A comprehensive study of the origin, development and present status of the various alternatives proposed for the prohibition of the use of nuclear weapons

Background paper prepared by the Secretariat

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INTRODUCTION

1. In 1978, the General Assembly held its first special session devoted to disarmament (tenth special session) and decided that a second special session should be held at a future date. 1/ That same year, at its thirty-third regular session, the General Assembly decided to convene the second special session devoted to disarmament in 1982 (resolution 33/71 H).

2. The General Assembly, at its thirty-fifth session, in 1980, decided to establish a Preparatory Committee for the Second Special Session of the General Assembly Devoted to Disarmament composed of 78 member States appointed by the President of the General Assembly on the basis of equitable geographic distribution. It requested the Preparatory Committee to prepare a draft agenda for the second special session devoted to disarmament, to examine all relevant questions relating to that session and to submit to the General Assembly at its thirty-sixth session its recommendations thereon (resolution 35/47).

3. At its 3rd meeting, on 5 December 1980, the Preparatory Committee requested the Secretariat to prepare a number of factual background papers on various subjects, including one entitled "A comprehensive study of the origin, development and present status of the various alternatives proposed for the prohibition of the use of nuclear weapons", which is the subject of this paper. The Committee indicated that this could be done either by updating or supplementing papers which had been prepared for the first special session devoted to disarmament or in other ways, as appropriate (A/AC.206/SR.3).

4. In response to the request by the Preparatory Committee, the Secretariat has prepared this paper which covers the period 1977-1980 and is a supplement to the earlier paper on the same subject prepared for the first special session devoted to disarmament, which covered the period up to 1976. 2/

5. As evidenced by document A/AC.187/71, prohibition of the use of nuclear weapons has been envisaged in various different contexts. 3/ This paper, in dealing with the subject, essentially follows the main headings of A/AC.187/71, namely, prohibition of use (a) in the context of the non-use of force in international relations; (b) in relation to a convention on the non-use of nuclear weapons; (c) in terms of security guarantees to non-nuclear-weapon States; (d) in the context of nuclear-weapon-free zones.


6. The same approach was adopted in the Final Document of the first special session of the General Assembly devoted to disarmament, 4/ which states: "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. Pending the achievement of this goal ... 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." (Paras. 56 and 57.) In this context, all States should actively participate in efforts to adopt a code of peaceful conduct of nations in international affairs "which would preclude the use or threat of use of nuclear weapons" (para. 58).

7. In the same context, the Final Document further states, 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" and to conclude, as appropriate, effective arrangements to that end (para. 59).

8. With respect to the establishment of nuclear-weapon-free zones, the Final Document specifies, the nuclear-weapon States are called upon to give undertakings, the modalities of which are to be negotiated with the competent authority of each zone, in particular, "to refrain from the use or threat of use of nuclear weapons against the States of the zone" (para. 62).

CONSIDERATION OF THE PROHIBITION OF THE USE OF NUCLEAR WEAPONS

1. In the context of the non-use of force in international relations

9. At the thirty-first session of the General Assembly, in 1976, at the initiative of the USSR, an item on the conclusion of a world treaty on the non-use of force in international relations was included in the agenda of the Assembly. The item was allocated to the First Committee for its consideration with the understanding that later it would be referred to the Sixth Committee for examination of its legal implications. Under this item, the USSR submitted a draft World Treaty on the Non-use of Force in International Relations. 5/

10. At the same session, on the recommendations of the First Committee, the General Assembly adopted resolution 31/9 by which it invited Member States to examine further the above-mentioned draft Treaty and to communicate to the Secretary-General their views and suggestions on that subject not later than 1 June 1977 for transmission to the Assembly.


11. At the thirty-second session, in 1977, on the recommendation of the Sixth Committee, the General Assembly decided to establish a Special Committee on Enhancing the Effectiveness of the Principle on the Non-Use of Force in International Relations with the goal of drafting a world treaty on the non-use of force in international relations as well as the peaceful settlement of disputes or such other recommendations as the Committee might deem appropriate. The Special Committee reported to the General Assembly on its work at the thirty-third to the thirty-fifth sessions (resolutions 33/96, 34/13 and 35/50). The Committee's work is continuing.

2. In relation to a convention on the non-use of nuclear weapons

12. At its thirty-third session, following the conclusion of the first special session devoted to disarmament, the General Assembly adopted resolution 33/71 B entitled "Non-use of nuclear weapons and prevention of nuclear war" in which it declared that (a) the use of nuclear weapons would be a violation of the Charter of the United Nations and a crime against humanity; and (b) the use of nuclear weapons should, therefore, be prohibited, pending nuclear disarmament. The Assembly further requested all States, particularly nuclear-weapon States, to submit to the Secretary-General before the thirty-fourth session of the General Assembly, proposals concerning the non-use of nuclear weapons, avoidance of nuclear war and related matters, in order that the question of an international convention or some other agreement on the subject might be discussed at the thirty-fourth session.

13. At its thirty-fourth session, having received the proposals submitted by States concerning the non-use of nuclear weapons, prevention of nuclear war and related matters, the General Assembly decided to transmit them to the Committee on Disarmament and requested the Committee to take those views into appropriate consideration and report thereon to the General Assembly at its thirty-fifth session (resolution 34/83 G).

