Ad Hoc Committee on Effective International Arrangements to Assure Non-Nuclear Weapon States Against the Use or Threat of Use of Nuclear Weapons

Addendum to

COMPILATION OF BASIC DOCUMENTS RELATING TO THE QUESTION OF EFFECTIVE INTERNATIONAL ARRANGEMENTS TO ASSURE NON-NUCLEAR-WEAPON STATES AGAINST THE USE OR THREAT OF USE OF NUCLEAR WEAPONS
| CD/1211 | dated 22 January 1992. Decision on the re-establishment of an ad hoc committee on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons | 1 |
| CD/1243 | dated 4 February 1994. Letter dated 26 January 1994 from the Permanent Representative of the Russian Federation to the Conference, the Representative of the United States of America to the Conference and the Permanent Representative of Ukraine addressed to the President of the Conference on Disarmament transmitting texts of the trilateral statement by the Presidents of the Russian Federation, the United States of America and Ukraine, as well as the annex to the trilateral statement, signed in Moscow on 14 January 1994 | 3 - 4 |
| CD/1250* | dated 29 March 1994. Letter dated 17 March 1994 from the Representative of the United States of America to the Conference and the Permanent Representative of Ukraine addressed to the President of the Conference on Disarmament transmitting the text of the joint statement on development of United States-Ukrainian friendship and partnership, issued by President Clinton of the United States of America and President Kravchuk of Ukraine on the occasion of their 4 March 1994 meeting in Washington, DC | 5 - 6 |
| CD/1256 | dated 31 March 1994. Group of 21 Declaration on the question of Negative Security Assurances | 7 - 8 |
| CD/1277 | dated 6 September 1994. Statement on behalf of the delegations of Egypt, Ethiopia, Indonesia, Iran (Islamic Republic of), Kenya, Mexico, Mongolia, Myanmar, Peru, Sri Lanka and Venezuela delivered at the 691st Plenary Meeting of the Conference on Disarmament held on 6 September 1994 | 9 - 12 |
CD/1285 - dated 21 December 1994. Letter dated 19 December 1994 from the Representative of the United States of America to the Conference, the Permanent Representative of the United Kingdom and Northern Ireland to the Conference, the Permanent Representative of the Russian Federation to the Conference and the Permanent Representative of Ukraine addressed to the Secretary-General of the Conference transmitting the text of a joint declaration of the leaders of Ukraine, Russia, the United Kingdom of Great Britain and Northern Ireland and the United States of America, as well as a memorandum on security assurances in connection with Ukraine’s accession to the Non-Proliferation Treaty, signed in Budapest on 5 December 1994

CD/1287 - dated 13 January 1995. Letter dated 11 January 1995 from the Chargé d’affaires of the Mission of the Republic of Belarus, the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the Conference and the Permanent Representative of the United States of America to the Conference addressed to the Secretary-General of the Conference on Disarmament transmitting the text of a memorandum on security assurances in connection with the Republic of Belarus’ accession to the Non-Proliferation Treaty, signed in Budapest on 5 December 1994

CD/1305 - dated 7 April 1995. Letter dated 7 April 1995 from the Permanent Representative of the United States of America to the Conference on Disarmament transmitting the text of the United States statement containing the United States declaration on security assurances

CD/1306 - dated 7 April 1995. Letter dated 7 April 1995 from the Permanent Representative of the United Kingdom of Great Britain and Ireland to the Conference addressed to the Secretary-General of the Conference on Disarmament transmitting the text of the United Kingdom declaration on security assurances

CD/1307 - dated 7 April 1995. Letter dated 7 April 1995 from the Permanent Representative of France to the Conference on Disarmament addressed to the Secretary-General of the Conference transmitting the text of a declaration by France on security assurances

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CD/1308 - dated 7 April 1995. Letter dated 6 April 1995 from the Permanent Representatives of France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America to the Conference addressed to the Secretary-General of the Conference on Disarmament transmitting the text of their joint declaration in connection with the NPT 43 - 44

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- dated 28 July 1994. Preliminary and personal conclusions by the Chairman 163 - 164

- dated 8 August 1994. Reply of the Syrian Arab Republic to the questionnaire prepared by the Chairman of the Ad Hoc Committee on effective international arrangements to assure non-nuclear-weapons States against the use or threat of use of nuclear weapons 165 - 167
Decision on the re-establishment of an ad hoc committee on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons

(Adopted at the 606th plenary meeting on 21 January 1992)

The Conference on Disarmament decides to re-establish for the duration of its 1992 session an ad hoc committee to continue to negotiate with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

The ad hoc committee will report to the Conference on the progress of its work before the conclusion of the 1992 session.

We have the honour to forward to you the English and Russian language texts of the Trilateral Statement by the Presidents of the Russian Federation, Ukraine and the United States of America, as well as the Annex to the Trilateral Statement. The documents were signed in Moscow on 14 January 1994.

Could you please take the appropriate steps to register these documents as official documents of the Conference on Disarmament, and to have them distributed to all member delegations and non-member States participating in the work of the Conference.

(Signed) Grigori V. Berdennikov
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of the Russian Federation to the Conference on Disarmament

(Signed) Olexandre Slipchenko
Ambassador
Permanent Representative of Ukraine
Head of Delegation

(Signed) Stephen J. Ledogar
Ambassador and United States Representative to the Conference on Disarmament
Presidents Clinton and Yeltsin informed President Kravchuk that the United States and Russia are prepared to provide security assurances to Ukraine. In particular, once the START I Treaty enters into force and Ukraine becomes a non-nuclear-weapon state party to the Nuclear Non-Proliferation Treaty (NPT), the United States and Russia will:

---
Reaffirm their commitment to Ukraine, in accordance with the principles of the CSCE Final Act, to respect the independence and sovereignty and the existing borders of the CSCE member states and recognize that border changes can be made only by peaceful and consensual means; and reaffirm their obligation to refrain from the threat or use of force against the territorial integrity or political independence of any state, and that none of their weapons will ever be used except in self-defense or otherwise in accordance with the Charter of the United Nations;

---
Reaffirm their commitment to Ukraine, in accordance with the principles of the CSCE Final Act, to refrain from economic coercion designed to subordinate to their own interest the exercise by another CSCE participating state of the rights inherent in its sovereignty and thus to secure advantages of any kind;

---
Reaffirm their commitment to seek immediate UN Security Council action to provide assistance to Ukraine, as a non-nuclear-weapon state party to the NPT, if Ukraine should become a victim of an act of aggression or an object of a threat of aggression in which nuclear weapons are used;

---
Reaffirm, in the case of Ukraine, their commitment not to use nuclear weapons against any non-nuclear-weapon state party to the NPT, except in the case of an attack on themselves, their territories or dependent territories, their armed forces, or their allies, by such a state in association or alliance with a nuclear weapon state.

