

PAKISTAN

Working Paper

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

1. The nuclear arms race poses a pervasive threat to international peace and security and to the survival of civilization. The non-nuclear weapon States are the most vulnerable to nuclear attack or threat. While the best assurance against the nuclear threat is the total prohibition of the use of nuclear weapons and nuclear disarmament, the nuclear powers have an obligation, as a first and immediate step, to extend credible assurances to the non-nuclear weapon States against the use or threat of use of nuclear weapons. This obligation of the nuclear powers arises from their claim to retain nuclear weapons, at least for the time being. Such assurances are moreover, a necessary incentive to ensure the non-proliferation of nuclear weapons.
2. The United Nations General Assembly has adopted several resolutions on the subject of assurances to non-nuclear weapon States against the use or threat of use of nuclear weapons. The Final Document adopted at the Tenth Special Session of the General Assembly devoted to Disarmament recommended in paragraph 59 that the nuclear powers should make urgent efforts to conclude effective arrangements, as appropriate, to assure non-nuclear weapon States against the use or threat of use of nuclear weapons. Following this, the Thirty-third Session of the United Nations General Assembly adopted two resolutions concerning the adoption of an International Convention on Security guarantees to non-nuclear weapon States. These resolutions have inter alia requested on the Committee on Disarmament to consider the draft Conventions submitted on the subject in the General Assembly by the delegations of Pakistan and the Soviet Union together with other proposals designed to achieve the same objective.

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

- (1) the nature, scope and content of the "assurances" or "guarantees" to be provided to the non-nuclear weapon States;
- (2) the form in which such assurances or guarantees should be extended.

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

4. In principle, all non-nuclear weapon States are entitled to receive assurances that they will not be subjected to the use or threat of use of nuclear weapons. However, it appears from the declarations made by the nuclear powers at the Special Session that, with one exception, they are not in a position to extend such a universal and unconditional guarantee to non-nuclear weapon States. The difficulty in extending such assurances arises from the strategic doctrines espoused by the two rival military blocs, both of which envisage the possibility of the use of nuclear weapons against the nuclear and non-nuclear members of the opposing bloc. The overall objective endorsed by the majority of the international community is to secure the dismantling of such nuclear alliances and military groupings. However, until this is achieved, those non-nuclear weapon States, which are outside these military alliances and groupings have a right to be assured that they will not be subjected to the use or threat of nuclear weapons. This was the objective of General Assembly resolution 31/1890 which invited the nuclear weapon States to extend assurances against the nuclear threat those non-nuclear weapon States which are "not parties to the nuclear security arrangements of some nuclear powers". This formulation, with suitable modifications, could serve as the basis for security assurances to non-nuclear weapons which are not members of the global military alliances of the nuclear powers.

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

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

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

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

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

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