14. At its thirty-fifth session, in resolution 35/152 D, the General Assembly once again declared that the use of nuclear weapons would be a violation of the Charter of the United Nations and a crime against humanity and added that the use or threat of use of nuclear weapons should, therefore, be prohibited pending nuclear disarmament, but postponed until the thirty-sixth session the consideration of the question of an international convention or some other agreement on the subject.

3. In terms of security guarantees to non-nuclear-weapon States

(a) General

15. The question of the strengthening of the security of non-nuclear-weapon States has been discussed at the United Nations and other international forums mainly in the context of the Treaty on Non-Proliferation of Nuclear Weapons of 1968.
16. It should be recalled, in that connexion, that following the adoption of resolution 2373 (XXII) of 12 June 1968 by which the General Assembly commended the Treaty on the Non-Proliferation of Nuclear Weapons and requested the depositary Governments to open it for signature and ratification, the USSR, the United Kingdom and the United States sponsored a draft resolution on security assurances in the Security Council. By that draft, the Security Council would recognize that aggression with nuclear weapons, or the threat thereof, against a non-nuclear-weapon State would call for immediate action by the Council, and above all by the permanent members, in accordance with their obligations under the Charter. It would also, inter alia, reaffirm the inherent right under the Charter of individual and collective self-defence if an armed attack occurred. The Security Council adopted the draft resolution on 19 June 1968, as submitted by the three sponsors as resolution 255 (1968). In connexion with the adoption of the resolution, the three sponsoring nuclear-weapon States made identical formal declarations in which they stated (a) that aggression with nuclear weapons, or the threat of such aggression, against a non-nuclear-weapon State would create a qualitatively new situation in which they, as permanent members of the Security Council, would have to act immediately through the Security Council to take the measures necessary to counter such aggression, or to remove the threat of aggression in accordance with the Charter, and (b) that any State which committed aggression with nuclear weapons or which threatened such aggression would be countered effectively by measures taken in accordance with the Charter to suppress the aggression or remove the threat of aggression.

17. In recent years, various proposals have been made seeking to obtain additional guarantees in addition to those embodied in Security Council resolution 255 (1968), which usually are described as "positive guarantees". In one form or another all the new proposals would involve a commitment on the part of the nuclear-weapon States not to resort to the threat or use of nuclear weapons against States not possessing such weapons ("negative guarantees").

(b) Developments in 1977

18. In the Preparatory Committee for the Special Session of the General Assembly Devoted to Disarmament, a number of members of the Committee called attention to the question of the prohibition of the use of nuclear weapons. The non-aligned countries, in a working paper (A/AC.187/55) which contained preliminary ideas concerning preparations for that session, put forward for consideration by the Preparatory Committee the renunciation or prohibition of the use, or threat of use, of nuclear weapons against non-nuclear weapon States. Romania, in another working paper (A/AC.187/77), called for an unconditional prohibition of the use of nuclear weapons.

19. Pakistan held that the special session should examine specifically the problem of ensuring the security of non-nuclear-weapon States against nuclear attack or the threat of such attack. While the ultimate aim, in Pakistan's view, should be the establishment of a system of positive guarantees, i.e. the system of collective security envisaged in the Charter of the United Nations, it considered that the special session could make progress on that issue on the /...
basis of an undertaking by the nuclear-weapon Powers to refrain from the use or threat of use of nuclear weapons against non-nuclear States, as envisaged in General Assembly resolution 31/189 C, which Pakistan had initiated in 1976.

20. The provision of adequate security guarantees to non-nuclear-weapon States was viewed by a number of countries as a critical element of an effective international régime to curb the spread of nuclear weapons in that such guarantees would serve to allay the concern of non-nuclear-weapon States about the use or threat of use of nuclear weapons and thus promote an international climate more propitious to the success of anti-proliferation efforts. The matter was raised during the 1977 session of the Conference of the Committee on Disarmament and some delegations once again called on the nuclear-weapon States to undertake the obligation not to use or threaten to use nuclear weapons against States not possessing such weapons.

21. At the thirty-second session of the General Assembly, President Carter, reiterating United States policy on the matter, namely, its willingness to accept a conditional prohibition, declared that the United States would not use nuclear weapons except in self-defence, that is, in circumstances of an actual nuclear or conventional attack on the United States, its territories or armed forces, or such an attack on its allies.

22. A number of countries directed attention to the question of the non-first-use of nuclear weapons. China, reaffirming its long-held position, maintained that, as a first step towards the complete prohibition and destruction of nuclear weapons, all nuclear-weapon States, especially the Soviet Union and the United States, should undertake the obligation not to be the first to use such weapons at any time and in any circumstances, and particularly not to use them against non-nuclear-weapon States and nuclear-weapon-free zones. The Soviet Union and other Eastern European countries referred to the proposal made by the States parties to the Warsaw Treaty to the other participants in the Conference on Security and Co-operation in Europe, which contemplated the conclusion of a treaty whereby they would undertake not to be the first to use nuclear weapons against one another.