Presidents Clinton and Yeltsin informed President Kravchuk that consultations have been held with the United Kingdom, the third depositary state of the NPT, and the United Kingdom is prepared to offer the same security assurances to Ukraine once it becomes a non-nuclear-weapon state party to the NPT.

We have the honour to forward to you the text of the Joint Statement on Development of United States-Ukrainian Friendship and Partnership, issued by President Clinton of the United States of America and President Kravchuk of Ukraine on the occasion of their 4 March 1994 meeting in Washington D.C.

Could you please take the appropriate steps to register this document as an official document of the Conference on Disarmament, and to have it distributed to all member delegations and non-member States participating in the work of the Conference.

(Signed): Stephen J. Ledogar  (Signed): Olexander Slipchenko
Ambassador and United States Ambassador
Representative to the Permanent Representative
Conference on Disarmament of Ukraine
Head of Delegation

* Re-issued for technical reasons.
JOINT STATEMENT ON DEVELOPMENT OF UNITED STATES-UKRAINIAN
FRIENDSHIP AND PARTNERSHIP

On the occasion of their 4 March 1994 meeting in Washington D.C., the
President of the United States of America, William J. Clinton, and the
President of Ukraine, Leonid M. Kravchuk, agree to open a new era in relations
between their two nations.

In doing so, they agree to undertake to broaden the context of bilateral
relations on the basis of partnership and mutual trust and respect; shared
commitment to democracy, human rights and the rule of law; common goals in
preventing the proliferation of weapons of mass destruction; and, in the joint
interest of promoting free trade, investment, and economic cooperation between
the two countries.

By embracing these principles, the United States and Ukraine agree to
work in friendship in the interests of the mutual well-being of their peoples
and in pursuit of an enduring global peace. Embarking on this new era, the
two leaders agree to work actively to implement the following comprehensive
programme of cooperation:

I. Security assurance

President Clinton and President Kravchuk discussed security assurances
for Ukraine and agreed on the importance of such assurances. The sovereignty,
independence, and territorial integrity of Ukraine are of key importance to
the United States. In this regard, as agreed in the 14 January Trilateral
Statement, the United States and other nations are prepared to extend in the
form of a multilateral document security assurances to Ukraine once the
START I Treaty enters into force and Ukraine becomes a non-nuclear-weapon
State party to the Nuclear Non-Proliferation Treaty.
GROUP OF 21

Declaration on the question of Negative Security Assurances

1. The Group of 21 reiterates its conviction that the only completely effective security assurances against the use or threat of use of nuclear weapons lie in a prohibition of the use of nuclear weapons, nuclear disarmament, and a complete elimination of these weapons.

The present international situation has eroded the traditional arguments for the maintenance of nuclear arsenals and clearly calls for the nuclear-weapon States to engage on an effective process of nuclear disarmament. There is also a need to recognize the right of non-nuclear-weapon States not to be attacked or threatened with these weapons.

2. This position, shared by the overwhelming majority of non-nuclear-weapon States, is a long-standing one. It dominated the debates for a long time, during the negotiation of the non-proliferation Treaty, during its successive review conferences, during all the previous sessions of the Conference on Disarmament, and during hundreds of multilateral meetings, conferences and symposiums devoted to disarmament or security.

In particular, the 14 years during which functioned the Ad Hoc Committee on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons have always seen the reconfirmation of this position by the Group of 21.

Today, the existence of such a right to guarantees is also recognized by nuclear-weapon States. However, not all nuclear-weapon States accept the idea of implementing those guarantees in a multilaterally negotiated, legally binding, international instrument based on a common formula.

That explains why, though there is apparently no objection to the principle within the members of the Conference on Disarmament, its Ad Hoc Committee leads only into minor progress and is still far away from proposing a text of consensus.

3. Non-nuclear-weapon States that have engaged themselves not to acquire nuclear weapons should be covered by equal and unconditional guarantees, in a multilateral convention which might be based on the following principles:
(a) the nuclear-weapon States will engage to never use or threaten to use nuclear weapons against non-nuclear-weapon States;

(b) non-nuclear-weapon States should have the right to guarantees, the contents of which will be negotiated within the Ad Hoc Committee;

(c) the convention should result from a negotiation between all members of the Conference on Disarmament and should be legally binding;

(d) the common formula enclosed in the convention should be clear, credible, without any ambiguity, and should respond to the concerns of all the parties, including those related to nuclear proliferation in all its aspects;

(e) the convention should include clear undertakings of nuclear-weapon States concerning a general and complete nuclear disarmament.

4. The Group of 21 considers that the conclusion of such a convention should be an important step towards achieving an effective regime of non-proliferation in all its aspects as well as nuclear disarmament.

It also takes the view that nuclear-weapon States should continue and carry forward the process of de-emphasizing the role of nuclear weapons.

Negative security assurances are a vital element and an important measure of this process.

5. The Group of 21 believes that an international legal instrument on negative security assurances and a CTBT, together with other nuclear arms limitation measures, are essential elements of an effective international regime of non-proliferation of nuclear weapons in all its aspects.

Accordingly, delegations of G21 States parties to the non-proliferation Treaty feel that substantive progress in the aforementioned areas, and the advancement of these objectives, will decisively influence the outcome of the 1995 Review Conference of the NPT.

These member States also believe that, as a first step, nuclear-weapon States should extend, in a legally binding form, the security assurances granted in some international instruments, that assure some non-nuclear-weapon States against the use or threat of use of nuclear weapons, to all non-nuclear-weapon States parties to the non-proliferation Treaty.

6. On the eve of the forthcoming Review Conference, which will decide on questions of vital importance for the future of the international legal regime of non-proliferation, the Group of 21 calls upon all members of the Conference on Disarmament to give a concrete expression of their political will, by taking measures outlined above, in response to the needs of the time.
Paragraph 20 of the Final Document of the first Special Session of the United Nations General Assembly devoted to Disarmament underscores the importance of effective measures of nuclear disarmament and prevention of nuclear war as deserving the highest priority among measures of arms limitation and disarmament. The document, in paragraph 32, reaffirmed also the need for effective arrangements, as appropriate, to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, which could strengthen the security of those States and international peace and security.

Following the demise of the Cold War, dramatic positive changes have taken place in the international political climate. As a consequence, the world has witnessed the arrangement of a number of significant arms limitation and disarmament agreements. The precedent of the conclusion of the Chemical Weapons Convention, the beginning of a process of nuclear disarmament by the United States and the Russian Federation, and the measures taken by other former Soviet Republics in the framework of complete nuclear disarmament demonstrate clearly that nuclear disarmament is not only within the frame of practical implementation but can also be achieved in the foreseeable future if only the political will exists. Apparently, less reliance is now being placed by nuclear-weapon States on the role of nuclear weapons. The process of the de-emphasizing of this role and reducing the dependence upon them should be continued and carried forward as a significant step towards the complete elimination of nuclear weapons.

