A COMPREHENSIVE STUDY OF THE ORIGIN, DEVELOPMENT, AND PRESENT STATUS OF THE VARIOUS ALTERNATIVES PROPOSED FOR THE PROHIBITION OF THE USE OF NUCLEAR WEAPONS

Working paper prepared by the Secretariat

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INTRODUCTION

1. By resolution 31/189 of 21 December 1976, the General Assembly decided to convene a special session devoted to disarmament, to be held in New York in May/June 1978. It further decided to establish a Preparatory Committee for the Special Session of the General Assembly Devoted to Disarmament, composed of 54 Member States appointed by the President of the Assembly on the basis of equitable geographical distribution, with the mandate of examining all relevant questions relating to the special session, including its agenda, and to submit to the Assembly at its thirty-second session appropriate recommendations thereon.

2. The General Assembly also requested the Secretary-General to render the Preparatory Committee all necessary assistance, including the provision of essential background information, relevant documents and summary records.

3. At its 14th meeting on 20 May 1977, the Preparatory Committee requested the Secretariat to prepare certain working papers. Included among them was "A comprehensive study of the origin, development, and present status of the various alternatives proposed for the prohibition of the use of nuclear weapons".

4. In response to this request of the Preparatory Committee, the Secretariat has prepared this working paper, which draws mainly on the publication The United Nations and Disarmament, 1945-1970 and its supplement The United Nations and Disarmament, 1970-1975 and other United Nations documents.

PROHIBITION OF THE USE OF NUCLEAR WEAPONS

1. Early initiatives

5. On 19 June 1946, the Soviet Union proposed the unconditional prohibition of use of nuclear weapons in a draft convention 1/ submitted to the Atomic Energy Commission. Its Article I provided that the parties to the Convention assume the following obligations:

(a) Not to use atomic weapons in any circumstances whatsoever;

(b) To prohibit the production and storing of weapons based on the use of atomic energy; and

(c) To destroy, within a period of three months from the day of the entry into force of the present convention, all stocks of atomic energy weapons whether in a finished or unfinished condition.

6. The question of non-use of nuclear weapons was later considered in the Sub-Committee of the Disarmament Commission in connexion with the consideration of a comprehensive and co-ordinated plan of disarmament. Members of the Sub-Committee were Canada, France, the Soviet Union, the United Kingdom and the United States.
7. On 1 June 1954, the Soviet Union submitted a draft resolution on non-use of nuclear weapons, which read:

"The Disarmament Commission deems it essential that, as an important step towards achieving complete elimination from the armaments of all States of atomic, hydrogen and other types of weapons of mass destruction, together with the simultaneous establishment of strict international control securing the observance of an agreement to prohibit the use of atomic energy for military purposes, the States concerned should assume a solemn and unconditional obligation not to employ atomic, hydrogen or other weapons of mass destruction."

8. The position of the Soviet Union was reiterated in its proposal entitled "Basic provisions of a draft international convention for the prohibition of atomic, hydrogen and other weapons of mass destruction, for a substantial reduction in armaments and armed forces, and for the establishment of international control over the observance of the convention", submitted to the Sub-Committee on 11 June 1954.

9. On the same day, France and the United Kingdom proposed the conditional prohibition of use in submitting to the Sub-Committee a joint proposal, the first paragraph of which provided:

"The States members of the Sub-Committee regard themselves as prohibited in accordance with the terms of the Charter of the United Nations from the use of nuclear weapons except in defence against aggression. They recommend that the disarmament treaty should include an immediate and explicit acceptance of this prohibition by all signatory States, pending the total prohibition and elimination of nuclear weapons as proposed in the subsequent paragraphs of this memorandum. They further recommend that the obligations assumed by the Members of the United Nations to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State should be accepted by all signatory States not members of the United Nations."

10. In connexion with the above proposal, the Soviet Union at the ninth session of the General Assembly in 1954, proposed that the General Assembly instruct the United Nations Disarmament Commission to study and clarify the question and submit its recommendations.

11. During the debate, the Soviet Union observed that the French-British proposal for the conditional prohibition of the use of nuclear weapons "except in defence against aggression" might sanction the use of atomic weapons on the pretext of defence.