23. At the thirty-second session of the General Assembly, in 1977, resolution 32/87 B was adopted. By it the General Assembly reaffirmed resolution 31/189 C referred to above and recommended that all possible efforts be made at its special session devoted to disarmament, to be held in 1978, to evolve binding and credible security assurances to non-nuclear-weapon States, taking into account resolution 31/189 C. In another resolution (32/87 F), the Assembly again underlined the importance of determined efforts, especially by the nuclear-weapon States, to ensure the security of non-nuclear-weapon States.

(c) Developments in 1978

24. In the Preparatory Committee for the Special Session of the General Assembly Devoted to Disarmament, in 1978, the non-aligned countries again raised the question of the prohibition of the use of nuclear weapons in a working paper
(A/AC.187/55/Add.1 and Corr.1) outlining their views and positions on major issues. In the area of nuclear weapons, which headed the list of priorities, the following two measures were mentioned first: (a) prohibition of the use and, as a first step, renunciation of the use of nuclear weapons against States which have no nuclear weapons on their territories; and (b) renunciation of the first use of nuclear weapons.

25. In a separate working paper (A/AC.187/91), Pakistan declared that, since nuclear weapons posed a most immediate threat to international peace and security and to the very survival of mankind, it was imperative to prohibit the use of such weapons, a measure to be followed by their elimination. In a subsequent working paper (A/AC.187/22), Pakistan included the prohibition of the use or threat of use of nuclear weapons as the first measure of a programme of action, as follows:

"(1) An international agreement or another form of binding international instrument should be adopted, as early as possible, under which the nuclear-weapon States would commit themselves not to use or threaten to use nuclear weapons against non-nuclear-weapon States not parties to the nuclear security arrangements of some nuclear Powers.

"(2) Nuclear-weapon States should undertake, in a binding legal form, not to use or threaten to use nuclear weapons against non-nuclear-weapon States which comprise nuclear-weapon-free zones or zones of peace and not to introduce nuclear weapons in such zones.

"(3) Following the adoption of the above measures, negotiations should be initiated among the nuclear-weapon States for an agreement on the total prohibition of the use or threat of use of all nuclear weapons, strategic or tactical, under any circumstances."

26. Several Western members of the Preparatory Committee (Australia, Belgium, Canada, Denmark, Germany, Federal Republic of, Italy, Japan, Netherlands, Norway and United Kingdom) in a working paper containing a draft programme of action (A/AC.187/96) proposed that, among the priority measures for completion over the next few years, assurances by nuclear-weapon States designed to increase the confidence of non-nuclear-weapon States in their own security from nuclear attack should be included.

27. At the tenth special session of the General Assembly, the question of security assurances to non-nuclear-weapon States was mostly dealt with in statements 6/ on the questions of non-proliferation of nuclear weapons and of nuclear-weapon-free zones.

6/ Ibid., Tenth Special Session, Plenary Meetings, 1st to 27th meetings; Ibid., Tenth Special Session, Ad Hoc Committee of the Tenth Special Session, 3rd to 16th meetings; and Ibid., Ad Hoc Committee of the Tenth Special Session, Sessional Fascicle, corrigendum.
28. The Soviet Union, in emphasizing the prevention of the spread of nuclear weapons, declared that it would never use nuclear weapons against those countries where there were no such weapons at present and called upon the other nuclear Powers to do the same. The Soviet representative also recalled that, at the very highest level, President L. I. Brezhnev had declared: "We are against the use of nuclear weapons; only extraordinary circumstances – aggression against our country or its allies by another nuclear Power – could compel us to resort to this extreme means of self-defence."

29. The United Kingdom stated that it would be prepared to take part with other nuclear Powers in firm, far-reaching and permanent assurances to the non-nuclear-weapon States. Late in the session, the representative of the United Kingdom stated on behalf of his Government that it formally gave the assurance to non-nuclear-weapon States which were parties to the non-proliferation Treaty or to other internationally binding commitments not to manufacture or acquire nuclear explosive devices, that it would not use nuclear weapons against such States except in the case of an actual 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.

30. The United States representative called attention to President Carter's declaration which had been announced by the Secretary of State on 12 June 1978. The President, with a view to encouraging support for non-proliferation and increasing security, had declared that the United States would not use nuclear weapons against any non-nuclear-weapon State party to the non-proliferation Treaty or to 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.

31. France, in stressing the right of non-nuclear States to be assured that there would be no discrimination against them in terms of their security, said that a decision by the States of a region to preserve a nuclear-free status should entail an obligation for nuclear-weapon States not to seek a military advantage from the situation and in particular preclude any use or threat of the use of nuclear weapons against the non-nuclear countries and nuclear-free zones.

32. China, reiterating its position never to be the first to use nuclear weapons and in favour of a non-use agreement, said that, in the absence of such an agreement, a measure of urgency was for all nuclear countries to undertake not to resort to the threat or use of nuclear weapons against the non-nuclear countries and nuclear-free zones.

