Soviet Socialist Republics and the United States of America towards a reduction of their nuclear weapons and the improvement in East-West relations and the international climate can contribute towards this goal,

Recalling that, in paragraph 58 of the Final Document of the Tenth Special Session of the General Assembly, 129/ it is stated that all States should actively participate in efforts to bring about conditions in international relations among States in which a code of peaceful conduct of nations in international affairs could be agreed upon and that would preclude the use or threat of use of nuclear weapons,

Reaffirming that the use of nuclear weapons would be a violation of the Charter of the United Nations and a crime against humanity, as declared in its resolutions 1653 (XVI) of 24 November 1961, 33/71 B of 14 December 1978, 34/83 G of 11 December 1979, 35/152 D of 12 December 1980 and 36/92 I of 9 December 1981,

Noting with regret that the Conference on Disarmament, during its 1990 session, was not able to undertake negotiations with a view to achieving agreement on an international convention prohibiting the use or threat of use of nuclear weapons under any circumstances, taking as a basis the text annexed to General Assembly resolution 44/117 C of 15 December 1989,

1. Reiterates its request to the Conference on Disarmament to commence negotiations, as a matter of priority, in order to reach agreement on an international convention prohibiting the use or threat of use of nuclear weapons under any circumstances, taking as a basis the draft Convention on the Prohibition of the Use of Nuclear Weapons annexed to the present resolution;

2. Also requests the Conference on Disarmament to report to the General Assembly at its forty-sixth session on the results of those negotiations.

ANNEX

Draft Convention on the Prohibition of the Use of Nuclear Weapons

The States Parties to this Convention,

Alarmed by the threat to the very survival of mankind posed by the existence of nuclear weapons,

Convinced that any use of nuclear weapons constitutes a violation of the Charter of the United Nations and a crime against humanity,

Convinced that this Convention would be a step towards the complete elimination of nuclear weapons leading to general and complete disarmament under strict and effective international control,

Determined to continue negotiations for the achievement of this goal,

Have agreed as follows:

Article 1

The States Parties to this Convention solemnly undertake not to use or threaten to use nuclear weapons under any circumstances.

Article 2

This Convention shall be of unlimited duration.

Article 3

1. This Convention shall be open to all States for signature. Any State that 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 shall be subject to ratification by signatory States. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.

3. This Convention shall enter into force on the deposit of instruments of ratification by twenty-five Governments, including the Governments of the five nuclear-weapon States, in accordance with paragraph 2 of this article.

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

5. The depository shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession and the date of the entry into force of this Convention, as well as of the receipt of other notices.

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

Article 4

This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send duly certified copies thereof to the Government of the signatory and acceding States.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Convention, opened for signature at _____ on the _____ day of _____ one thousand nine hundred and _____.

RECORDED VOTE ON RESOLUTION 45/59 B:

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Byelorussia, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cote d'Ivoire, Cuba, Cyprus, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, Gabon, Gambia, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukraine, USSR, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Australia, Belgium, Canada, Denmark, France, Germany, Iceland, Italy, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Spain, Turkey, United Kingdom, United States.

Abstaining: Bulgaria, Czechoslovakia, Greece, Hungary, Ireland, Israel, Japan, Liechtenstein, Poland, Romania.

Absent: Cambodia, Guatemala, Panama.

APPENDIX VI: CD/177(United Kingdom)

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.

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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

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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.

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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.

APPENDIX VII: CD/278(China)

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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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.

APPENDIX VIII: CD/407(Group of 21)

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.

APPENDIX IX: CD/768(Nigeria)

CD/768
7 July 1987

CONFERENCE ON DISARMAMENT

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 demonstrated 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 stalemate 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.

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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 demonstrate 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 generally 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 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.

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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.

APPENDIX X: CD/967(Nigeria)

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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 Depository

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Governments. Duly certified copies of this Agreement shall be transmitted by the Depository 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, theday of, one thousand nine hundred and

APPENDIX XI: CD/SA/WP.13(Egypt)

CONFERENCE ON DISARMAMENT

CD/SA/WP.13
6 August 1991

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

EGYPT

Egypt attaches great importance to the issue of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons and believes that the most effective guarantee against the use or threat of use of nuclear weapons is nuclear disarmament under effective international control. Pending the attainment of this goal, security assurances are an important measure in this regard.

Egypt also believes that the non-proliferation Treaty, which is the cornerstone of the non-proliferation regime, should provide adequate security for all its parties.

On the basis of this understanding Egypt presented to the IV Review Conference of the non-proliferation Treaty which convened in Geneva in the summer of 1990, a proposal to this effect. Since then several important developments took place.

On 19 December 1990 the General Assembly adopted a resolution (A/RES/45/54) on the issue of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. The resolution contained in operative paragraph 5 a recommendation that:

"The Conference on Disarmament should 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."

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.

CD/SA/WP.13
page 2

In the course of the deliberations of the A.H.C. its chairman, Ambassador Kralik of the Czech and Slovak Federal Republic made many references to the Egyptian proposal and included it in the Chairman's papers. The debate also demonstrated wide support for the Egyptian proposal. One delegation expressed the conviction that while some may argue that the discussion of the so-called positive security assurances falls outside the purview of this committee, this delegation believed that the general objective of the Egyptian proposal is compatible with the thrust of this committee's deliberation. Additionally, a group coordinator stated on behalf of his group that they took note with interest of the intentions of the Egyptian delegation to table a new proposal on this issue.

The Egyptian proposal stems from the conviction underlined by the United Nations Charter that the primary objective of the United Nations is to maintain international peace and security and to take collective effective measures for the prevention and removal of threats to the peace through a collective security system. This guided the Security Council to adopt its resolution 255 of 19 June 1968 entitled "Question relating to measures to safeguard non-nuclear-weapon States parties to the Treaty on the non-proliferation of nuclear weapons."

This resolution which was adopted by the Security Council with five abstentions and without the participation of China culminated a process in which efforts exerted at the ENDC to incorporate a clause covering this issue in the text of the NPT, failed.