12. Subsequently, the five members of the Sub-Committee sponsored resolution 808 (IX), which concluded that a further effort should be made to reach agreement on comprehensive and co-ordinated proposals to be embodied in a draft international convention providing for the total prohibition of the use and production of nuclear weapons, together with the conversion of existing stocks of...
such weapons for peaceful purposes, in the context of other measures concerning a major reduction of all armed forces and all conventional armaments and the prohibition of weapons of mass destruction of every type.

13. On 8 March 1955, Canada, France, the United Kingdom and the United States submitted to the Sub-Committee a joint draft resolution 1/ in which the General Assembly would, inter alia, consider that all States possessing nuclear weapons should regard themselves as prohibited, in accordance with the terms of the Charter of the United Nations, from using such weapons, except in defence against aggression.

14. On 10 May 1955, the Soviet Union submitted to the Sub-Committee a draft disarmament programme 8/ entitled "Reduction of Armaments, the Prohibition of Atomic Weapons, and the Elimination of the Threat of a New War" in which the Soviet Union proposed:

"Simultaneously with the initiation of measures for the reduction of the armaments and armed forces of the five Powers by the first 50 per cent of the agreed reduction to the prescribed levels and before the entry into force of the agreement on the complete prohibition of atomic weapons, States shall assume a solemn obligation not to use nuclear weapons, which they shall regard as prohibited to them. Exceptions to this rule may be permitted for purposes of defence against aggression, when a decision to that effect is taken by the Security Council."

15. At a meeting of the Sub-Committee in August 1955, the Soviet Union introduced a proposal 9/ that, as a preliminary step, the nuclear Powers assume the obligation not to be the first to use nuclear weapons.

16. On 30 April 1957, the Soviet Union submitted to the Sub-Committee a proposal 10/ for the reduction of armaments and armed forces and the prohibition of nuclear weapons. The proposal provided for an undertaking in the first stage to renounce the use of nuclear weapons of all types, including aerial bombs, rockets carrying atomic and hydrogen warheads irrespective of range, and atomic artillery.

17. On 29 August 1957, Canada, France, the United Kingdom and the United States submitted to the Sub-Committee a working paper 11/ for practical disarmament measures, reiterating the proposal for the conditional ban of use submitted on 8 March 1955.

18. At the twelfth session of the General Assembly, the Soviet Union submitted a draft resolution 12/ which, among other steps, would give priority to the prohibition of atomic weapons and their elimination and would call upon States possessing nuclear weapons to assume, as a first step, an obligation not to use such weapons for a period of at least five years. The Soviet draft resolution was not adopted in the First Committee. 13/

2. Efforts towards a convention on non-use of nuclear weapons in the 1960s

19. At the sixteenth session of the General Assembly in 1961 a draft resolution 14/ was submitted by Ethiopia, together with 11 other African and Asian countries - Ceylon, Ghana, Guinea, Indonesia, Liberia, Libya, Nigeria, Somalia, Sudan, Togo and Tunisia - calling for a ban on the use of nuclear weapons and requesting the
Secretary General to conduct an inquiry into the possibility of convening a
county to sign a convention on the prohibition of the use of these weapons.

20. Italy submitted a number of amendments 15/ to the 12-Power text providing, in
effect, for the prohibition of the use of nuclear and thermonuclear weapons only
when "contrary to the Charter of the United Nations".

21. The United States opposed the draft resolution on the ground that its aim could
only be achieved by complete and controlled disarmament and that it sanctioned, by
implication, other means of warfare. Both the United States and the United Kingdom
maintained that the right of individual and collective self-defence, including the
right to determine the degree of force necessary to repel aggression, could not be
abrogated.

22. The Soviet Union considered that the declaration would provide a good basis for
the solution of the problem of the prohibition of the use of nuclear weapons and
that it would facilitate the implementation of general and complete disarmament.