33. Two paragraphs of the Final Document of the special session, one in the Declaration and the other in the Programme of Action, contain provisions, agreed to by consensus, which call for the strengthening of the security of non-nuclear-weapon States. The paragraph in the Declaration reads as follows:

/...
"32. All States, in particular nuclear-weapon States, should consider various proposals designed to secure the avoidance of the use of nuclear weapons and the prevention of nuclear war. In this context, while noting the declarations made by nuclear-weapon States, effective arrangements, as appropriate, to assure non-nuclear-weapon States against the use or the threat of use of nuclear weapons could strengthen the security of those States and international peace and security."

The paragraph in the Programme of Action follows those on prevention of nuclear war and avoidance of the use of nuclear weapons. It reads:

"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."

34. At the thirty-third session of the General Assembly, in 1978 the item entitled "Conclusion of an international convention on the strengthening of guarantees of the security of non-nuclear States" was included in the agenda of the session at the request of the USSR. The item received considerable attention from Member States both during the general debate in the Assembly and in the First Committee. Many non-aligned, Eastern European and Western States held that the strengthening of guarantees of the security of non-nuclear-weapon States was an important issue for all countries, nuclear and non-nuclear, and was closely connected with crucial questions of international security and disarmament.

35. In advocating its proposal, the representative of the Soviet Union said that the objective of strengthening the security of non-nuclear States could best be served by the conclusion of an international convention the parties to which would be the nuclear States prepared to grant appropriate guarantees of security to non-nuclear States, and the non-nuclear States concerned, which would renounce the production and acquisition of nuclear weapons and had no nuclear weapons on their territory. While the Soviet Union expressed its readiness to enter into special bilateral agreements on security guarantees it held that the most comprehensive and effective solution to the problem would be for the nuclear States to assume obligations under agreed guarantees embodied in an international agreement. Its proposal had annexed to it a draft international convention on the subject.

36. Expressing its satisfaction at the Soviet initiative, Pakistan considered it as a response to the recommendation of the special session contained in paragraph 59 of the Final Document, and shared the view that an international convention was the best way in which the guarantee of non-use could be extended to the non-nuclear-weapon States and that such a convention should be elaborated as soon as possible.
37. The United Kingdom pointed out that it saw no need to negotiate an international convention embodying the assurances of the nuclear-weapon States and recalled its readiness to give unilateral security assurance, and thus to join other nuclear-weapon States which had made or were soon to make unilateral declarations.

38. The United States, while regarding the concept of security assurances to the non-nuclear-weapon States both as a means of strengthening the security of those States and of strengthening the non-proliferation régime, affirmed its position that it would be unrealistic to anticipate that a single formulation could be found which would be generally acceptable and meet the diverse security requirements not only of each of the nuclear Powers but also of the non-nuclear-weapon States, for many of which relationships with specific nuclear States were an essential ingredient in their national security. The United States stressed the importance of the non-use pledges given by the nuclear Powers during the special session, considering them as an important measure of security for the non-nuclear-weapon States and suggested that the Security Council take formal note of them.

39. At its thirty-third session, the General Assembly ultimately adopted two resolutions on the item dealing with security guarantees to non-nuclear-weapon States as proposed by the USSR, namely, resolutions 33/72 A and B. The first had been initiated by the USSR and the second by Pakistan. Each resolution had a draft international convention on the subject annexed to it.

40. By resolution 33/72 A, the General Assembly requested the Committee on Disarmament to consider, at the earliest possible date, the drafts of an international convention on the subject, submitted to the General Assembly at its thirty-third session, as well as all proposals and suggestions concerning effective political and legal measures at the international level to assure the non-nuclear-weapon States against the use or threat of use of nuclear weapons.

41. By resolution 33/72 B, the General Assembly (a) urged that urgent efforts should be made to conclude effective arrangements, as appropriate, to assure the non-nuclear-weapon States against the use or threat of use of nuclear weapons, including consideration of an international convention and of alternative ways and means of achieving that objective; and (b) took note of the proposals submitted and views expressed on the subject at the Assembly session and recommended that the Committee on Disarmament should consider them and submit a progress report to the Assembly at its thirty-fourth session in 1979.

42. The United States, for its part, sent a letter dated 17 November 1978 (A/AC.1/33/7) to the Secretary of the First Committee, containing an annex entitled "Proposal of the United States of America for strengthening the confidence of non-nuclear-weapon States in their security against the use or threat of use of nuclear weapons", in which it was emphasized that, in view of diverse interests, an effective and practical way of enhancing the confidence of non-nuclear-weapon States in their security against the use or threat of use of nuclear weapons was by individual declaration by nuclear-weapon States on this subject rather than by a single world-wide treaty on the subject.
(a) **Developments in 1979**

43. In 1979, at the first substantive session of the Disarmament Commission, the question of security assurances to non-nuclear-weapon States was referred to by a number of delegations which regarded it as an important question among the elements of a comprehensive programme of disarmament. Ultimately, a measure entitled "Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons" was included in the recommendations of the Disarmament Commission in the area of nuclear disarmament. It should also be noted that the Commission listed 'Prohibition of the use or threat of use of nuclear weapons', i.e. in the over-all sense, as one of the areas which it had considered but upon which consensus could not be reached.

