

PAKISTAN: WORKING PAPER

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

1. During the last two years, the ad hoc working group established by the Committee on Disarmament to reach agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, has examined both the nature and the form of such assurances. Some progress has been made in these negotiations. As regards the form of the assurances, there is no objection, in principle, to the proposed international convention although the difficulties have also been pointed out. As for the nature or substance of the assurances, the report of the ad hoc working group last year (CD/125*) which was adopted by the Committee on Disarmament, recognized, in its paragraphs 15 and 17, the need to reach agreement on a "common approach acceptable to all which could be included in an international instrument of a legally binding character".
2. The Pakistan delegation considers that during the 1981 session, the ad hoc working group should devote attention in the first instance to the possibilities of evolving such a "common approach" or a "common formula" on the substance of the assurances to non-nuclear-weapon States. Once agreement is reached on such a common approach it would become much easier to reach consensus on the form in which this should be embodied.
3. The efforts to evolve a common approach have not made substantive progress so far primarily because it has remained restricted to examination of the unilateral declarations made by the nuclear-weapon States. It would be more productive if the ad hoc working group were to explore all possible alternatives with an open mind and record the areas of agreement as well as differences on each of the available options.
4. Without prejudice to its own position on the subject, the Pakistan delegation considers that there are at least five distinct alternatives which can be explored in the search for a "common approach" or "formula"
 - A. A categorical assurance by the nuclear-weapon States to all non-nuclear-weapon States not to use or threaten to use nuclear weapons against them
5. This form of an assurance would respond most effectively to the demands of the non-nuclear-weapon States for clear and unambiguous assurances against the danger of the use or threat of use of nuclear weapons. Unfortunately, only one nuclear-weapon State has so far expressed its readiness to extend such a categorical and unconditional assurance. The ad hoc working group should examine whether other nuclear-weapon States would find it possible to review their positions and also extend such categorical assurances to all non-nuclear-weapon States.

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

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

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

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

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

- (a) necessary to safeguard the security of nuclear-weapon States; and
- (b) acceptable to other nuclear-weapon States and the non-nuclear-weapon States.

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

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

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

- First, those relating to the non-nuclear-weapon status of the States to be given security assurances; and
- Second, those pertaining to situations in which some of the nuclear-weapon States retain the right to retaliate with nuclear weapons against even non-nuclear-weapon States.

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

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

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

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

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