23. After rejecting the Italian amendments, the Assembly, on 24 November 1961,
adopted the draft resolution as resolution 1653 (XVI). The operative part of the
resolution reads as follows:

"1. Declares that:

(a) The use of nuclear and thermonuclear weapons is contrary to the
spirit, letter and aims of the United Nations and, as such, a direct
violation of the Charter of the United Nations;

(b) The use of nuclear and thermonuclear weapons would exceed even
the scope of war and cause indiscriminate suffering and destruction to
mankind and civilization and, as such, is contrary to the rules of
international law and to the laws of humanity;

(c) The use of nuclear and thermonuclear weapons is a war directed
not against an enemy or enemies alone but also against mankind in general,
since the peoples of the world not involved in such a war will be subjected
to all the evils generated by the use of such weapons;

(d) Any State using nuclear and thermonuclear weapons is to be
considered as violating the Charter of the United Nations, as acting contrary
to the laws of humanity and as committing a crime against mankind and
civilization;

2. Requests the Secretary-General to consult the Governments of Member
States to ascertain their views on the possibility of convening a special
conference for signing a convention on the prohibition of the use of
nuclear and thermonuclear weapons for war purposes and to report on the
results of such consultation to the General Assembly at its seventeenth
session."
24. In accordance with this resolution, the Secretary-General, requested Member Governments to state their views on the possibility of convening a special conference. In April, he submitted a report transmitting the views of 58 Member Governments 16/ and, in September and December, two supplementary reports giving the views of 1 more Member Governments. 17/

25. These reports showed that 33 Governments had expressed favourable views about the possibility of convening a special conference for signing the proposed convention; 26 Governments had expressed negative views or had some doubts about the proposed course of action at the time; and 3 Governments had indicated a preference for awaiting the results of the Conference of the Eighteen-Nation Committee on Disarmament before submitting their views.

26. At the seventeenth session of the General Assembly, in 1962, a draft resolution 18/ submitted by 21 non-aligned countries requested the Secretary-General to "consult further the Governments ... to ascertain their views on the possibility of convening a special conference for signing a convention on the prohibition of the use of nuclear and thermonuclear weapons for war purposes, and to report on the results of such consultation to the ... Assembly".

27. On 14 December 1962, the draft was adopted by the General Assembly as resolution 1801 (XVII). The United States explained that it had abstained in the vote because a convention against the use of nuclear weapons, not accompanied by other measures leading to general and complete disarmament, could actually increase the danger of aggression. The Soviet Union rejected the implication that those who voted in favour of the resolution thereby indicated less concern about general and complete disarmament, and said that the proposed convention would be one of the important partial measures.

28. In September 1963, the Secretary-General submitted a report 19/ to the General Assembly on the results of his further consultations, conveying the replies of 12 Governments.

29. The question of convening a conference for the purpose of signing a convention on the prohibition of the use of nuclear and thermonuclear weapons was again considered at the Assembly's eighteenth session. In resolution 1909 (XVIII), adopted on 27 November 1963, the Assembly referred the matter to the Eighteen-Nation Committee on Disarmament (ENDC) for urgent consideration. The Soviet Union voted in favour of the resolution; France, the United Kingdom and the United States, voted against it.

30. In ENDC, Ethiopia expressed the view that a convention would be a precautionary measure to protect humanity from a nuclear catastrophe at a time when nuclear stockpiles were being increased and perfected and when efforts were still being made to cope with the dangers of the proliferation of nuclear weapons. Ethiopia urged that ENDC recommend to the General Assembly that it convene the proposed international conference.

31. The United States maintained that nuclear war could not be prevented by a declaration of intention alone: a convention might even create a false sense of
security as it would give the impression that an act of aggression could be committed without the risk of nuclear war. The United States could not, therefore, agree to the holding of the conference.

32. The Soviet Union stated that, although the convention in itself could not prevent a nuclear war, it could reduce the possibility of such a war. Nigeria suggested that the convention might be linked to measures to reduce the risk of war and to a non-aggression pact. Mexico, while in favour of the ultimate signing of the convention, considered that a special conference must be held within the context of general and complete disarmament, that is, when the process of disarmament has already been effectively initiated.