44. The question of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons was also considered by the Committee on Disarmament in 1979. At that session, Pakistan reiterated its position in favour of uniform assurances to non-nuclear-weapon States, stating that the formulation of assurances as indicated by the General Assembly in resolution 31/186 C provided the most viable basis for evolving such a "uniform obligation" by the nuclear Powers. By that resolution those Powers were requested to consider undertaking, without prejudice to their obligations arising from treaties establishing nuclear-weapon-free zones, not to use or threaten to use nuclear weapons against non-nuclear-weapon States not parties to the nuclear security arrangements of some nuclear-weapon Powers. On 27 March, Pakistan submitted a document (CD/10) concerning the conclusion of an international convention on the question, and on 26 June it submitted a working paper (CD/25) on effective international arrangements for such assurances.

45. The Soviet Union continued to hold that the most complete and effective solution to the problem of protecting non-nuclear-weapon States from the use of nuclear weapons would be through universal legal guarantees agreed to by the nuclear-weapon Powers. To that end it submitted, together with the other Socialist countries, a working paper containing a draft international convention (CD/23) and urged the early conclusion of such a convention with the participation, on the one hand, of nuclear-weapon States that were prepared to provide appropriate guarantees of the security of non-nuclear-weapon States and, on the other, of interested non-nuclear-weapon States which would renounce production or acquisition of nuclear weapons and did not have them on their territory.

46. The United States suggested that a practical way of enhancing the security of non-nuclear-weapon States would be for the Committee on Disarmament to recommend that the General Assembly should adopt a resolution which would recognize the legitimate security concerns of States which had undertaken legally binding commitments not to acquire nuclear explosive devices; take note of the individual assurances which were given by the nuclear-weapon States; and set forth in its text the various individual assurances. The United States submitted a working paper (CD/27) explaining its approach and containing an illustrative General Assembly resolution on the subject.

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47. At its 39th meeting, on 5 July, the Committee decided to establish an ad hoc working group open to all members of the Committee to consider and negotiate on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

48. The items entitled "Strengthening of the guarantees of the security of non-nuclear-weapon States" and "Strengthening of the security of non-nuclear-weapon States against the use or threat of use of nuclear weapons" were included in the agenda of the thirty-fourth session pursuant to General Assembly resolutions 33/72 A and B. The debates at the thirty-fourth session of the General Assembly on the subject reflected views and positions of States similar to those put forward in the Disarmament Commission and the Committee on Disarmament and at the thirty-third session.

49. Ultimately, three resolutions were adopted on the subject - one (34/84) on the item initiated by the USSR and two (34/85 and 34/86) on the item initiated by Pakistan.

50. By resolution 34/84, sponsored by the USSR and 18 other States, the General Assembly essentially requested the Committee on Disarmament to continue the negotiations on the subject on a priority basis during its 1980 session with a view to concluding, at an early date, a convention to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

51. By resolution 34/85, sponsored by Pakistan and Mali, the General Assembly essentially recommended that the Committee on Disarmament should conclude, during its 1980 session, 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.

52. Resolution 34/86 was sponsored by the United States. By it, the General Assembly noted the statements that the nuclear-weapon States had made an assurance to non-nuclear-weapon States with respect to the use of nuclear weapons and requested the Committee on Disarmament to continue its efforts at its 1980 session with a view to reaching agreement on effective international arrangements further to strengthen the security of the non-nuclear-weapon States.

(e) Developments in 1980

53. At the second substantive session of the Disarmament Committee, in 1980, the question of security assurances to non-nuclear-weapon States was referred to by a number of delegations in the Commission's general exchange of views. It was generally felt that there should be an intensification of efforts to ensure the security of non-nuclear-weapon States. Pakistan suggested that the Disarmament Commission should urge the nuclear-weapon States to display a greater willingness to respond to the demand of the non-nuclear-weapon States about assurances against the use or threat of the use of nuclear weapons. Secondly, each of the nuclear-weapon States must be urged to undertake not to be the first to use or threaten to use nuclear weapons. It noted that China had made such a declaration and also /...
expressed support for any initiative which ensured that nuclear weapons would not
be used by nuclear-weapon States to attack or threaten to attack non-nuclear-
weapon States, adding that it would welcome any moves aimed at strengthening
guarantees for non-nuclear-weapon States, both guarantees of security and
guarantees of the development of nuclear energy for peaceful uses. India said
that the only effective guarantee against the use or threat of use of nuclear
weapons was the total elimination of such weapons from the stockpiles of nuclear-
weapon States. Pending that, all States possessing such weapons should give a
binding commitment not to use such weapons under any circumstances. It was
necessary that the search for adequate guarantees from nuclear-weapon States
against the use or threat of use of nuclear weapons not deflect from the primary
responsibilities of pressing for urgent measures on nuclear disarmament.

54. The Committee on Disarmament, in 1980, considered the question in plenary
meetings and also decided to establish, for the duration of its 1980 session, an
ad hoc working group to continue the negotiations started in 1979. In the course
of the 1980 session, Pakistan submitted a working paper (CD/120) on a possible
draft resolution for adoption by the United Nations Security Council as an interim
measure. By the draft resolution, the Security Council would: (a) call upon those
States possessing nuclear weapons to undertake not to use or threaten to use
nuclear weapons against non-nuclear-weapon States under any circumstances;
(b) urge the Committee on Disarmament to pursue negotiations for this purpose
and conclude, without delay, a binding international instrument to assure
non-nuclear-weapon States against the use or threat of use of nuclear weapons;
and (c) decide to remain seized of the matter. Other working papers were submitted
to the Ad Hoc Working Group.