The Non-aligned Conference recently held in Cairo reiterated the belief that, in order to be effective and lasting, the approach towards international security should be non-discriminatory and balanced and should seek security for all through total nuclear disarmament, elimination of all weapons of mass destruction and progressive measures of reduction of conventional arms. The Conference restated that security assurances to non-nuclear-weapon States can contribute positively to addressing some of the dangers inherent in the
presence of nuclear weapons and urged the Conference on Disarmament to negotiate, as a matter of priority, an international convention prohibiting the use or threat of use of nuclear weapons under any circumstances and to undertake negotiations for the complete elimination of all nuclear weapons within a time bound framework.

Accordingly, the members of the Group of 21 already parties to the NPT attach utmost importance to both questions of negative and positive security assurances. It is their conviction that the only completely effective security assurances against the use or threat of use of nuclear weapons lie in the prohibition of the use of nuclear weapons, nuclear disarmament and complete elimination of these weapons. Existence of nuclear weapons constitutes in itself a threat to international security and a factor which encourages proliferation. For this reason, and pending the achievement of the complete elimination of nuclear weapons, it is imperative for the international community to develop effective measures and arrangements to assure non-nuclear-weapon States against these weapons, and to elaborate measures and arrangements which can contribute positively towards achieving the most effective regime of non-proliferation of nuclear weapons in all its aspects.

In this respect, the delegations of the Group of 21, States Parties to the NPT wish to present to the Conference a draft protocol on security assurances which would be attached to the Non-Proliferation Treaty as its integral part. They are confident that the Protocol drafted on the basis of a simple common formula (i.e.: the nuclear-weapon States pledge themselves never to use or threaten to use nuclear weapons against non-nuclear-weapon States) would be given early and serious consideration by the members of the Conference on Disarmament. The text of the Protocol is annexed below.
ANNEX

DRAFT PROTOCOL ON SECURITY ASSURANCES

Preamble

The States Parties to the Non-Proliferation Treaty,

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

Regarding that the only credible guarantee against the use or threat of use of nuclear weapons lies in the total elimination of such weapons,

Considering that, until nuclear disarmament is achieved on a universal basis, it is imperative for the international community to devise effective measures to ensure the security of non-nuclear-weapon States against the use or threat of use of nuclear weapons,

Bearing in mind the resolutions of the United Nations General Assembly and the Security Council on the question of strengthening the security of non-nuclear-weapon States,

Taking into consideration the unilateral solemn declarations made by nuclear-weapon States on some guarantees given to non-nuclear-weapon States,

Recalling their obligations to refrain, in their mutual relations, from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations Charter,

Have agreed as follows:

I. Definitions

1. The term "nuclear-weapon State" referred to in this Protocol refers to the definition given by the Non-Proliferation Treaty.

2. The term "non-nuclear-weapon State" referred to in this Protocol refers to all States other than those which fall under the above definition of a nuclear-weapon State.

II. Basic obligations

1. In accordance with Article 2, paragraph 4 of the Charter of the United Nations, each State undertakes to refrain in its international relations from the threat or use of force against another State, its territorial integrity and its political independence.

2. The nuclear-weapon States pledge themselves not to use or threaten to use nuclear weapons against non-nuclear-weapon States.
III. Measures in case of non-compliance

1. Any State which has reason to believe that there has been or is likely to be a breach of the obligations of the States Parties arising from Article II of this Protocol may request an urgent meeting of a Conference of the States Parties to the Non-Proliferation Treaty, and/or the Security Council, under Chapter VII of the Charter of the United Nations, with a view to preventing such a breach or redressing the situation arising therefrom.

2. In the case of a nuclear aggression or a threat of aggression against a non-nuclear-weapon State, the Conference of the States Parties and the Security Council should provide it the necessary help and assistance.

IV. Duration

This Protocol constitutes an integral part of the Non-Proliferation Treaty and shall remain in force as long as the Treaty remains valid or as long as complete elimination of nuclear weapons has not been achieved.

V. Entry into force

This Protocol shall enter into force under the same conditions as the Non-Proliferation Treaty.
E. Effective International Arrangements to Assure Non-Nuclear-Weapon States Against the Use or Threat of Use of Nuclear Weapons

33. At its 691st plenary meeting on 6 September 1994, the Conference adopted the report of the Ad Hoc Committee re-established by the Conference under the agenda item at its 666th plenary meeting (see para. 6 above). That report (CD/1275 as amended at the 691st plenary meeting), is an integral part of this report and reads as follows:

"I. INTRODUCTION"

"1. At its 666th plenary meeting on 25 January 1994, the Conference on Disarmament decided to re-establish for the duration of its 1994 session an Ad Hoc Committee to continue to negotiate with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons (CD/1121). This decision on the re-establishment of the Ad Hoc Committee required that the Committee would report to the Conference on the progress of its work before the conclusion of the annual session.

"II. ORGANIZATION OF WORK AND DOCUMENTS"

"2. At its 671st plenary meeting on 17 February 1994 the Conference on Disarmament appointed Ambassador Baron Alain Guillaume of Belgium as Chairman of the Ad Hoc Committee. Mr. V. Bogomolov, Political Affairs Officer, United Nations Centre for Disarmament Affairs, served as Secretary of the Ad Hoc Committee.

"3. Between 24 February and 29 August 1994 the Ad Hoc Committee held 16 meetings. The Chairman also conducted informal consultations on specific concrete aspects of the agenda item, as well as several meetings with Group coordinators and other representatives.

"4. The following new documents were submitted to the Committee in connection with the item during the 1994 session:
"5. During the meetings of the Ad Hoc Committee, various Groups and individual delegations reaffirmed their respective positions, the detailed descriptions of which can be found in the previous annual reports of the Committee, related Conference documents and Plenary Records, or further elaborated them, as described in the following paragraphs.

"6. At the suggestion of the Chairman, and in an effort to reassess the current political environment and the new favourable opportunities it provided, the Ad Hoc Committee devoted the entire second part of the annual session to an intensive informal exchange of views on the basis of a Questionnaire prepared by the Chairman (CD/SA/CRP.25) on such issues as threat perception, and especially nuclear threat, potential dangers to national and international security, the scope of guarantees and the right for protection, the beneficiaries and providers of guarantees, the scope and type of sanctions in a system of collective security, including a possible role for the United Nations, and the framework of a possible agreement. From a general point of view, the informal exchange of views was useful and highlighted areas of potential progress. However, at this stage of the discussions, no consensus had been reached.

"7. In parallel it was suggested by the Chairman to establish a drafting group to submit concrete proposals to the Ad Hoc Committee, but there was no consensus on this suggestion.

"8. The Ad Hoc Committee was informed that the five nuclear-weapon States held consultations on security assurances.