33. During the 1965 session of the Disarmament Commission, the Soviet Union introduced a draft resolution 20/ calling upon all States to bring about the conclusion of a convention on the prohibition of the use of nuclear and thermonuclear weapons not later than the first half of 1966, and in the meantime inviting States possessing nuclear weapons to declare that they would not be the first to use them. A number of countries supported this approach, but others contended that the question must be dealt with in the context of balanced general disarmament. The Soviet Union did not press for a vote on its draft resolution.

34. At its twentieth session, in 1965, the General Assembly decided to refer the item on the question of convening a conference to sign a convention on the prohibition of nuclear weapons to ENDC for further study and postponed its consideration to the twenty-first session. 21/

35. At the Committee's 1966 session, however, the Soviet Union stressed the importance it attached to a ban on the use of nuclear weapons and, as a first step, to a declaration by States that they would not be the first to use them. 22/

36. At the twenty-first session of the General Assembly, the question of convening a conference to sign a convention on the subject was again on the agenda, and a draft resolution was submitted by Ethiopia, India, Mexico, the United Arab Emirates and Yugoslavia, requesting that 'the forthcoming world disarmament conference give serious consideration to this matter. In supporting the resolution, Pakistan stated that no effective disarmament measure could be taken without the support of all nuclear Powers, including the People's Republic of China, while Albania referred to a proposal of the People's Republic of China that the question of complete prohibition and total destruction of nuclear weapons be dealt with at a world conference. France and Ireland expressed doubt that a purely declaratory agreement to prohibit the use of nuclear arms could be effective, while Canada thought the prospects of success of a world disarmament conference would not be enhanced by the referral of this matter to it. On 5 December 1966, the General Assembly adopted the non-aligned proposal as resolution 2164 (XXI).

37. At the request of the Soviet Union, the question of concluding a convention on the prohibition of nuclear weapons was placed on the agenda of the twenty-second session of the General Assembly as an urgent matter. 23/ Attached to the Soviet Union's request was a draft convention under which the contracting parties would undertake:

/...
(1) To refrain from using, or from threatening to use, nuclear weapons and from inciting other States to use them; and

(2) To reach early agreement on ceasing production and destroying stockpiles of nuclear weapons, in conformity with a treaty on general and complete disarmament.

In an explanatory memorandum, the Soviet Union deplored the fact that, despite long consideration of this matter in the United Nations and the positive attitude of many Governments, such an important convention had not yet been concluded. The question had now assumed special urgency, the Soviet Union maintained, as a result of the accumulation of huge nuclear weapons stocks and the aggressive action of certain States. In the ensuing discussion, the Soviet Union stressed the close link between the proposed convention and the General Assembly's declaration of 24 November 1961.

38. Among those supporting the idea of such a convention, Afghanistan, Ghana, India and the United Arab Emirates stressed the view that, to be effective, the agreement would require the support of all nuclear Powers, which, Ghana specifically stated, should include the People's Republic of China. Nepal favoured the holding of a world disarmament conference for the purpose of concluding such a convention. The United States opposed any ban on the use of nuclear weapons in self-defence, and maintained that agreements with verification provisions must first limit and later reduce and fully eliminate nuclear weapons, in the context of general and complete disarmament under strict international control. France also thought measures which, by their very nature, could not be verified were neither realistic nor desirable as first steps in a programme of disarmament. Australia, Canada, the Netherlands and the United Kingdom believed such a ban could best be dealt with in the context of general and complete disarmament, while Italy thought the proposed ban might reduce the incentive to seek this goal. On the other hand, Poland, Yugoslavia, Algeria and Ethiopia not only supported the proposed measure but believed it would facilitate negotiations towards general and complete disarmament.

39. On 8 December 1967, the Assembly adopted resolution 2289 (XXII), the operative part of which reads as follows:

"1. Expresses its conviction that it is essential to continue urgently the examination of the question of the prohibition of the use of nuclear weapons and of the conclusion of an appropriate international convention;

"2. Urges all States, in this connexion, to examine in the light of the Declaration adopted by the General Assembly in resolution 1653 (XVI) the question of the prohibition of the use of nuclear weapons and the draft convention on the prohibition of the use of nuclear weapons proposed by the Union of Soviet Socialist Republics and such other proposals as may be made on this question, and to undertake negotiations concerning the conclusion of an appropriate convention through the convening of an international conference, by the Conference of the Eighteen-Nation Committee on Disarmament, or directly between States;"
3. Requests the Secretary-General to transmit to all States Members of the United Nations and to the Conference of the Eighteen-Nation Committee on Disarmament the draft convention on the prohibition of the use of nuclear weapons proposed by the Union of Soviet Socialist Republics and the records of the meetings of the First Committee relating to the discussion of the item entitled 'Conclusion of a convention on the prohibition of the use of nuclear weapons'.