55. In its report to the Committee on Disarmament, the Ad Hoc Working Group stated
that there was continuing recognition of the urgent need to reach agreement on
effective international arrangements to assure non-nuclear-weapon States against
the use or threat of use of nuclear weapons. The Working Group also noted with
interest the suggestion that, upon the recommendation of the General Assembly,
the Security Council might consider the question of concrete measures, including
a resolution, as an interim arrangement, without prejudice to renewed efforts to
reach agreement on a common approach acceptable to all which could be included in
an international instrument of legally binding character. The Committee on
Disarmament approved the recommendation of the Ad Hoc Working Group that, at the
beginning of its 1981 session, the Committee on Disarmament should 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.

56. At the Second Review Conference of the Parties to the Treaty on the
Non-Proliferation of Nuclear Weapons, the States members of the Group of 77
participating in the Conference submitted a working paper on various aspects of
the Treaty (INF/CONF.II/C.1/2) in which the Group maintained that the provision
of binding security assurances by nuclear-weapon States was particularly important
in assuring and strengthening the independence, territorial integrity and
sovereignty of non-nuclear-weapon States. It would also encourage the process of
non-proliferation and promote the creation of nuclear-weapon-free zones in various
parts of the world. The Group also took note of the continued determination of
the three Depositary States of the non-proliferation Treaty to honour their

57. Bulgaria also submitted a working paper (UNPT/CONF.II/C.1/3) devoted to the
question strengthening the security of non-nuclear-weapon States. In it, Bulgaria
suggested that the Conference should take note of the intention of the Committee
on Disarmament to continue to negotiate on the subject with a view to reaching
agreement and recommended that the search for a common approach acceptable to all
should be expedited.

58. Switzerland, in a separate working paper (UNPT/CONF.II/C.1/5), stressed the
juridical value of the unilateral declarations made by the three depositary States
of the non-proliferation Treaty in connexion with the adoption of Security Council
resolution 255 (1968). It also noted with satisfaction the establishment of an
ad hoc working group on security guarantees by the Committee on Disarmament.

59. The Netherlands also dealt with the question in a working paper of its own
(UNPT/CONF.II/C.1/9) and suggested that the second Review Conference should note
with satisfaction that significant steps had been taken since 1975, i.e. since the
conclusion of the first Review Conference. In particular, the three nuclear-weapon
States parties to the non-proliferation Treaty had made declarations regarding the
assurance of nuclear-weapon States against the use or threat of use of nuclear
weapons. Furthermore, work was under way in the Committee on Disarmament and
should be continued until it had been successfully concluded.

60. The items entitled "Conclusion of an international convention on the
strengthening of the security of non-nuclear-weapon States against the use or
threat of use of nuclear weapons", "Conclusion of an international convention to
assure non-nuclear-weapon States against the use or threat of use of nuclear
weapons" and "Strengthening of the security of non-nuclear-weapon States" were
included in the agenda of the thirty-fifth session pursuant to General Assembly
resolutions 34/84, 34/85 and 34/86 of 1979 respectively. On the last-mentioned of
the three items, there was no further action in 1980. The views expressed by
delegations in the general debate in the plenary meetings and in the First
Committee largely reflected positions stated earlier in 1980 in the Disarmament
Commission and the Committee on Disarmament. Once again, many countries from all
regions of the world called for the strengthening of guarantees of security
of non-nuclear States.

61. At the initiative of the USSR, Angola, Bulgaria, Ethiopia and Mongolia, a
resolution (35/15) was also adopted under the other agenda item entitled
"Conclusion of an international convention on the strengthening of the security
of non-nuclear-weapon States against the use or threat of use of nuclear weapons".
Its operative part reads as follows:

"The General Assembly,

..."
"1. Welcomes the conclusion of the Committee on Disarmament that there is continuing recognition of the urgent need to reach agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons;

"2. Notes with satisfaction that in the Committee on Disarmament there was no objection, in principle, to the idea of an international convention;

"3. Requests the Committee on Disarmament to continue on a priority basis, during its session in 1981, the negotiations on the question of strengthening of security guarantees of non-nuclear-weapon States;

"4. Calls upon States participating in talks on the question of providing guarantees to non-nuclear-weapon States against the use or threat of use of nuclear weapons to make efforts for the speedy elaboration and conclusion of an international convention on this matter;

"5. Calls upon all nuclear-weapon States to make solemn declarations identical in substance, concerning the non-use of nuclear weapons against non-nuclear States having no such weapons on their territories, as a first step towards the conclusion of such an international convention;

"6. Recommends that the Security Council should examine declarations, which may be made by nuclear States regarding the strengthening of the security guarantees for non-nuclear States and, if all these declarations were found consistent with the above-mentioned objective, should adopt an appropriate resolution approving them;

"7. Decides to include in the provisional agenda of its thirty-sixth session the item entitled 'Conclusion of an international convention on the strengthening of the security of non-nuclear-weapon States against the use or threat of use of nuclear weapons'."