"9. All delegations reiterated that they attach particular importance to the question of international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons and expressed their
readiness to engage in a search for a mutually acceptable solution of the issue.

"10. The Group of 21 insisted on the legitimate character of the claims of non-nuclear-weapon States for negative security assurances and felt that there was a need to step up efforts, in the light of recent transformations in the international political climate and other positive developments, to agree on a common approach, and to proceed to negotiations with a view to reaching agreement as soon as possible.

"11. In a declaration issued on 31 March 1994 (CD/1256) the Group of 21 reiterated its conviction that the complete elimination of nuclear weapons was the only effective assurance against the use or threat of use of nuclear weapons and stressed the necessity to recognize the right of non-nuclear-weapon States not to be attacked nor threatened with these weapons. It reaffirmed the need to conclude a multilateral agreement of a legally-binding character, linking nuclear-weapon States and non-nuclear-weapon States and, in this context, suggested some principles on the basis of which such an agreement could be negotiated within the Conference on Disarmament.

"12. Some delegations belonging to the Group of 21 reiterated their view that non-nuclear-weapon States parties to the NPT or to regional nuclear weapon-free zones, or those who had signed a comprehensive safeguards agreement with the IAEA, were entitled to immediate, unconditional, legally-binding comprehensive security assurances, which would not be limited in scope, framework or duration, since they have already fulfilled their own engagement towards non-proliferation and nuclear disarmament.

"13. Some delegations of this Group also proposed, as a possible alternative to an international convention, to add to the Non-Proliferation Treaty an additional protocol embodying legally-binding nuclear security assurances.

"14. India referred to its Action Plan by which it advocated the conclusion of a convention to outlaw the use or threat of use of nuclear weapons, pending their elimination, as a measure collateral to nuclear disarmament. It stressed that partial and conditional pledges of non-use of nuclear weapons which may be undertaken by nuclear-weapon States, whether in a separate undertaking or in some common formula, would not provide real security to the non-nuclear-weapon States. Stressing that NSAs should not be used as a pretext for further discriminatory obligations on non-nuclear-weapon States, it found no links between NSAs and the 1995 NPT Review and Extension Conference, and insisted on the necessity to work towards the common approach on a common formula that could be included in an international instrument with a legally-binding character.

"15. Indonesia stated that negative security assurances was an issue that needed urgent and serious attention, particularly since it was bound to have some influence on both CTBT negotiations and the NPT Review and Extension Conference. It also recalled the importance that the Heads of State and Government of the non-aligned countries attached to a multilateral and legally-binding Convention governing the issue, as expressed during the

"16. The delegation of Myanmar stated that effective international arrangements or agreement on negative security assurances (NSAs) was a question of utmost importance in its own right. Such a step would ensure the security of non-nuclear-weapon States and would enhance international security. In addition, the importance of NSAs lay in the fact that effective international arrangements or agreement on NSAs and a comprehensive test ban treaty constituted two of the most crucial elements of an effective regime of the NPT. The present-day realities dictated that nuclear-weapon States should continue to carry forward the process of de-emphasizing the role of nuclear weapons. Myanmar considered that NSAs were a vital element of this process.

"17. The delegation of Pakistan recalled United Nations General Assembly resolution 48/73 of 1993, which was overwhelmingly adopted with 166 votes in favour and no votes against, and stated that there was a need to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. These assurances, based on a common formula, should be given in a multilaterally-negotiated, legally-binding instrument. In the meantime, the nuclear-weapon States should provide unconditional assurances, without qualifications or exceptions, not to use or threaten to use nuclear weapons against all non-nuclear-weapon States.

"18. The Western Group welcomed the approach by the Chairman to search for new ideas and avenues to pursue the issue of negative security assurances in informal consultations with a view to re-assessing the question of security assurances in the light of recent changes in the international situation.

"19. The Western Group emphasized that security assurances should only be extended to non-nuclear-weapon States which had undertaken and were in compliance with commitments under the Non-Proliferation Treaty or any comparable internationally-binding agreements not to manufacture or acquire nuclear explosive devices. The Western Group recognized the legitimacy of the request for assurances against the use or threat of use of nuclear weapons by such non-nuclear-weapon States.

"20. The Western Group expressed the view that the question of security assurances should be reassessed in the context of recent changes in the international situation. In view of the end of the Cold War and the emergence of new threats, in particular the increased danger of nuclear proliferation, the issue of security assurances deserved to be considered in a wider perspective.

"21. All members of the Western Group recognized the importance of existing bilateral assurances and expressed support for the efforts of the five nuclear-weapon States to harmonize the content of their existing assurances. A number of delegations also supported the idea of a multilaterally-negotiated international agreement or a mandatory United Nations Security Council resolution on the issue of security assurances.

"22. The Western Group supported the search for a solution acceptable to all relevant parties.
"23. France considered that the question of security assurances involved at the same time the international responsibilities of the acknowledged nuclear Powers, respect for commitments entered into as regards non-proliferation, and defence imperatives. As a nuclear Power, France fulfilled its obligations since it already granted security assurances to non-nuclear-weapon States which had undertaken to retain that status. It stood ready to harmonize the terms of its declaration with the other nuclear Powers. As far as non-proliferation commitments were concerned, France considered that only States that had entered into legally-binding international undertakings, such as accession to the NPT, and complied with them, should benefit from these security assurances. This requirement was all the more necessary since heightened risks of proliferation were creating new threats to international security. Lastly, the defence policy of France rested on the maintenance of nuclear capabilities whose sole purpose was to deter any aggressor from harming its vital interests. France was prepared to pursue efforts to reach an acceptable solution to this question which took account of these three elements.

"24. The United Kingdom expressed their deep concern about the possible proliferation of nuclear weapons, as well as the potential threats from other weapons of mass destruction and from advanced conventional weapons. This formed part of the security context in which the United Kingdom approached the issue of security assurances. The United Kingdom recognized the importance which many countries attached to security assurances. They stressed the continuing validity of their unilateral security assurances which were solemn and formal undertakings. At the same time, they had been working with other nuclear weapon States to try to devise a joint text on assurances which might offer further reassurance to non-nuclear-weapon States. However, no one should lose sight of the simple fact that non-nuclear-weapon States parties to the Non-Proliferation Treaty or to other internationally-binding and verifiable commitments not to manufacture or acquire nuclear explosive devices already benefited from security assurances from the United Kingdom. By linking the assurances to the NPT and IAEA safeguards, the United Kingdom believed they were supporting the non-proliferation objectives to which the international community was committed.