Consequently, and when the General Assembly was considering the adoption of the NPT in the course of its resumed session in May 1968, many delegations emphasized the necessity and importance of incorporating provisions for security assurances for non-nuclear-weapons States in the text of the NPT. This demand was, regrettably, not looked upon with favour by the nuclear-weapon States, and as a result the NPT did not contain a clause providing for security assurances. Instead the Security Council adopted resolution 255 which stated:

"1. Recognizes that aggression with nuclear weapons or the threat of such aggression against a non-nuclear-weapons State would create a situation in which the Security Council, and above all its nuclear-weapons State permanent members would have to act immediately in accordance with their obligation under the United Nations Charter;

2. Welcomes the intention expressed by certain States that they will 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 or an object of a threat of aggression in which nuclear weapons are used;

3. Reaffirms in particular the inherent right, recognized under article 51 of the Charter, of individual and collective self-defense 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."

CD/SA/WP.13

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A closer look at 255 would reveal the following:

The first operative paragraph of 255 was drafted without proper consideration to the gravity of the actual use or threat of use of nuclear weapons. In fact what the resolution stipulates is that such an aggression or threat, would create a situation in which the Security Council would have to act immediately. Consequently, resolution 255 lacks an explicit and unequivocal reference to this situation as one that would threaten international peace and security in conformity with the provisions of article 39 of the Charter. The resolution also did not contain a stipulation to deter States from using or threatening to use nuclear weapons nor does it contain assurances that the Council shall embark on effective and immediate measures to respond to such a grave situation in accordance with the letter and spirit of the relevant articles of Chapter 7.

The second paragraph of resolution 255 welcomes, in a rather superficial manner, the intention expressed by certain States that they will provide and support immediate assistance in accordance with the Charter to any non-nuclear-weapon State Party to the Treaty that is a victim of an act or an object of a threat of aggression in which nuclear weapons are used. What is lacking is a clear cut commitment from the nuclear-weapons States to take effective measures such as the application of sanctions. Furthermore, resolution 255 did not clearly indicate the extent and definition of "assistance". As a result any up-dating of resolution 255 should entail a comprehensive definition of assistance so as to include technical, scientific, financial and humanitarian assistance.

The third operative paragraph of resolution 255 which reaffirmed the inherent right recognized under article 51 of the Charter, of individual and collective self-defense did not contain, or bring about, any new addition to what has already been enshrined in the Charter.

For all the above-mentioned considerations it has become imperative to update Security Council resolution 255 by adopting a new resolution that would contain credible assurances and would build upon the provisions originally contained in resolution 255 of 1968.

The delegation of Egypt considers that a first step is 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 United Nations Security Council resolution 255 of 1968 and to inform other States parties to the treaty of any progress on appropriate action by the Security Council that may result from these efforts.

APPENDIX XII: CD/411(Australia, Belgium, FRG, Italy, Japan, Netherlands)

COMMITTEE ON DISARMAMENT

CD/411

11 August 1983

Original: ENGLISH

AUSTRALIA, BELGIUM, FEDERAL REPUBLIC OF GERMANY,
ITALY, JAPAN, NETHERLANDS

Prevention of Nuclear War, Including All Related Matters

This paper intends to outline a possible structure for a comprehensive analytical exploration of the subject "Prevention of Nuclear War, Including All Related Matters" in the course of a clustered series of informal plenary meetings.

In order to identify possible practical and appropriate, negotiable measures for the prevention of nuclear war and armed conflict in general, the Committee should, in the first instance, develop a view of the full scope of the subject matter by considering the following indicative list of subitems:

- I Assessment of the risk of an outbreak of armed conflict in general and Nuclear War in particular.
- II The United Nations Charter and its prohibition of the threat or use of force, nuclear or other; commitments by States to renounce the use or threat of force.
- III Obligation for all States to maintain a policy of restraint.
- IV Military doctrines.
- V Domestic measures of a legal and political nature susceptible of contributing to the preservation of peace and the avoidance of nuclear war.
- VI Security guarantees.
- VII Regional security arrangements.
- VIII Effectiveness of existing commitments to renounce the use or first use of specific types of weapons.
- IX Effectiveness of measures to stop the further development, testing, and deployment of certain weapon categories.
- X Confidence-building measures, in particular those aiming at the prevention of the outbreak of war, including nuclear war, by surprise, accident or miscalculation.
- XI Significance of military balance, stability and undiminished security of all States.
- XII Significance of effective, negotiated, and verifiable reductions of nuclear armament.
- XIII Other appropriate measures.

APPENDIX XIII: CD/691(China)

CONFERENCE ON DISARMAMENT

CD/691
14 April 1986ENGLISH
Original, CHINESEWorking PaperBASIC POSITIONS OF THE CHINESE DELEGATION
ON THE PREVENTION OF NUCLEAR WAR

1. Nuclear weapon is the most destructive weapon in human history. Nuclear war, once started, will bring untold catastrophe to mankind. It is an important and urgent task for all the peace-loving countries and peoples of the world to take prompt measures to prevent the outbreak of a nuclear war.
2. The effective prevention of nuclear war calls for a stable international environment. It is therefore imperative for the international community to:
 - oppose policies of aggression and expansion as well as hegemonism and power politics in all forms;
 - respect and observe the Charter of the United Nations and other norms of international relations;
 - renounce the use or threat of force in international relations, settle international disputes by peaceful means, and honour in good faith the principles of mutual respect for sovereignty and territorial integrity, mutual non-aggression, non-interference in each other's internal affairs, equality and mutual benefit, and peaceful co-existence.
3. The Soviet Union and the United States, already possessing over 95 per cent of the world's nuclear weapons, are still continuously expanding their nuclear arsenals, deploying more nuclear arms, improving their quality and developing new types of nuclear weapons. In the world today only these two super-Powers have the capability to launch a world-wide nuclear war. They bear a special responsibility towards the prevention of nuclear war. It is incumbent on them to conduct serious negotiations and reach agreement as early as possible on halting the test, production and deployment of all types of nuclear weapons, drastically reducing all types of nuclear weapons they have deployed anywhere inside and outside their countries, and destroying them on the spot. This will create favourable conditions for the convocation of a broadly representative international conference on disarmament with the

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page 2

participation of all the nuclear-weapon States to discuss measures for further nuclear disarmament and thorough destruction of nuclear weapons.