40. In the provisional agenda for the Committee's future work adopted by ENDC during the latter part of its 1968 session, 24/ the Committee noted that members might discuss the non-use of nuclear weapons under the priority agenda item relating to nuclear disarmament. At the twenty-third session of the General Assembly, the item was not on the agenda, as in the past, but was listed in the Soviet Union's memorandum 25/ of 1 July 1968, on some urgent measures for stopping the arms race and for disarmament, which was placed on the agenda as a special item at the request of the Soviet Union. The memorandum proposed that ENDC discuss the Soviet Union's draft convention as a matter of high priority and exchange opinions on the convening of an international conference to sign an appropriate convention. The general position of the Soviet Union and other States of East Europe on the subject was supported in the debate by Afghanistan, the Democratic Republic of the Congo, India, Madagascar, Pakistan, the United Arab Emirates and Yugoslavia. India thought such a ban, as other declaratory prohibitions in the past, would have a considerable moral and psychological effect. Ireland, on the other hand, stressed its reservations on negotiating a convention which might develop a false sense of security and lead States to reduce their efforts to halt the further spread of nuclear weapons. The Assembly adopted no resolution either directly on the subject or on the subject of the Soviet Union's memorandum.

41. At the 1969 session of ENDC, there was little discussion of the subject, although the Soviet Union renewed its call for agreement on a draft convention.

3. Consideration in the context of nuclear-weapon-free zones

(a) Central Europe

42. On 14 February 1958, Poland published a memorandum 26/ which provided for the establishment of a nuclear-weapon-free zone covering Poland, Czechoslovakia, East Germany and West Germany, and for the prohibition of the use of nuclear weapons against the area. On 28 March 1962, Poland submitted to ENDC a plan for a demilitarized and limited armaments zone in Europe and reiterated the proposal indicated in the memorandum. Those proposals were found unacceptable to the main Western Powers which held that they contained no limitation on conventional forces and made no contribution to the reunification of Germany.

(b) Latin America

43. Additional Protocol II of the Treaty for the Prohibition of Nuclear Weapons in Latin America provides that the nuclear weapon Powers would undertake fully to
respect the status of denuclearization of Latin America and also would undertake not to use or threaten to use nuclear weapons against the parties to the Treaty.

44. At the twenty-second session of the General Assembly in 1967, a draft resolution 27/ was submitted by the Latin American States, by which the General Assembly would, inter alia, welcome with special satisfaction the Treaty; and invited the Powers possessing nuclear weapons to sign and ratify Additional Protocol II of the Treaty as soon as possible. The draft was adopted by the General Assembly on 5 December 1967 as resolution 2286 (XXII). France and the Soviet Union abstained, while the United Kingdom and the United States voted in favour.

45. In 1968, the Conference of Non-Nuclear-Weapon States adopted resolution 2456 B (XXIII) by which the Assembly reiterated the recommendation made at the Conference of Non-Nuclear-Weapon States in its resolution B.

46. At the twenty-third session, the General Assembly adopted resolution 2456 B (XXIII) by which the Assembly reiterated the recommendation made at the Conference of Non-Nuclear-Weapon States in its resolution B.

47. Since then, the General Assembly adopted resolutions 2666 (XXV), 2830 (XXVI), 2935 (XXVII), 3079 (XXVIII), 3258 (XXIX), 3467 (XXX) and 31/67 by which the Assembly called upon all nuclear-weapon Powers to adhere to Additional Protocol II of the Tlatelolco Treaty. Up to the present time, China, France, the United Kingdom and the United States have become parties to the Protocol.