"25. The United States of America recalled its solemn and binding unilateral security assurance of 1978, a position that had been reiterated by every subsequent Administration. It emphasized that it continued to work actively toward the goal of a common negative security assurance formulation applicable to non-nuclear-weapon States parties to the Non-Proliferation Treaty or to another comparable internationally-binding commitment not to acquire nuclear explosive devices. Of course, non-nuclear-weapon States must be in compliance with these undertakings to be eligible for any negative security assurance. Substantial progress along these lines had already been achieved as demonstrated by the 14 January 1994 trilateral statement issued in Moscow (CD/1243) which noted the willingness of the United States, Russia, and the United Kingdom to affirm a common negative security assurance to Ukraine once it accedes to the Non-Proliferation Treaty.

"26. The delegation of China supported the negotiation and early conclusion of an international agreement on the non-use or threat of use of nuclear weapons against non-nuclear-weapon States, which would have a positive impact on the
CTBT negotiations and the NPT Review Conference of 1995. It reiterated its commitment that at no time, and under no circumstances, would it be the first to use nuclear weapons, and that it would not use nuclear weapons against non-nuclear-weapon States and nuclear weapon-free zones. It called on the five nuclear-weapon States to negotiate and conclude an international agreement on the non-first-use of nuclear weapons, as the time was ripe to do so in the present international situation.

27. The delegation of Romania expressed the view that an arrangement in this area should essentially be premised upon a universal and legally-binding international agreement providing for negative as well as positive security assurances that were global in scope, uniform and comprehensive, and ensured equality of the States renouncing the acquisition of nuclear weapons through multilateral treaties. At the same time, the search for a solution to the problem of security assurances should not leave aside the United Nations, which had considerably enhanced its role and credibility in maintaining international peace and security. Therefore it favoured the idea of a Security Council confirmation, on a broader basis, of the commitments which were originally undertaken in United Nations Security Council Resolution 255 of 1968.

28. The Russian Federation stated that it considered it proper and desirable to work out in the Conference on Disarmament a multilateral, legally-binding agreement to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. It considered that assurances to be given by the five nuclear-weapon States should be in direct linkage with the commitments undertaken by non-nuclear weapon States within the NPT. At the same time, the Russian delegation confirmed that it deemed it important to develop a common formula through negotiations among the five nuclear Powers as a necessary stage in the elaboration of the above-mentioned multilateral agreement. Such a common formula could be confirmed by a mandatory resolution of the United Nations Security Council. The Russian delegation also reiterated the legally-binding character of the unilateral Russian declaration on NSA, as formulated in the recently adopted Russian Military doctrine.

29. The delegation of Sweden held the view that as long as nuclear arms existed there remained a need for the non-nuclear-weapon States to receive firm assurances against the use or threat of use of such weapons. States which had forsaken the nuclear option by adhering to the Non-Proliferation Treaty or other legally-binding international agreements, and effectively abided by them, had indeed a legitimate right to enjoy such assurances. A solution to this issue was, in fact, long overdue. The optimal solution would be a multilateral treaty, whereby the nuclear-weapon States would unambiguously, and without reservations, commit themselves not to use or threaten to use nuclear weapons against non-nuclear-weapon States.

IV. CONCLUSIONS AND RECOMMENDATIONS

30. The Ad Hoc Committee reaffirmed that, pending the effective elimination of nuclear weapons, non-nuclear-weapon States should be effectively assured by the nuclear-weapon States against the use or threat of use of nuclear weapons. There was general agreement that a discussion on negative security assurances could not be conducted in isolation from a general assessment of the security
situation both at regional and global levels. At the same time, it was felt that this Committee should concentrate on the question of security assurances related to nuclear weapons and that an eventual solution on the issue of NSAs might also involve addressing the problem of positive assurances and build on the principles contained in United Nations Security Council resolution 255 of 1968.

"31. It was felt that any further discussion on the issue of negative security assurances should take into full account the outcome of the 1994 deliberations in the Committee as well as the recommendations and suggestions of the previous sessions."


34. The Conference did not establish an Ad Hoc Committee on this agenda item during the 1994 session. During plenary meetings of the Conference, some delegations reaffirmed or further elaborated their respective positions on the agenda item, the detailed descriptions of which were duly recorded in the previous annual reports of the Conference, related official documents and working papers, as well as plenary records. The status of work on the agenda item is reflected in paragraphs 79-82 of the 1992 report of the Conference to the General Assembly of the United Nations (CD/1173).

G. Comprehensive Programme of Disarmament

35. The Conference did not establish an Ad Hoc Committee on this agenda item during the 1994 session. During plenary meetings of the Conference, some delegations reaffirmed or further elaborated their respective positions on the agenda item, the detailed descriptions of which were duly recorded in the previous annual reports of the Conference, in particular paragraphs 83-89 of the 1992 report to the General Assembly of the United Nations (CD/1173), related official documents and working papers, as well as plenary records.

H. Transparency in Armaments

36. At its 691st plenary meeting on 6 September 1994, the Conference adopted the report of the Ad Hoc Committee re-established by the Conference under the agenda item at its 666th plenary meeting (see para. 6 above). That report (CD/1274 as amended at the 691st plenary meeting), is an integral part of this report and reads as follows:

"I. INTRODUCTION

"1. At its 666th plenary meeting, on 25 January 1994, the Conference on Disarmament decided to re-establish the Ad hoc Committee on Transparency in Armaments for its 1994 session with the mandate as contained in document CD/1150.

"2. At its 668th plenary meeting, on 1 February 1994, the Conference on Disarmament appointed Ambassador György Boytha of Hungary as Chairman of the Ad hoc Committee. Mr. Jerzy Zaleski, Political Affairs Officer, Centre for Disarmament Affairs, served as Secretary of the Ad hoc Committee."

We have the honour to forward to you the text of a Joint Declaration of the Leaders of Ukraine, Russia, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, as well as a Memorandum on Security Assurances in Connection with Ukraine’s Accession to the Non-Proliferation Treaty, signed in Budapest on 5 December 1994.

Could you please take the appropriate steps to register these documents as official documents of the Conference on Disarmament, and to have them distributed to all member delegations and non-member States participating in the work of the Conference.

(Signed) Stephen J. Ledogar
Ambassador
United States Representative
to the Conference on Disarmament

(Signed) Alexander Slipchenko
Ambassador
Permanent Representative of Ukraine
Head of Delegation

(Signed) Sir Michael C.S. Weston
Ambassador
Permanent Representative of the United Kingdom
to the Conference on Disarmament

(Signed) Grigori V. Berdennikov
Ambassador
Permanent Representative of the Russian Federation
to the Conference on Disarmament

GE.94-65292 (E)
The leaders of Ukraine, Russia, the United Kingdom of Great Britain and Northern Ireland, and the United States of America met during the summit meeting of the Conference on Security and Cooperation in Europe.

The leaders discussed the evolution of European security architecture. They underscored their determination to support the increasingly strong tendencies toward the formation of security based on political partnership, and to cooperate in the further development of a security system which embraces all the CSCE states. This will involve the evolution - given the new realities - of transatlantic and regional mechanisms of security in a manner that enhances the security and stability of all CSCE states.