4. The prevention of nuclear war concerns the interests of all countries in the world. Every country, big or small, nuclear or non-nuclear, is entitled to participate on an equal footing in the consideration and resolution of issues relevant to the prevention of nuclear war.

5. The United Nations has an important role to play in the prevention of nuclear war. Greater contributions could be made by it in this field. In accordance with the relevant resolutions of the United Nations General Assembly, the Conference on Disarmament, the sole multilateral negotiating body, should establish an ad hoc committee on the prevention of nuclear war and undertake negotiations with a view to reaching agreement on appropriate and practical measures for the prevention of nuclear war.

6. The fundamental measure for the prevention of nuclear war is the complete prohibition and thorough destruction of nuclear weapons, eliminating once and for all the material basis of nuclear war. This is a long-term objective. Under the present circumstances, in order to reduce the danger of a nuclear war and create conditions for its complete elimination, all nuclear-weapon States, and the two big nuclear Powers, the United States and the Soviet Union in particular, should undertake not to be the first to use nuclear weapons in any circumstances and should unconditionally pledge not to use or threaten to use nuclear weapons against non-nuclear-weapon States or nuclear-weapon-free zones. On this basis, an international convention prohibiting the use of nuclear weapons should be concluded with the participation of all nuclear-weapon States.

7. Along with the prevention of nuclear war, conventional wars should also be prevented. The successive outbreak of conventional wars constitutes a real threat to mankind. Should a conventional war break out in areas with a high concentration of nuclear and conventional weapons, it involves the danger of escalating into a nuclear war. The two military blocs, the North Atlantic Treaty Organization and the Warsaw Treaty Organization, should therefore reach agreement as early as possible on the drastic reduction of their conventional armed forces and armaments.

8. With the arms race tending dangerously to extend into a new sphere -- the outer space, the threat of a nuclear war is becoming even greater. All countries with space capabilities should therefore undertake not to develop, test or deploy space weapons and conclude as soon as possible an international agreement on the complete prohibition and destruction of space weapons.

APPENDIX XIV: CD/688(Argentina)

CD/688
11 April 1986

CONFERENCE ON DISARMAMENT

ENGLISH
Original: SPANISH

ARGENTINA

Working paper relating to item 3 on the agenda of the Conference on Disarmament, entitled "Prevention of nuclear war, including all related matters"

1. The President of the Argentine Republic, when giving his agreement to the New Delhi Declaration on 28 January 1985, referred as follows to the uncertain future facing man:

"We have lost the right to life. Nobody demanded that we surrender it. We never renounced it voluntarily. But almost without our realizing it, the nuclear arms race between the super-Powers took that right away from us".

"All rights and freedoms, all the diverse material and spiritual wealth that both men and nations possess have a common foundation: the right to life. This is such an essential attribute that no civilization, no culture has ever denied it. However, today we have lost it: in a few minutes a small group of people can destroy everything that each human being on this planet has - beginning with his own life and the life of his family - and everything nations have built through the centuries. And all this can be done without hearing our voice, without taking our wishes into account, without our even knowing about it. Indeed, it is possible that in the near future it will not even be a small group of people that could eliminate humanity but just a couple of machines functioning automatically".

2. These words give a sombre description of the situation facing mankind. There is no more urgent duty for all States than to prevent the outbreak of a nuclear war.

3. The total elimination of nuclear weapons is the only way to make the world safe once and for all from the threat of nuclear war. Halting the nuclear arms race and ensuring nuclear disarmament calls for urgent negotiations on multilateral agreements, with proper verification measures, at appropriate stages, leading to:

(a) A halt to qualitative improvements in nuclear weapon systems,

(b) A halt to the production of all types of nuclear arms and their delivery systems, and to the production of fissionable material for military purposes,

(c) A substantial reduction in the numbers of existing nuclear weapons, with a view to their subsequent elimination.

4. Until such time as negotiations begin on the multilateral agreements mentioned above, and as long as the nuclear weapon States retain their nuclear arsenals and continue the nuclear arms race in qualitative and quantitative terms, it is vital to adopt measures aimed at reducing the growing risk of a nuclear war.

For these reasons, agreement should be reached on the following measures:

(a) Declaration of a moratorium on nuclear weapon tests, with effective verification arrangements to ensure compliance.

(b) Ratification and strict observance of the nuclear arms limitation agreements concluded through the bilateral talks between the two major Powers, as well as full use of the consultation procedures provided for in those agreements.

(c) Unconditional renunciation of the use or the threat of the use of nuclear weapons against non-nuclear-weapon States.

(d) In addition to the declarations made by two nuclear weapon States, renunciation of the first use of nuclear weapons by all Powers which possess such weapons.

(e) Prohibition of all kinds of movement and deployment of nuclear weapons in any geographical area, and particularly those areas which are free of confrontation between the military alliances.

(f) Non-extension of the arms race to outer space, by means of a ban on any activity which directly or indirectly develops the offensive and defensive capabilities of strategic nuclear forces.

5. The measures listed in paragraph 4 above should be complemented by confidence-building measures, including:

(a) Immediate negotiations for the peaceful solution of disputes involving nuclear weapon Powers in areas of tension between those Powers or between them and other States.

(b) Extension of the existing agreements in order to institute direct communication between nuclear weapon States in times of emergency. These agreements are limited to the nuclear Powers which belong to the two principal military alliances, and no similar arrangements have been agreed between them and the nuclear weapon State which does not belong to those alliances.

(c) This measure could be complemented by a broader multilateral agreement among the five nuclear weapon Powers, similar to the agreement on measures to reduce the risk of an outbreak of nuclear war which was reached in 1971 during the negotiations which led to the SALT I agreements.

(d) In the Joint Statement they signed on 21 November 1985, the leaders of the United States of America and the Soviet Union "agreed to study the questions at the expert level of centres to reduce nuclear risk taking into account the issues and developments in the Geneva negotiations". In actual fact, this is not merely a bilateral issue. The basic idea behind this initiative is the establishment of crisis control centres which, if they are to be genuinely effective, should comprise a series of centres in the

five nuclear weapon Powers and their strategic commands. In addition, this concept should be extended to non-nuclear-weapon States, which, in times of crises between those Powers, or between them and other countries, can help to reduce aggravated tensions. Such a system would most appropriately be considered in a multilateral framework.