(c) Africa

48. At the Assembly's twentieth session, African countries submitted a draft resolution 29/ on the denuclearization of Africa. It provided that the General Assembly would call upon all States to refrain from the use, or the threat of use, of nuclear weapons on the African continent. The United States, while giving the African initiative its enthusiastic support, recalled its position on the non-use of nuclear weapons that it could not subscribe to declarations or pledges of non-use of nuclear weapons outside the framework of general and complete disarmament.

49. The Soviet Union supported without reservation the aspirations of the African States to create a denuclearized zone and was prepared to respect all denuclearized zones if other Powers would assume the same obligation.

50. The General Assembly adopted the draft resolution on 3 December 1965 as resolution 2033 (XX).

51. At its twenty-ninth session in 1974, the General Assembly adopted resolution 3261 E (XXIX) on the implementation of the Declaration of the Denuclearization of Africa, by which the General Assembly, inter alia, reiterated its call upon all States to refrain from using or threatening to use nuclear weapons on the African continent. At the thirtieth session in 1975, the General Assembly repeated this appeal by resolution 3471 (XXX).

/...
52. At its twenty-ninth session, the General Assembly considered the establishment of a nuclear-weapon-free zone in South Asia and adopted, at the initiative of Pakistan, resolution 2362 B (XXIX) in the preamble of which the General Assembly bore in mind that the establishment of a nuclear-weapon-free zone would, inter alia, entail undertakings by nuclear-weapon States not to use or threaten the use of nuclear weapons against the States of the region.

(e) Comprehensive study of nuclear-weapon-free zones

53. In 1975, the Ad Hoc Group of Qualified Governmental Experts for the Study of the Question of Nuclear-Weapon-Free Zones discussed the question of the non-use of nuclear weapons.

54. Some experts maintained that clear and formal assurances by nuclear-weapon States not to use or threaten to use nuclear weapons against any member of a nuclear-weapon-free zone was an essential factor for the effectiveness of the zone. Other experts felt that while such an undertaking could enhance the effectiveness of the zone, this question should not be regarded as a prerequisite but considered at the time a particular zone agreement would be negotiated. The view was also expressed that one of the considerations to be taken into account was whether, in specific cases, the provision of non-use assurances could be seen as undercutting existing positive assurances. 30/

55. Most experts felt that the nuclear-weapon States should pledge themselves to respect the nuclear-weapon-free status of a zone and not to use, or threaten to use nuclear weapons against any State in a zone. 31/

56. At the thirtieth session of the General Assembly, Mexico introduced a draft resolution co-sponsored by non-aligned States which would, inter alia, provide for the definition of the principal obligations of the nuclear-weapon States towards a nuclear-weapon-free zone. It was defined as one of such obligations to refrain from using or threatening to use nuclear weapons against States in the zone. The draft was adopted as resolution 3472 (XXX). China voted in favour of the resolution. France, the United Kingdom and the United States voted against, expressing difficulty about accepting such an obligation before concrete negotiations would start for the establishing of a nuclear-weapon-free zone. The USSR abstained in the vote.

4. Non-use of force and the permanent prohibition of the use of nuclear weapons

57. At the twenty-seventh session, the General Assembly adopted resolution 2936 (XXVII), initiated by the USSR, by which the General Assembly declared the 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, and recommended that the Security Council should take, as soon as possible, appropriate measures for the full implementation of that declaration of the General Assembly.
58. In the debate, the USSR maintained that the adoption of the resolution would contribute to the strengthening of international security, and that if the non-use of force called for prohibiting the use of weapons of all types, all States would be in a position of equality and none would receive unilateral military advantages.

59. A number of East European and non-aligned States supported the view that a new declaration, reaffirming the Charter's principal obligations of the non-use of force and linking it with the permanent prohibition of the use of nuclear weapons, was particularly necessary at that time when aggressive force was still being used and the threat of the use of nuclear weapons existed.

60. China opposed the resolution and urged the nuclear-weapon Powers to commit themselves not to be the first to use nuclear weapons, under any circumstances.