They are committed to continuing the process of building political, military, and economic security in an undivided Europe, in which integration, openness for participation, and transparency are characteristic.

The leaders confirmed that CSCE commitments in the area of human rights, economics, and security represent the cornerstone of the common European security space, and that they help ensure that countries and peoples in this space are not subjected further to the threat of military force or other undesirable consequences of aggressive nationalism and chauvinism.

They noted that the historical changes in the world, including the end of the confrontation between blocs of the "cold war", create favorable conditions for the further strengthening of security and stability on the European continent and for deep reductions in nuclear forces.

In this regard, the leaders discussed the implementation of the Trilateral statement of January 14, 1994. They noted progress in the implementation of this Statement.

The leaders also confirmed that an important contribution to the broader process of strengthening security and stability is also made by such agreements as the Treaty on Conventional Forces in Europe, the Open Skies Treaty, and confidence and security building measures.
MEMORANDUM ON SECURITY ASSURANCES IN CONNECTION WITH UKRAINE'S ACCESSION TO THE NON-PROLIFERATION TREATY

The Russian Federation, the United Kingdom of Great Britain and Northern Ireland, the United States of America, and Ukraine,

Welcoming the accession of Ukraine to the Treaty on the Non-Proliferation of Nuclear Weapons as a non-nuclear-weapon state,

Taking into account the commitment of Ukraine to eliminate all nuclear weapons from its territory within a specified period of time,

Noting the changes in the world-wide security situation, including the end of the Cold War, which have brought about conditions for deep reductions in nuclear forces,

Confirm the following:

1. The Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America reaffirm their commitment to Ukraine, in accordance with the principles of the CSCE Final Act, to respect the independence and sovereignty and the existing borders of Ukraine.

2. The Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America reaffirm their obligation to refrain from the threat or use of force against the territorial integrity or political independence of Ukraine, and that none of their weapons will ever be used against Ukraine except in self-defence or otherwise in accordance with the Charter of the United Nations.

3. The Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America reaffirm their commitment to Ukraine, in accordance with the principles of the CSCE Final Act, to refrain from economic coercion designed to subordinate to their own interest the exercise by Ukraine of the rights inherent in its sovereignty and thus to secure advantages of any kind.

4. The Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America reaffirm their commitment to seek immediate United Nations Security Council action to provide assistance to Ukraine, as a non-nuclear-weapon state party to the Treaty on the Non-Proliferation of Nuclear Weapons, if Ukraine should become a victim of an act of aggression or an object of a threat of aggression in which nuclear weapons are used.

5. The Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America reaffirm, in the case of Ukraine, their commitment not to use nuclear weapons against any non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons, except in the case of an attack
on themselves, their territories or dependent territories, their armed forces, or their allies, by such a state in association or alliance with a nuclear weapon state.

6. The Russian Federation, the United Kingdom of Great Britain and Northern Ireland, the United States of America, and Ukraine will consult in the event a situation arises which raises a question concerning these commitments.

This Memorandum shall enter into force on the date of its signing and shall be registered pursuant to article 102 of the Charter of the United Nations.

Done at Budapest on 5 December 1994 in four copies. English, Russian and Ukrainian texts of this Memorandum are equally authentic.

FOR THE RUSSIAN FEDERATION

FOR UKRAINE

FOR THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

FOR THE UNITED STATES OF AMERICA

Corrigendum

The title of document CD/1285 should read as above.

GE.95-60246

We have the honour to forward to you the text of a Memorandum on Security Assurances in Connection with the Republic of Belarus' Accession to the Non-Proliferation Treaty, signed in Budapest on 5 December 1994.

Could you please take the appropriate steps to register this document as an official document of the Conference on Disarmament, and to have it distributed to all member delegations and non-member States participating in the work of the Conference.

(Signed): Stephen J. Ledogar  
Ambassador  
Permanent Representative of the United States to the Conference on Disarmament

(Signed): Andrei Sannikov  
Counsellor  
Chargé d'Affaires a.i.  
Mission of Belarus

(Signed): Sir Michael C.S. Weston  
Ambassador  
Permanent Representative of the United Kingdom to the Conference on Disarmament

(Signed): Grigori V. Berdennikov  
Ambassador  
Permanent Representative of the Russian Federation to the Conference on Disarmament

GE.95-60157 (E)
MEMORANDUM ON SECURITY ASSURANCES IN CONNECTION WITH
THE REPUBLIC OF BELARUS' ACCESSION TO THE
NON-PROLIFERATION TREATY

The Republic of Belarus, the Russian Federation, the United Kingdom of Great
Britain and Northern Ireland, and the United States of America,

Welcoming the Accession of the Republic of Belarus to the Treaty on the Non-
Proliferation of Nuclear Weapons as a non-nuclear-weapon state,

Taking into account the commitment of the Republic of Belarus to eliminate all
nuclear weapons from its territory within a specified period of time,

Noting the changes in the world-wide security situation including the end of the
Cold War, which have brought about conditions for deep reductions in nuclear
forces,

Confirm the following:

1. The Russian Federation, the United Kingdom of Great Britain and Northern
Ireland, and the United States of America reaffirm their commitment to the
Republic of Belarus, in accordance with the principles of the CSCE Final Act, to
respect the independence and sovereignty and the existing borders of the Republic
of Belarus.

2. The Russian Federation, the United Kingdom of Great Britain and Northern
Ireland, and the United States of America reaffirm their obligation to refrain from
the threat or use of force against the territorial integrity or political independence of
the Republic of Belarus, and that none of their weapons will ever be used against
the Republic of Belarus except in self-defense or otherwise in accordance with the
Charter of the United Nations.

3. The Russian Federation, the United Kingdom of Great Britain and Northern
Ireland, and the United States of America reaffirm their commitment to the
Republic of Belarus, in accordance with the Principles of the CSCE Final Act, to
refrain from economic coercion designed to subordinate to their own interest the
exercise by the Republic of Belarus of the rights inherent in its sovereignty and thus to secure advantages of any kind.

4. The Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America reaffirm their commitment to seek immediate United Nations Security Council action to provide assistance to the Republic of Belarus, as a non-nuclear-weapon state party to the Treaty on the Non-Proliferation of Nuclear Weapons, if the Republic of Belarus should become a victim of an act of aggression or an object of a threat of aggression in which nuclear weapons are used.

5. The Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America reaffirm, in the case of the Republic of Belarus, their commitment not to use nuclear weapons against any non-nuclear-weapon state party to the Treaty on the Non-Proliferation of Nuclear Weapons, except in the case of an attack on themselves, their territories or dependent territories, their armed forces, or their allies, by such a state in association or alliance with a nuclear weapon state.