APPENDIX XV: CD/710(Bulgaria)

CONFERENCE ON DISARMAMENT

CD/710

8 July 1986

ENGLISH

Original: RUSSIAN

PREVENTION OF NUCLEAR WAR, INCLUDING ALL RELATED MATTERS

Working Paper submitted by the People's Republic of Bulgaria

1. The international situation remains tense and dangerous. The United States and its NATO allies are spurring on the arms race, particularly the nuclear arms race, and undertaking activities which threaten to extend it to outer space. The deployment of United States intermediate-range missiles is continuing in a number of Western European countries. There is no halt to the imperialist policy of force and intervention in the internal affairs of States in various regions of the world. All this increases the danger of nuclear disaster.
2. The threat of the arms race spreading to outer space is particularly alarming, as it would lead to the destabilization of the strategic status quo, and turn space into a new source of deadly danger for mankind.
3. The refusal of the United States to join in the Soviet moratorium on all nuclear testing and its unwillingness to hold negotiations on the conclusion of an agreement for the complete and general prohibition of nuclear-weapon tests undermines the efforts to curb the nuclear arms race.
4. In these circumstances it is absolutely necessary to take effective measures to reduce and eliminate the threat of nuclear war.
5. A new political approach is necessary, one that is in line with the new realities of our times. It is necessary to break with the pattern of thinking and behaviour which has for ages been resting on the acceptability and admissibility of war as a means of solving international disputes and conflicts, because:
 - nuclear war cannot serve to achieve any rational goals whatsoever;
 - neither nuclear war nor the nuclear arms race can be won;
 - neither nuclear war itself, nor preparations for it, in other words the arms race, or efforts to achieve military superiority, can objectively bring anyone political victory;
 - the world situation must not be allowed to become such that it no longer depends on the common sense or will of politicians and becomes the prisoner of technology and of military and technological logic;

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- the continuation of the arms race on Earth and even more its extension to outer space is hastening the already critically fast pace of the stockpiling and improvement of nuclear and other types of weapon. The achievement of security is increasingly a political undertaking that can only be tackled by political means;
- as far as relations between the USSR and the United States, between East and West, are concerned, security can only be mutual, and as far as international relations as a whole are concerned, it can only be universal.

6. In the present circumstances, measures which would halt the arms race and prevent it from spreading to outer space and help to achieve a sharp reduction in armaments, above all in nuclear weapons, are of paramount importance in the efforts to prevent nuclear war. The elimination of nuclear weapons is the most direct avenue to reducing and eliminating the danger of nuclear disaster. There is only one way to free mankind from the nuclear threat, and that is to eliminate nuclear weapons themselves.

7. The nuclear Powers bear a special responsibility in the prevention of nuclear war. The nuclear-weapon States must renounce the use of such weapons and refrain from taking steps that lead to the worsening of the international situation.

8. The summit level meeting between the Soviet Union and the United States at Geneva created the prerequisites for a shift from confrontation to the normalization of relations between the USSR and the United States, and for an improvement in the international situation.

Particularly important is the Soviet-United States declaration to the effect that:

- a nuclear war cannot be won and must never be fought;
- any war between the USSR and the United States, whether nuclear or conventional, must be prevented;
- the USSR and the United States will not seek to achieve military superiority.

Practical measures must be taken to accelerate negotiations between the Soviet Union and the United States on nuclear and space weapons at Geneva, so as to begin at last to work out solutions which would in practice ensure the prevention of an arms race in outer space and its cessation on Earth.

The summit meeting confirmed the Soviet Union-United States statement of 8 January 1985, including the agreement that "the sides believe that ultimately the forthcoming negotiations, just as efforts in general to limit and reduce arms, should lead to the complete elimination of nuclear weapons everywhere".

The spirit of Geneva must be carried into practice.

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page 3

The efforts aimed at the prevention of nuclear war would be spurred on if the Soviet-United States declaration on the senselessness of nuclear war were supported by the remaining nuclear Powers and by all countries in the world, and if it were consolidated in a suitable form on a multilateral basis.

9. The Soviet Union and other socialist countries have advanced new disarmament initiatives and proposals, the implementation of which would contribute to the prevention of nuclear war:

(a) The complete elimination of nuclear and chemical weapons by the end of this century and the prohibition of space strike weapons. The programme proposed by the Soviet Union (CD/649) provides the basis for businesslike negotiations on practical measures aimed at achieving this goal;

(b) The creation of a comprehensive system of international security primarily based on the following:

- the renunciation by the nuclear Powers of both nuclear and conventional warfare either against each other or against third States;
- the inadmissibility of an arms race in space;
- the prohibition of all nuclear-weapon tests and their complete elimination;
- the prohibition and elimination of chemical weapons;
- the renunciation of the development of new means of mass destruction;
- the reduction of levels of military strength of States to the limits of reasonable sufficiency;
- the conclusion of an agreement on the substantial reduction of all components of land forces and tactical air forces of European States, and of the corresponding United States and Canadian forces stationed in Europe. On 12 June 1986 the States parties to the Warsaw Treaty addressed an appeal to the NATO member States and to all European countries and proposed a programme for the reduction of armed forces and conventional armaments in Europe;
- the proportional and balanced reduction of military budgets;
- the dissolution of military groupings, and as a step towards this the renunciation of any expansion of them or creation of new ones.

10. Some partial or interim measures, including measures taken on a regional scale, could also be of definite importance for the prevention of nuclear war.

The conversion of various parts of the world into nuclear-weapon-free zones will help to reduce the danger of outbreak of nuclear conflict at a regional level. The States Parties to the Warsaw Treaty addressed an appeal on 8 March 1986 to the States of Europe, the United States and Canada to take vigorous measures to implement proposals for the creation of such zones on the European continent. As a Balkan State, Bulgaria is actively working for the conversion of the Balkans into a nuclear-weapon-free zone.

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The establishment of chemical-weapon-free zones is a practical measure which would help to reduce the danger of war and to prevent the escalation of a conventional military conflict into nuclear war. This is the purpose of the initiative of the Governments of the German Democratic Republic and Czechoslovakia, and of Bulgaria and Romania for the creation of nuclear-weapon-free zones in Central Europe and the Balkans.