62. With regard to the agenda item entitled "Conclusion of an international convention to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons", a resolution - initiated by Pakistan and later also sponsored by Guinea - was adopted by the General Assembly. The resolution (35/155) in its operative part reads as follows:

'The General Assembly,

"...

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

"2. Notes with satisfaction that in the Committee 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 there has been lack of progress in the Committee towards evolving a common approach acceptable to all;

"3. Appeals to all States, in particular 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;

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

"5. Decides to include in the provisional agenda of its thirty-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'."

4. In the context of nuclear-weapon-free zones 9/

(a) Latin America

63. Additional Protocol I of the Treaty for the Prohibition of Nuclear Weapons in Latin America provides that the extraterritorial Powers (France, Netherlands, United Kingdom and United States) controlling certain territories situated within the limits of the Latin American geographical zone, as defined in the Treaty, would undertake to apply the statute of demunuclearization in respect to varlike purposes in those territories for which, de jure or de facto, they are internationally responsible. Additional Protocol II provides that the nuclear-weapon Powers would undertake fully to respect the statute of demunuclearization of Latin America in respect of varlike purposes as set forth in the Treaty, and would also undertake not to use or threaten to use nuclear weapons against the parties to the Treaty. By the end of 1976, Protocol I had been signed and ratified by the Netherlands and the United Kingdom and Protocol II by China, France, the United Kingdom and the United States.

64. At its thirty-second session, in 1977, the General Assembly adopted resolution 32/17 on Additional Protocol I and resolution 32/79 on Additional Protocol II. By resolution 32/79 the General Assembly (a) noted with satisfaction that Additional

9/ On the subject of proposals for nuclear-weapon-free zones (Africa, Middle East, South Asia and South Pacific) and for a zone of peace in the Indian Ocean, a related background paper has been prepared, numbered A/AC.206/___.
Protocol I had been signed by the United States on 26 May 1977 and that the Government of the United States had decided to take the necessary steps for its ratification; and (b) urged France to sign and ratify the Protocol as soon as possible. By resolution 32/79, the General Assembly urged the USSR to sign and ratify Additional Protocol II.

65. At its thirty-third session in 1978, the General Assembly, in resolution 35/58, invited the United States to make every effort to ratify as soon as possible Additional Protocol I and welcomed with satisfaction the declaration by the President of France, on 25 May 1978, regarding the adherence of France to that Protocol. In resolution 33/61, the Assembly noted with satisfaction that Additional Protocol II had been signed in 1978 by the USSR and that the Government of that country had officially announced that it intended to ratify the Protocol in the very near future.

66. The ratification of Additional Protocol II by the USSR took place early in 1979 and at its thirty-fourth session the General Assembly welcomed the fact in resolution 34/74.

67. France and the United States have not yet ratified Additional Protocol I. The General Assembly, at its thirty-fourth and thirty-fifth sessions (resolutions 34/71 and 35/143) reiterated its invitation to both countries to take all necessary steps to secure the ratification of that Protocol.

(b) Africa

68. At its thirty-second session, in 1977, the General Assembly, in resolution 32/31, on the implementation of the Declaration on the Demilitarization of Africa of 1964, strongly reiterated its call upon all States to consider and respect the continent of Africa, including the continental African States, Madagascar and other islands surrounding Africa, as a nuclear-weapon-free zone. It also condemned any attempt by South Africa to introduce nuclear weapons in the continent of Africa; demanded that South Africa refrain forthwith from conducting any nuclear explosions on the continent of Africa or elsewhere; urgently requested the Security Council to take appropriate effective steps to prevent South Africa from developing and acquiring nuclear weapons, thereby endangering international peace and security, and appealed to all States (a) to refrain from such co-operation with South Africa in the nuclear field as it would enable South Africa to acquire nuclear weapons and (b) to dissuade corporations, institutions and individuals within their jurisdiction from any such co-operation.

69. At its thirty-third session, the General Assembly adopted resolution 33/63 by which it renewed the requests contained in resolution 32/31 and also demanded that South Africa submit all its nuclear facilities for inspection by the International Atomic Energy Agency. These requests were reiterated in subsequent years (resolutions 34/76 A and 35/146 B).

70. In resolution 34/76 A dated 11 December 1979, the General Assembly also condemned the reported detonation of a nuclear device by South Africa. The
Assembly furthermore adopted a decision (34/404) by which it requested the Secretary-General to conduct an immediate investigation into the reports concerning such a detonation. Then, in resolution 34/76 B, it requested the Secretary-General to prepare, with the assistance of qualified experts, a comprehensive report on South Africa's plan and capability in the nuclear field.