6. The Republic of Belarus, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America will consult in the event a situation arises which raises a question concerning these commitments.

This Memorandum will become applicable upon signature. Signed in four copies having equal validity in the Belarusian, English, and Russian languages.

FOR THE REPUBLIC OF BELARUS

FOR THE RUSSIAN FEDERATION

FOR THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

FOR THE UNITED STATES OF AMERICA

Budapest, December 5, 1994
LETTER DATED 7 APRIL 1995 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE CONFERENCE ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE ON DISARMAMENT TRANSMITTING THE TEXT OF THE UNITED STATES STATEMENT CONTAINING THE UNITED STATES DECLARATION ON SECURITY ASSURANCES

I have the honour to forward to you the text of the United States Statement containing the United States Declaration on Security Assurances.

Could you please take the appropriate steps to register this text as an official document of the Conference on Disarmament, and to have it distributed to all member delegations and non-member States participating in the work of the Conference.

(Signed): Stephen J. Ledogar
Ambassador
The United States believes that universal adherence to and compliance with international conventions and treaties seeking to prevent the proliferation of weapons of mass destruction is a cornerstone of global security. The Treaty on the Non-Proliferation of Nuclear Weapons is a central element of this regime. 5 March 1995 was the twenty-fifth anniversary of its entry-into-force, an event commemorated by President Clinton in a speech in Washington on 1 March 1995. A Conference to decide on extension of the Treaty will begin in New York City on 17 April 1995. The United States considers the indefinite extension of the Treaty on the Non-Proliferation of Nuclear Weapons without conditions as a matter of the highest national priority and will continue to pursue all appropriate efforts to achieve that outcome.

It is important that all Parties to the Treaty on the Non-Proliferation of Nuclear Weapons fulfill their obligations under the Treaty. In that regard, consistent with generally recognized principles of international law, Parties to the Treaty on the Non-Proliferation of Nuclear Weapons must be in compliance with these undertakings in order to be eligible for any benefits of adherence to this Treaty.

As a nuclear-weapon State the United States has consistently recognized its responsibilities under the Treaty, and the importance of addressing the special needs of non-nuclear-weapon States Parties to the Treaty with regard to measures that would alleviate their legitimate security concerns. To that end, the President directed that the United States review its policies on security assurances for such non-nuclear-weapon States and that consultations be held with other nuclear-weapon States on this important topic.

Bearing the above considerations in mind, the President declares the following:

The United States reaffirms that it will not use nuclear weapons against non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons except in the case of an invasion or any other attack on the United States, its territories, its armed forces or other troops, its allies, or on a State towards which it has a security commitment, carried out or sustained by such a non-nuclear-weapon State in association or alliance with a nuclear-weapon State.

Aggression with nuclear weapons, or the threat of such aggression, against a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons would create a qualitatively new situation in which the nuclear-weapon State permanent members of the United Nations Security Council would have to act immediately through the Security Council, in accordance with the Charter, to take the measures necessary to counter such aggression or to remove the threat of aggression. Any State which commits aggression accompanied by the use of nuclear weapons or which threatens such aggression must be aware that its actions are to be countered effectively by measures to be taken in accordance with the United Nations Charter to suppress the aggression or remove the threat of aggression.
Non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons have a legitimate desire for assurances that the United Nations Security Council, and above all its nuclear-weapon State permanent members, would act immediately in accordance with the Charter, in the event such non-nuclear-weapon States are the victim of an act of, or object of a threat of, aggression in which nuclear weapons are used.

The United States affirms its intention to provide or support immediate assistance, in accordance with the Charter, to any non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons that is a victim of an act of, or an object of a threat of, aggression in which nuclear weapons are used.

Among the means available to the Security Council for assisting such a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons would be an investigation into the situation and appropriate measures to settle the dispute and to restore international peace and security.

United Nations Member States should take appropriate measures in response to a request for technical, medical, scientific or humanitarian assistance from a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons that is a victim of an act of aggression with nuclear weapons, and the Security Council should consider what measures are needed in this regard in the event of such an act of aggression.

The Security Council should recommend appropriate procedures, in response to any request from a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons that is the victim of such an act of aggression, regarding compensation under international law from the aggressor for loss, damage or injury sustained as a result of the aggression.

The United States reaffirms the inherent right, recognized under Article 51 of the United Nations Charter, of individual and collective self-defence if an armed attack, including a nuclear attack, occurs against a member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.

I should be grateful if you would make the necessary arrangements to have the text of the United Kingdom Declaration on Security Assurances registered as an official document of the Conference on Disarmament and circulated to all members and non-members of the CD. I enclose a copy of the text of the United Kingdom Declaration.

(Signed): M.C.S. Weston
Ambassador
The Government of the United Kingdom believe that universal adherence to and compliance with international agreements seeking to prevent the proliferation of weapons of mass destruction are vital to the maintenance of world security. We note with appreciation that 175 States have become parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

We believe that the Treaty on the Non-Proliferation of Nuclear Weapons is the cornerstone of the international non-proliferation regime which has made an invaluable contribution to international peace and security. We are convinced that the Treaty should be extended indefinitely and without conditions.

We will continue to urge all States that have not done so to become parties to the Treaty.

The Government of the United Kingdom recognize that States which have renounced nuclear weapons are entitled to look for assurances that nuclear weapons will not be used against them. In 1978 we gave such an assurance. Assurances have also been given by the other nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

Recognizing the continued concern of non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons that the assurances given by nuclear-weapon States should be in similar terms, and following consultation with the other nuclear-weapon States, I accordingly give the following undertaking on behalf of my Government:

The United Kingdom will not use nuclear weapons against non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons except in the case of an invasion or any other attack on the United Kingdom, its dependent territories, its armed forces or other troops, its allies or on a State towards which it has a security commitment, carried out or sustained by such a non-nuclear-weapon State in association or alliance with a nuclear-weapon State.

In giving this assurance the United Kingdom emphasizes the need not only for universal adherence to, but also for compliance with, the Treaty on the Non-Proliferation of Nuclear Weapons. In this context I wish to make clear that Her Majesty's Government do not regard their assurance as applicable if any beneficiary is in material breach of its own non-proliferation obligations under the Treaty on the Non-Proliferation of Nuclear Weapons.

In 1968 the United Kingdom declared 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 the nuclear-weapon States which are Permanent Members of the United Nations 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 United Nations Charter, which calls for taking "effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace". Therefore,
any State which commits aggression accompanied by the use of nuclear weapons or which threatens such aggression must be aware that its actions are to be countered effectively by measures to be taken in accordance with the United Nations Charter to suppress the aggression or remove the threat of aggression.