11. All practical arms limitation and disarmament measures should be consolidated by measures for effective control and verification which should be in keeping with the scope and nature of the obligations undertaken by the parties.

12. It is necessary to enhance the effectiveness of the existing multilateral forums - the Geneva Conference on Disarmament, the Stockholm Conference and the Vienna negotiations, and to begin the productive discussion of the arms limitation and disarmament issues which are not at present included in the negotiations.

APPENDIX XVI: UN General Assembly Resolution 45/62 C

C

Cessation of the nuclear-arms race and nuclear disarmament and prevention of nuclear war

The General Assembly,

Believing that all nations have a vital interest in negotiations on nuclear disarmament because the existence of nuclear weapons jeopardizes the vital security interests of both nuclear and non-nuclear-weapon States alike,

Recalling its resolution 44/119 E of 15 December 1989,

Recalling also that the international community, through the Final Document of the Tenth Special Session of the General Assembly, 151/ the first special session devoted to disarmament, has agreed that the nuclear-arms race, far from contributing to the strengthening of the security of all States, increases the danger of the outbreak of a nuclear war,

Noting the reaffirmation by the Ninth Conference of Heads of State or Government of Non-Aligned Countries, held at Belgrade from 4 to 7 September 1989, that nuclear disarmament is a process in which all nations should participate, and its view that the ongoing process of disarmament could be accelerated and its coverage widened through the common endeavour of the entire international community, 152/

Taking into account that all nuclear-weapon States, in particular those with the most important nuclear arsenals, bear a special responsibility for the fulfilment of the task of achieving the goals of nuclear disarmament,

Convinced that the prevention of nuclear war and the reduction of the risk of nuclear war are matters of the highest priority and of vital interest to all people of the world,

Encouraged by the continued recognition by the Union of Soviet Socialist Republics and the United States of America that a nuclear war cannot be won and must never be fought,

Aware of the fact that the prevention of nuclear war and the reduction of the risk of nuclear war are inextricably linked with the cessation of the nuclear-arms race and nuclear disarmament, and that consequently they should be viewed in their interrelationship as essential elements of a process of general and complete disarmament,

Convinced also that all avenues should be explored to ensure that progress is made in these two vital fields, and convinced further of the imperative need to take constructive multilateral action to complement and reinforce the bilateral process under way,

1. Reaffirms that multilateral and bilateral negotiations on nuclear questions should complement and facilitate each other;

2. Believes that efforts should be intensified in order to initiate multilateral negotiations in accordance with the provisions of paragraph 50 of the Final Document of the Tenth Special Session of the General Assembly; 153/

3. Reiterates that, in view of the importance of the matter, it is equally necessary to devise suitable steps to expedite effective action for the prevention of nuclear war;

4. Requests the Conference on Disarmament to establish ad hoc committees at the beginning of its 1991 session on both the cessation of the nuclear-arms race and nuclear disarmament and the prevention of nuclear war with adequate mandates in order to allow a structured and practical analysis of how the Conference can best contribute to progress on these two urgent matters;

5. Also requests the Conference on Disarmament to report to the General Assembly at its forty-sixth session on its consideration of those subjects;

6. Decides to include in the provisional agenda of its forty-sixth session the items entitled "Cessation of the nuclear-arms race and nuclear disarmament" and "Prevention of nuclear war".

151/ Resolution S-10/2.

152/ See A/44/551-S/20870, annex.

153/ Resolution S-10/2.

RECORDED VOTE ON RESOLUTION 45/62 C:

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Byelorussia, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cote d'Ivoire, Cuba, Cyprus, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran, Iraq, Ireland, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libya, Liechtenstein, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukraine, USSR, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Belgium, Canada, France, Germany, Italy, Luxembourg, Netherlands, Portugal, Spain, Turkey, United Kingdom, United States.

Abstaining: Czechoslovakia, Denmark, Greece, Iceland, Israel, Japan, Norway, Poland, Romania.

Absent: Cambodia, Panama.

APPENDIX XVII: "Nuclear Weapons and International Law", excerpts from the UN Comprehensive Study on Nuclear Weapons, pp.130-131.

H. Nuclear weapons and international law

506. Despite wide-ranging discussions in various forums, no uniform view has emerged as yet on the legal aspects of the possession of nuclear weapons and their use as a means of warfare.

507. The Charter of the United Nations, a document signed just before the world entered the nuclear era, does not refer to the existence of nuclear weapons. The Charter states, in Article 51, that "nothing ... shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations". Under the circumstances, the question of which means are acceptable for exercising the right of self-defence if an attack occurs is left to treaty regulations and to customary law.

508. Some countries, including nuclear-weapon States, consider that nothing in the existing treaty practice of States or in international customary law could be construed to apply to the question of the legality of nuclear weapons either directly or indirectly. Furthermore, they take the position that the use of these weapons is the subject of the decision of the national authorities of the country concerned, which is based on the considerations of its national security requirements and, when applicable, the specific commitments explicitly undertaken in that regard, such as those envisaged in connection with nuclear-weapon-free zones.

509. On the other hand, many countries believe that norms and emerging norms relating to the legality of nuclear weapons and their use derive from a variety of existing sources. In this connection, they point out that the Statute of the International Court of Justice indicates as sources of international law, besides treaties, also "international custom, as evidence of a general practice accepted as

A/45/373
English
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law" and "the general principles of law recognized by civilized nations". It is thus argued that in dealing with the question of the regulation of the possession and the use of nuclear weapons, the guiding principles could be drawn not only from specific treaty provisions, but also from international customary law, general principles of law, judicial decisions and, in some cases, from the resolutions of the Security Council. 36/

510. The proponents of this approach, for instance, point out that customary norms of international humanitarian law applicable in armed conflicts contain some general principles that could be considered to impose certain constraints on the use not only of conventional, but also of nuclear weapons. In their view, the well-established principle in the law of armed conflicts that "the right of the Parties to the conflict to choose methods or means of warfare is not unlimited" 37/ is particularly relevant. They also maintain that there are many other principles of international customary law that have in fact been reflected in modern treaty practice. 38/

511. In this context, they usually refer to the following: (a) a ban on means or methods of warfare that cause unnecessary suffering (in relation to the military objectives that the belligerents hope to attain); (b) the requirement of distinction (between military targets on the one hand and the civilian population and its property on the other); (c) a ban on warfare that leads to indiscriminate effects (weapons or methods of warfare that strike at random against military and civilian values); (d) proportionality (excessive civilian losses when compared with the concrete and direct military advantage to be expected from the attack).