61. A number of Western and non-aligned States, including France, the United Kingdom and the United States, abstained in the vote on the resolution. They held the general view that the United Nations Members were already under a Charter obligation to refrain in their international relations from the threat or use of force and that the operative provisions of the resolution were ambiguous. The United States stated that the resolution referred to the General Assembly's 1961 resolution on the prohibition of the use of nuclear and thermonuclear weapons, which the United States had voted against.
5. Consideration in terms of security assurances.

62. At the twenty-first session, the General Assembly adopted resolution 2153 (XXI) by which the Assembly, urging efforts towards the earliest conclusion of a treaty on the non-proliferation of nuclear weapons, called upon all nuclear-weapon Powers to refrain from the use or the threat of use of nuclear weapons against States which might conclude regional treaties in order to ensure the total absence of nuclear weapons in their respective territories.

63. By that resolution, the Assembly also requested the Conference of the Eighteen-Nation Committee on Disarmament to consider urgently the proposal that the nuclear-weapon Powers should give an assurance that they would not use or threaten to use nuclear weapons against non-nuclear-weapon States without nuclear weapons on their territories, and any other proposal that had been or might be made for the solution of that problem.

64. The question of the non-use of nuclear weapons was also considered at the Conference of Non-Nuclear-weapon States, held in Geneva in 1968, in connection with measures to assure the security of non-nuclear-weapon States. In resolution 8, the Conference reaffirmed the principle of non-use of force and the prohibition of the threat of force in relations between States by employing nuclear or non-nuclear weapons, as well as the inherent right, recognized under Article 51 of the United Nations Charter, of individual or collective self defence. The resolution also requested the nuclear-weapon States to reaffirm these principles.

65. At the Review Conference of the Non-Proliferation Treaty in 1975, a number of States considered the non-use of nuclear weapons in the context of negative security assurances for the non-nuclear-weapon States party to the Non-Proliferation Treaty. In this connexion, Security Council resolution 255 (1966) was frequently referred to as positive security assurances.

66. Mexico, Romania and Yugoslavia, supported by a number of non-aligned States suggested a draft additional protocol to the Non-Proliferation Treaty. 32/ Its article I provided that the Depository Governments of the Treaty should undertake (a) never and under no circumstances to use or threaten to use nuclear weapons against non-nuclear-weapon States parties to the Treaty whose territories were completely free from nuclear weapons, and (b) refrain from the first use of nuclear weapons against any other non-nuclear-weapon States parties to the Treaty. Those Powers submitted a draft resolution 33/ which endorsed the aim of security assurances for the non-nuclear-weapon States pursued by the draft Additional Protocol. While no decision was taken at the Conference on the draft resolution and the draft Additional Protocol annexed to it, they were reproduced in full in annex II of the Final Document of the Conference.

67. Ghana, Nepal, Nigeria, Romania and Yugoslavia sponsored a draft resolution, 34/
by which the Conference would invite the non-nuclear-weapon States party to the
Treaty on whose territories, waterways or air space nuclear-weapon delivery
systems were deployed not to allow the use or the threat of use of nuclear weapons
against other non-nuclear-weapon States parties to the Treaty.

66. While no decision was taken at the Conference on the draft resolution, it was
reproduced in full in annex II of the Final Document of the Conference.

69. The consensus view of the Conference on those questions was indicated in its
Final Declaration, 35/ as follows:

"The Conference urges all States, both nuclear-weapon States and
non-nuclear-weapon States to refrain, in accordance with the
Charter of the United Nations, from the threat or the use of force in relations
between States, involving either nuclear or non-nuclear-weapons. Additionally,
it stresses the responsibility of all Parties to the Treaty and especially the
nuclear-weapon States, to take effective steps to strengthen the security of
non-nuclear-weapon States, and to promote in all appropriate fora the
consideration of all practical means to this end, taking into account the
views expressed at this Conference."

70. At the thirty-first session of the General Assembly, Pakistan introduced a
draft resolution by which the Assembly would request the nuclear-weapon States,
as a first step towards a complete ban on the use or threat of use of nuclear
weapons, 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.

71. The draft resolution was adopted as resolution 31/189 C. China voted in
favour, while France, the Soviet Union, the United Kingdom and the United States
abstained.