71. The following year, in resolution 35/146 A, the General Assembly, having received the Secretary-General's report on South Africa's plan and capability in the nuclear field (A/35/402), expressed deep concern that the report had "established South Africa's capability to manufacture nuclear weapons" and viewed such capability as constituting a very grave danger to international peace and security and, in particular, to the security of the African States and as increasing the danger of the proliferation of nuclear weapons. It also requested, once again, the Security Council to prohibit all forms of co-operation and collaboration with the racist régime of South Africa in the nuclear field; called upon all States, corporations, institutions or individuals to terminate forthwith such nuclear collaboration between them and South Africa; requested the Security Council to institute effective enforcement action against South Africa, so as to prevent it from endangering international peace and security through its acquisition of nuclear weapons; and demanded that South Africa submit all its nuclear installations to inspection by the International Atomic Energy Agency.

72. During the period under review, the General Assembly also adopted a number of resolutions on military and nuclear collaboration with South Africa (resolutions 32/105 F, 33/183 G and 33/183 H, 34/93 D and E and 35/206 B), under the item "Policies of apartheid of the Government of South Africa", without reference to a Main Committee. The general purport of these resolutions was similar to that of the resolutions adopted under the item "Implementation of the Declaration on the Denuclearization of Africa" which have been referred to above.

(c) Middle East

73. The question of the establishment of a nuclear-weapon-free zone in the region of the Middle East, which had first been dealt with by the General Assembly at its twenty-ninth session, in 1974, and at the two subsequent sessions, was taken up once again by the Assembly at its thirty-second session, in 1977, at which time it adopted resolution 32/82 on the subject. By that resolution, the Assembly, recognizing the need to create momentum towards the goal of establishing a nuclear-weapon-free zone in the Middle East, inter alia, urged anew all parties directly concerned to adhere to the Treaty on the Non-Proliferation of Nuclear Weapons as a means of promoting that objective; and reiterated its recommendation that, pending the establishment of a nuclear-weapon-free zone, they should (a) proclaim solemnly and immediately their intention to refrain, on a reciprocal basis, from producing, acquiring or in any other way possessing nuclear weapons and nuclear-explosive devices and from permitting the stationing of nuclear weapons in their territory or the territory under their control by any third party; (b) refrain, on a reciprocal basis, from any other action that would facilitate the acquisition, testing, or use of such weapons, or would be in any other way detrimental to the objective of the establishment of a nuclear-weapon-free zone in the region under
an effective system of safeguards; and (c) agree to place all their nuclear activities under International Atomic Energy Agency safeguards.

74. At its thirty-third to thirty-fifth sessions, the General Assembly again pressed the goal of the establishment of a nuclear-weapon-free zone in the Middle East (resolutions 33/64, 34/77 and 35/147). By those resolutions the Assembly, inter alia, urged all parties directly concerned seriously to consider taking the practical and urgent steps required for the implementation of the proposal to establish such a zone in accordance with the relevant Assembly resolutions and, as a means of promoting that objective, invited the countries concerned to adhere to the Treaty on the Non-Proliferation of Nuclear-Weapons, invited those countries, pending the establishment of such a zone in the Middle East and during the process of its establishment, to declare solemnly that they would refrain, on a reciprocal basis, from producing, acquiring or in any other way possessing nuclear weapons and nuclear explosive devices; called upon those countries to refrain, on a reciprocal basis, from permitting the stationing of nuclear weapons on their territory by any third party and to agree to place all their nuclear activities under the safeguards of the International Atomic Energy Agency, and further invited those countries, pending the establishment of a nuclear-weapon-free zone in the Middle East and during the process of its establishment, to declare their support for establishing such a zone in the region consistent with the relevant paragraphs, in particular paragraph 63 (d), of the Final Document of the Tenth Special Session of the General Assembly 10/ and to deposit those declarations with the Security Council as appropriate.

75. Resolution 35/147 of 12 December 1980 was adopted by consensus. Israel, who had abstained on all the previous resolutions on the subject, joined the consensus.

(d) South Asia

76. The question of the establishment of a nuclear-weapon-free zone in South Asia, which had been considered by the General Assembly at its twenty-ninth to thirty-first sessions was taken up again by the Assembly at its thirty-second and subsequent sessions (resolutions 32/83, 33/65, 34/78 and 35/148). By those resolutions, the General Assembly essentially reaffirmed its endorsement, in principle, of the concept of a nuclear-weapon-free zone in South Asia; urged again

10/ Paragraph 63 (d) reads in part as follows: "The establishment of a nuclear-weapon-free zone in the Middle East would greatly enhance international peace and security. Pending the establishment of such a zone in the region, States of the region should solemnly declare that they will refrain on a reciprocal basis from producing, acquiring, or in any other way possessing nuclear weapons and nuclear explosive devices, and from permitting the stationing of nuclear weapons on their territory by any third party, and agree to place all their nuclear activities under International Atomic Energy Agency safeguards. Consideration should be given to a Security Council role in advancing the establishment of a Middle East nuclear-weapon-free zone."

/...
the States of South Asia, and such other neighbouring non-nuclear-weapon States as might be interested, to continue to make all possible efforts to establish a nuclear-weapon-free zone in South Asia and to refrain, in the meantime, from any action contrary to that objective; and requested the Secretary-General to render such assistance as might be required to promote efforts for the establishment of a nuclear-weapon-free zone in South Asia and to report to the General Assembly accordingly.