512. Although those principles largely overlap, at the same time, in the opinion of their proponents, their implications are far-reaching. Thus, for instance, the principle of distinction, that both a civilian population and civilian objects as such must not become the target of an armed attack, would imply that "counter-value" strikes would not be allowed. Likewise, the principle of indiscriminate effects means that nuclear attacks that would lead inexorably to massive civilian losses must be avoided. From the principle of proportionality, they infer that nuclear weapons may not as a rule be used in densely populated areas.

513. It is, however, not clear in juridical theory how the existing customary law could be applied with regard to the regulation of the production and possession of such weapons. It is argued in this connection that for a norm to have the status of international customary law, it must reflect a general perception of the norm as legally binding (an opinio juris) and be shown to prevail among the members of the international community. Although there are other views on this question, the fact remains that no consensus (or "near consensus") and thus no general opinio juris has emerged on the question of the production and possession of nuclear weapons.

36/ Burns H. Weston, "Nuclear Weapons Versus International Law: 'Contextual Reassessment'", McGill Law Journal, vol. 28, No. 3, July 1983, p. 541.

37/ Quotation from art. 35 (1), Protocol I, of the 1977 Additional Protocols to the Geneva Conventions of 1949.

38/ Ibid., art. 35 (2). Additional Protocol I at present has 92 parties. Among the nuclear-weapon States, China and the Soviet Union have ratified the Protocol and the United Kingdom is expected to do so.

APPENDIX XVIII: CD/819/Rev.1 (Group of 21)

CONFERENCE ON DISARMAMENT

CD/819/Rev.1
27 July 1989

Original: ENGLISH

Group of 21Draft mandate for an Ad hoc Committee on item 2 of the agenda
of the Conference on Disarmament - Cessation of the nuclear
arms race and nuclear disarmament

1. In the discharge of its responsibility as the single multilateral disarmament negotiating forum, in accordance with paragraph 120 of the Final Document of SSOD-I, the Conference on Disarmament decides to establish an Ad hoc Committee under item 2 entitled "Cessation of the nuclear arms race and nuclear disarmament".
2. The Conference requests the Ad hoc Committee, as a first step, to elaborate on paragraph 50 of the Final Document and to identify substantive issues for multilateral negotiations as follows:
 - (i) the elaboration and clarification of the stages of nuclear disarmament envisaged in paragraph 50 of the Final Document including identification of the responsibilities of the nuclear weapon States and the role of the non-nuclear weapon States in the process of achieving nuclear disarmament;
 - (ii) clarification of the issues involved in prohibiting the use or threat of use of nuclear weapons, pending nuclear disarmament, and in the prevention of nuclear war;
 - (iii) clarification of the issues involved in eliminating reliance on doctrines of nuclear deterrence;
 - (iv) measures to ensure an effective discharge by the CD of its role as the single multilateral negotiating body in the field of disarmament and in this context its relationship with negotiations relating to nuclear disarmament conducted in bilateral, regional and other restricted forums.
3. The Ad hoc Committee will take into account all existing proposals and future initiatives and report on its work to the Conference on Disarmament before the end of its 1989 session.

APPENDIX XIX: CD/859 (India)

CONFERENCE ON DISARMAMENT

CD/859
15 August 1988

Original: ENGLISH

INDIA

Action plan for ushering in a nuclear-weapon-free
and non-violent world order

1. Humanity stands at a crossroads of history. The world has lived too long under the sentence of extinction. Nuclear weapons threaten to annihilate human civilization and all that humankind has built through millennia of labour and toil. Nuclear-weapon States and non-nuclear-weapon States alike are threatened by such a holocaust. It is imperative that nuclear weapons be eliminated. The recently signed INF Treaty between the United States and the Soviet Union is a first major step in this direction. This process must be taken to its logical conclusion by ridding the world of nuclear weapons. The time has also come to consider seriously the changes in doctrines, in policies, in attitudes, and in the institutions required to usher in and manage a nuclear-weapon-free and non-violent world. Peace must be predicated on a basis other than the assurance of global destruction. We need a world order based on non-violence and peaceful coexistence. We need international institutions that will nurture such a world order.

2. We call upon the international community to urgently negotiate a binding commitment to an action plan for ushering in a non-violent world free of nuclear weapons. We suggest the following action plan as a basis for such negotiations:

2.1. STAGE I (duration: 6 years, from 1988 to 1994)

2.1.a. Nuclear disarmament:

2.1.a.i. Elimination of all Soviet and United States land-based medium- and shorter-range missiles (500 to 5,500 kilometres) in accordance with the INF Treaty.

2.1.a.ii. Agreement on a 50 per cent cut in Soviet and United States strategic arsenals (with ranges above 5,500 kilometres).

2.1.a.iii. Agreement on a phased elimination by the year 2000 A.D. of United States and Soviet short-range battlefield and air-launched nuclear weapons.

2.1.a.iv. Cessation of the production of nuclear weapons by all nuclear-weapon States.

2.1.a.v. Cessation of production of weapon-grade fissionable material by all nuclear-weapon States.

2.1.a.vi. Moratorium on the testing of nuclear weapons.

2.1.a.vii. Commencement and conclusion of negotiations on a comprehensive test-ban treaty.

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2.1.b. Measures collateral to nuclear disarmament:

- 2.1.b.i. Conclusion of a convention to outlaw the use and threat of use of nuclear weapons pending their elimination.
- 2.1.b.ii. Declaration by the United States and the Soviet Union that the fissile material released under the INF Treaty would be utilized for peaceful purposes only and accordingly be subjected to supervision by the International Atomic Energy Agency.
- 2.1.b.iii. Declaration by all nuclear-weapon States of their stockpiles of nuclear weapons and weapon-grade fissionable material.
- 2.1.b.iv. Cessation of direct or indirect transfer to other States of nuclear weapons, delivery systems, and weapon-grade fissionable material.
- 2.1.b.v. Non-nuclear-weapon Powers to undertake not to cross the threshold into the acquisition of nuclear weapons.
- 2.1.b.vi. Initiation of multilateral negotiations, to be concluded by 1995, for a new treaty eliminating all nuclear weapons by the year 2010. This treaty would replace the non-proliferation Treaty, which ends in 1995.