72. The United States stated that it had sought through a variety of means to
promote the security of non-nuclear-weapon States, but that it had not been able
to accept proposals for universally applicable assurances on the non-use of nuclear
weapons because it had not discovered any formulation that would effectively serve
the varied security needs of such States. It reiterated that the United States
stood ready to consider appropriate means of strengthening the security of
non-nuclear-weapon States, provided such means did not detrimentally affect
existing security arrangements, but believed that the non-use formulation contained
in the draft resolution did not fully meet that criterion.

73. France noted that in specific circumstances the French Government would be
prepared to give guarantees on the non-use of nuclear weapons, as it did when it
signed Protocol II of the Tlatelolco Treaty. However, the resolution addressed the
problem of safeguards given to non-nuclear-weapon States by nuclear-weapon States
from a very general point of view, which was not in keeping with French views on matters of national defence. India explained that it had abstained in the voting because in operative paragraph 1 non-nuclear weapon States had been divided into different categories and that such categorization did not serve the purpose of ensuring the security of non-nuclear weapon States.

6. Present status of alternative proposals

74. One proposal regarding the non-use of nuclear weapons is the unconditional prohibition of such use, as provided for in Additional Protocol II of the Treaty for the Prohibition of Nuclear Weapons in Latin America. This alternative is also indicated in the draft Additional Protocol III to the Non-Proliferation Treaty (proposed by Bolivia, Ecuador, Ghana, Mexico, Nigeria, Peru, Romania, Senegal, Sudan, Yugoslavia and Zaire at the Review Conference of the Non-Proliferation Treaty in 1975) which provided that the depositary Governments of the Treaty undertake never and under no circumstances to use or threaten to use nuclear weapons against non-nuclear-weapon States parties to the Treaty whose territories were completely free from nuclear weapons.

75. A number of General Assembly resolutions relating to the question of nuclear-weapon-free zones aim at the unconditional prohibition of the use of nuclear weapons. Still other General Assembly resolutions relating to security assurances for non-nuclear-weapon States similarly aim towards unconditional prohibitions.

76. A similar concept is advocated by China, which has repeatedly urged all nuclear-weapon States to declare not to be first to use nuclear weapons under any circumstances.

77. The non-first use of nuclear weapons is also indicated in the draft Additional Protocol III to the Non-Proliferation Treaty which provides that all the depositary Governments of the Treaty undertake to refrain from first use of nuclear weapons against any non-nuclear-weapon States parties to the Treaty whose territories are not completely free from nuclear weapons.

78. Another proposal is the conditional prohibition of the use of nuclear weapons. The concept of conditional prohibition is precisely indicated in the joint proposal of 1954 by France and the United Kingdom by which States would regard themselves as prohibited in accordance with the terms of the Charter of the United Nations from the use of nuclear weapons except in defence against aggression.

79. There is also a further proposal for the permanent prohibition of the use of nuclear weapons provided for in General Assembly resolution 2936 (XXVII) initiated by the USSR in 1972.

80. As outlined in this working paper, these alternative proposals have been discussed at different stages since the question of non-use of nuclear weapons was first considered in the United Nations.
NOTES


3/ Ibid., document DC/SC.1/9 (DC/53, annex 8).

4/ Ibid., document DC/SC.1/10 (DC/53, annex 9).


6/ Ibid., First Committee, 686th meeting.


8/ Ibid., document DC/SC.1/26/Rev.2 (DC/71, annex 15).


10/ Ibid., Supplement for January to December 1957, document DC/SC.1/55.

11/ Ibid., document DC/SC.1/66.


13/ Ibid., First Committee, 893rd meeting.


15/ Ibid.


17/ Ibid., documents DC/204 and Add.1 and DC/205.


19/ Ibid., Eighteenth Session, Annexes, agenda item 27, document A/5513.
20/ DC/219.


28/ Ibid., Twenty-third Session, Annexes, agenda item 96, document A/7277, resolution B.


30/ Ibid., Thirtieth Session, Supplement No. 27A (A/10027/Add.1), para. 115.

31/ Ibid., para. 119.


33/ Ibid., p. 9.

34/ Ibid., p. 12.

35/ NPT/CONF.35/1, annex I, p. 10.