2.1.c. Other weapons of mass destruction:

- 2.1.c.i. Conclusion of a treaty banning chemical weapons.
- 2.1.c.ii. Conclusion of a treaty banning radiological weapons.

2.1.d. Conventional forces:

- 2.1.d.i. Substantial reduction of NATO and Warsaw Pact conventional forces, especially offensive forces, and of weapon systems in Europe from the Atlantic to the Urals.
- 2.1.d.ii. Multilateral discussions in the Conference on Disarmament or in the United Nations on military doctrines with a view to working towards the goal of a purely defensive orientation for the armed forces of the world. The discussions would include measures to prevent surprise attacks.

2.1.e. Space weapon systems:

- 2.1.e.i. A moratorium on the testing and deployment of all space weapon systems.
- 2.1.e.ii. Expansion of international co-operation in the peaceful uses of outer space.

2.1.f. Control and management of the arms race based on new technologies

- 2.1.f.i. Arrangements for monitoring and assessing new technologies which have military applications as well as forecasting their implications for international security.
- 2.1.f.ii. For research in frontier areas of technology where there are potential military applications, new technology projects and technological missions should be undertaken under the auspices of the United Nations in order to direct them exclusively to civilian sectors.
- 2.1.f.iii. Commencement of work, under the aegis of the United Nations, for the formulation of guidelines to be observed by Governments in respect of new technologies with potential military applications.
- 2.1.f.iv. Commencement of negotiations for banning technological missions designed to develop new weapon systems and means of warfare.

2.1.g. Verification:

- 2.1.g.i. Acceptance in principle of the need to establish an integrated multilateral verification system under the aegis of the United Nations as an integral part of a strengthened multilateral framework required to ensure peace and security during the process of disarmament as well as in a nuclear-weapon-free world.

2.2. STAGE II (duration: 6 years, from 1995 to 2000)

2.2.a. Nuclear disarmament:

- 2.2.a.i. Completion of Stage I reductions by the United States and the Soviet Union and the induction of all other nuclear-weapon-States into the process of nuclear disarmament.
- 2.2.a.ii. Elimination of all medium- and short-range, sea-based, land-based and air-launched nuclear missiles by all nuclear-weapon States.
- 2.2.a.iii. Elimination of all tactical battlefield nuclear weapons (land, sea and air) by all nuclear-weapon States.
- 2.2.a.iv. Entry into force of the comprehensive test-ban treaty.

2.2.b. Measures collateral to nuclear disarmament:

- 2.2.b.i. Negotiations on the withdrawal of strategic nuclear weapons deployed beyond national boundaries.

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- 2.2.b.ii. Completion of the ratification and entry into force of the convention prohibiting the use and threat of use of nuclear weapons.
- 2.2.b.iii. Conclusion of the new treaty eliminating all nuclear weapons by the year 2010 to replace the non-proliferation Treaty.
- 2.2.c. Space weapons:
 - 2.2.c.i. Agreement within a multilateral framework on banning the testing, development, deployment and storage of all space weapons.
- 2.2.d. Conventional forces:
 - 2.2.d.i. Further reduction of NATO and Warsaw Pact conventional forces to minimum defensive levels.
 - 2.2.d.ii. Negotiations under the Conference on Disarmament on global conventional arms reduction.
 - 2.2.d.iii. Removal of all military forces and bases from foreign territories.
- 2.2.e. New and emerging technologies:
 - 2.2.e.i. Completion of negotiations on banning technological missions aimed at the development of new weapon systems.
 - 2.2.e.ii. Completion of negotiations on guidelines in respect of new technologies with potential military applications.
- 2.2.f. Comprehensive global security system:
 - 2.2.f.i. Negotiations on and establishment of a comprehensive global security system to sustain a world without nuclear weapons. This would include institutional steps to ensure the effective implementation of the provisions of the Charter of the United Nations relating to the non-use of force, the peaceful settlement of disputes, and the right of every State to pursue its own path of development.
 - 2.2.f.ii. Arrangements for the release of resources through disarmament for development purposes.
 - 2.2.f.iii. Elimination of non-military threats to security by such measures as the establishment of a just and equitable international economic order.
 - 2.2.f.iv. The strengthening of the United Nations system and related multilateral forums.
 - 2.2.f.v. The commencement of negotiations for the establishment of an integrated multilateral verification system under the United Nations.

2.3. STAGE III (duration: 10 years, from 2001 to 2010)

2.3.a. Elimination of all nuclear weapons from the world.

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2.3.b. Establishment of a single integrated multilateral comprehensive verification system which, inter alia, ensures that no nuclear weapons are produced.

2.3.c. Reduction of all conventional forces to minimum defensive levels.

2.3.d. Effective implementation of arrangements to preclude the emergence of a new arms race.

2.3.e. Universal adherence to the comprehensive global security system.

3.1. There has been a historically unprecedented militarization of international relations during the last four decades. This has not only enhanced the danger of nuclear war but also militated against the emergence of the structure of peace, progress and stability envisaged in the Charter of the United Nations.

3.2. To end this dangerous militarization of international relations, we must build a structure firmly based on non-violence. It is only in a non-violent democratic world that the sovereignty of nations and the dignity of the individual can be ensured. It is only in a non-violent world that the intellectual and spiritual potential of humankind can be fully realized.

3.3. The prospect of a world free from nuclear weapons should spur us to start building a structure of international security in keeping with the fundamental changes that are taking place in the world political, economic and security environment.

3.4. In a shrinking and interdependent world, such a structure has to be comprehensive, its components supportive of each other, and participation in it universal.

3.5. A world order crafted out of outmoded concepts of the balance of power, of dominance by power blocs, of spheres of influence, and of special rights and privileges for a select group of nations is an unacceptable anachronism. It is out of tune with the democratic temper of our age.

3.6. The new structure of international relations has to be based on scrupulous adherence to the principles of peaceful coexistence and the Charter of the United Nations. It is necessary to evolve stronger and more binding mechanisms for the settlement of disputes, regional and international. The diversity among nations must be recognized and respected. The right of each nation to choose its own socio-economic system must be assured.

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3.7. Concomitant changes will be called for in the international economic order. The interdependence of all the economies of the world makes for a symbiotic relationship between development in the South and stability and growth in the North. In a just and equitable order, access to technology and resources, on fair and reasonable terms, will be assured. The gap between the rich and the poor nations will be bridged.

APPENDIX XX: CD/649 (USSR)

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STATEMENT BY THE GENERAL SECRETARY OF THE
CPSU CENTRAL COMMITTEE, MIKHAIL GORBACHEV

I.

The most important of these initiatives is a concrete programme aimed at the complete elimination of nuclear weapons throughout the world within a precisely defined period of time.

The Soviet Union is proposing a step-by-step, coherent process for ridding the Earth of nuclear weapons, to be implemented and completed within the next 15 years, by the end of this century.

The twentieth century brought mankind the gift of atomic energy. However, this great achievement of human intelligence may turn into an instrument of man's self-annihilation.

Is it possible to resolve this contradiction? We are convinced that it is. Finding effective ways of eliminating nuclear weapons is a feasible task, provided it is tackled without delay.

The Soviet Union proposes that a programme for ridding mankind of the fear of a nuclear catastrophe should be launched in 1986. The fact that this year has been proclaimed the International Year of Peace by the United Nations provides an additional political and moral incentive for doing so. To this end it is necessary to rise above national selfishness, tactical calculations, differences and disputes, whose significance is nothing compared to the preservation of what

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is most valuable -- peace and a safe future. The energy of the atom should be placed exclusively at the service of peace, a goal that our socialist State has invariably advocated and continues to pursue.

It was our country that as early as 1946 was the first to raise the question of prohibiting the production and use of atomic weapons and devoting atomic energy to peaceful purposes for the benefit of mankind.

How does the Soviet Union envisage today, in practical terms, the process of making reductions in nuclear weapons, both delivery vehicles and warheads, leading ultimately to their complete elimination? Our proposals can be summarized as follows.

Stage one: within the next 5-8 years the USSR and the United States will each reduce by one half the nuclear arms that can reach the other's territory. For the remaining delivery vehicles of this kind each side will retain no more than 6,000 warheads.

It stands to reason that such a reduction is possible only if the USSR and the United States mutually renounce the development, testing and deployment of space strike weapons. As the Soviet Union has repeatedly warned, the development of space strike weapons will dash the hopes for a reduction of nuclear weapons on Earth.

This first stage will include the adoption and implementation of the decision for the complete elimination of the intermediate-range missiles, both ballistic and cruise missiles, of the USSR and the United States in the European zone, as a first step towards ridding the European continent of nuclear weapons.

At the same time the United States should undertake not to transfer its strategic and medium-range missiles to other countries, while Britain and France should pledge not to build up their respective nuclear armaments.

The USSR and the United States should agree from the outset to halt all nuclear explosions and call upon other States to join in such a moratorium as soon as possible.

We propose that the first stage of nuclear disarmament should concern the Soviet Union and the United States because it is up to them to set an example for the other nuclear-weapon Powers to follow. We said this very frankly to President Reagan of the United States during our meeting in Geneva.

Stage two: during this stage, which should start no later than 1990 and last for 5-7 years, the other nuclear-weapon Powers will begin to engage in nuclear disarmament. To begin with, they would pledge to freeze all their nuclear arms and not to station them in the territories of other countries.

During this period the USSR and the United States will go on with the reductions agreed upon during the first stage and also carry out further measures designed to eliminate their medium-range nuclear weapons and freeze their tactical nuclear systems.

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Following the completion by the USSR and the United States of America of the 50 per cent reduction in the arms concerned in the second stage, another radical step will then be taken: all nuclear-weapon Powers will eliminate their tactical nuclear arms, i.e. weapons having a range (or radius of action) of up to 1,000 km.

During this stage the Soviet-American accord on the prohibition of space strike weapons would have to become multilateral, with the mandatory participation of major industrial Powers.

All nuclear-weapon Powers would cease nuclear-weapon tests.

There would be a ban on the development of non-nuclear weapons based on new physical principles, whose destructive capacity is close to that of nuclear arms or other weapons of mass destruction.

Stage three will begin no later than 1995. During this stage the elimination of all remaining nuclear weapons will be completed. By the end of 1999 there will be no more nuclear weapons on Earth. A universal accord will be drawn up to ensure that such weapons will never again come into being.

We have in mind that special procedures will be worked out for the destruction of nuclear weapons as well as the dismantling, re-equipment or destruction of delivery vehicles. In this connection, agreement will be reached on the numbers of weapons to be destroyed at each stage, destruction sites and so on.

Verification of the destruction or limitation of arms would be carried out both by national technical means and through on-site inspections. The USSR is ready to reach agreement on any other additional verification measures.

The adoption of the nuclear disarmament programme that we propose would undoubtedly have a favourable impact on the negotiations conducted in bilateral and multilateral forums. The programme would establish clear schedules and reference points, with a specific time-frame for achieving agreements and implementing them, and would make the negotiations purposeful and goal-oriented. This would break the dangerous trend whereby the momentum of the arms race is greater than the outcome of negotiations.

In short, we propose that we should enter the third millennium without nuclear weapons, on the basis of mutually acceptable and strictly verifiable agreements. If the United States Administration is indeed committed to the goal of the complete elimination of nuclear weapons everywhere, as it has repeatedly stated, it is being offered a practical opportunity to set about achieving it. Instead of wasting the next 10-15 years by developing new, extremely dangerous weapons in space, allegedly designed to make nuclear arms useless, would it not be more sensible to start eliminating those arms and finally bring them down to zero point? The Soviet Union, I repeat, proposes precisely that.

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The Soviet Union calls upon all peoples and States and, naturally, above all nuclear-weapon States, to support the programme of eliminating nuclear weapons by the year 2000. It is absolutely clear to any unbiased person that if such a programme is implemented, nobody would lose and everybody stands to gain. This is a problem common to all mankind and it can and must be solved only through common efforts. The sooner this programme is translated into practical deeds, the safer life on our planet will be.