I, therefore, recall and reaffirm the intention of the United Kingdom, as a Permanent Member of the United Nations Security Council, to seek immediate Security Council action to provide assistance, in accordance with the Charter, to any non-nuclear-weapon State, party to the Treaty on the Non-Proliferation of Nuclear Weapons, that is a victim of an act of aggression or an object of a threat of aggression in which nuclear weapons are used.

This Security Council assistance could include measures to settle the dispute and restore international peace and security, and appropriate procedures, in response to any request from the victim of such an act of aggression, regarding compensation under international law from the aggressor for loss, damage or injury sustained as a result of the aggression.

If a non-nuclear-weapon State party to the Treaty on the Non-Proliferation of Nuclear Weapons is a victim of an act of aggression with nuclear weapons, the United Kingdom would also be prepared to take appropriate measures in response to a request from the victim for technical, medical, scientific or humanitarian assistance.

The United Kingdom reaffirms in particular the inherent right, recognized under Article 51 of the Charter, of individual and collective self-defence if an armed attack, including a nuclear attack, occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.

6 April 1995
LETTER DATED 7 APRIL 1995 FROM THE PERMANENT REPRESENTATIVE OF FRANCE TO THE CONFERENCE ON DISARMAMENT ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE TRANSMITTING THE TEXT OF A DECLARATION BY FRANCE ON SECURITY ASSURANCES

I would be grateful if you would kindly register this declaration as an official document of the Conference on Disarmament and distribute it to all the delegations of member States and States with observer status.

(Signed) G. ERRERA
Permanent Representative of France to the Conference on Disarmament
The question of security assurances given by the nuclear Powers to non-nuclear States is a major issue for my delegation, firstly because it corresponds to a real expectation on the part of the non-nuclear countries, particularly those which, in signing the NPT, have renounced the goal of acquiring atomic weapons, secondly because our special responsibilities as a nuclear Power are at stake, and lastly because this issue has taken on new significance since the end of the cold war, as awareness has grown of the threat posed to all by the proliferation of nuclear weapons.

It is in order to respond to this expectation, to shoulder its responsibilities and make a contribution to efforts to combat the proliferation of nuclear weapons, that France has decided to adopt the following measures.

First, it wishes to clarify and reaffirm the negative security assurances it gave in 1982. Specifically, France reaffirms that it will not use nuclear weapons against non-nuclear-weapon States parties to the NPT, except in the case of an invasion or any other attack on it, its territory, its armed forces or other troops, its allies or a State towards which it has a security commitment, carried out or sustained by such a State, in alliance or association with a nuclear-weapon State.

In our view it is natural that the beneficiaries of these assurances should be the signatories to the NPT - that is, the vast majority of the countries of the world - since they have entered into a formal commitment to non-proliferation.

In response to the requests made by a large number of countries, France has also sought to harmonize the content of its negative assurances to the maximum extent possible with those of the other nuclear Powers. We are happy that this effort has succeeded. The declarations concerning negative security assurances made by France, the United States, Russia and the United Kingdom, are now practically identical.

Secondly, France has decided for the first time to give positive security assurances to all non-nuclear-weapon States parties to the NPT. This decision became both possible and desirable following France's accession to the NPT. Consequently, France considers that any act of aggression accompanied by the use of nuclear weapons would threaten international peace and security. France recognizes that it is legitimate for the non-nuclear-weapon States parties to the NPT to be assured that the international community, and first and foremost the United Nations Security Council, would react immediately in accordance with the obligations under the Charter in the event that they were victims of or threatened with aggression using nuclear weapons.

Bearing these considerations in mind, France makes the following declaration:

France, as a permanent member of the Security Council, undertakes in the event of aggression involving the use of nuclear weapons or the threat of such aggression against a non-nuclear-weapon State party to the NPT to bring the matter before the Security Council without delay and to work within the
Council to ensure that the Council takes immediate steps to provide the requisite assistance, in accordance with the Charter, to a State that is the victim of an act of aggression or the threat thereof.

France reaffirms in particular the inherent right, recognized under Article 51 of the Charter, of individual and collective self-defence if an armed attack, including a nuclear attack, occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.

In this field too we welcome the fact that the content of these positive assurances was the subject of close consultation with the other nuclear Powers.

Thirdly, together with the four other nuclear Powers, France has decided to put before the United Nations Security Council a draft resolution which is pathbreaking in many respects, and which reflects our resolve to respond to the expectations of the international community in a comprehensive, collective and concrete manner. Comprehensive, because for the first time, a draft resolution encompasses both negative assurances and positive assurances. Collective, because the five nuclear Powers are co-sponsoring such a resolution for the first time. Concrete, because for the first time a Security Council resolution spells out the steps that the Security Council might take in the event of aggression, in particular as regards dispute settlement, humanitarian assistance and compensation to victims.

The draft resolution formally reaffirms the need for all States parties to the NPT to respect their obligations fully. This is not a case of petio principio, but the reiteration of a fundamental rule. The draft also emphasizes the desirability of universal accession to the NPT.

The decisions I have just announced reflect our determination to strengthen the non-proliferation regime, and especially the NPT, of which it is the keystone. It is our hope and firm conviction that the initiatives we have taken will help to achieve that end.

We have the honour to forward to you the text of a Declaration by France, Russia, the United Kingdom and the United States, in connection with the NPT. This Declaration will be made at the plenary session of the Conference on Disarmament on 6 April 1995.

We should be grateful if you would kindly take the appropriate steps to register this document as an official document of the Conference on Disarmament, and to have it distributed to all member delegations and non-member States participating in the work of the Conference.

(Signed): Gérard Errera
Ambassador
Permanent Representative of France to the Conference on Disarmament

(Signed): Grigori V. Berdennikov
Ambassador
Permanent Representative of the Russian Federation to the Conference on Disarmament

(Signed): Sir Michael Weston
Ambassador
Permanent Representative of the United Kingdom to the Conference on Disarmament

(Signed): Stephen J. Ledogar
Ambassador
Permanent Representative of the United States to the Conference on Disarmament

GE.95-61131 (E)
DECLARATION BY FRANCE, RUSSIA, THE UNITED KINGDOM AND
THE UNITED STATES IN CONNECTION WITH THE NPT

We wish to express our continuing strong support for the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), our desire that the forthcoming Review and Extension Conference in New York should decide on its indefinite and unconditional continuation in force and our determination to continue to implement fully all the provisions of the Treaty, including those in article VI.

We welcome the fact that the nuclear arms race has ceased and that, in keeping with the fundamental changes that have taken place with respect to international security, important steps have been taken towards nuclear disarmament, as a result of the agreements on deep reductions in the nuclear armaments of the Russian Federation and the United States of America as well as the significant reductions made by France and the United Kingdom in their nuclear weapon programmes.

We welcome the important progress made at the Conference on Disarmament (CD) in the multilateral negotiations on a comprehensive nuclear test ban treaty to which we are all contributing actively.

We also welcome the establishment by the CD of an Ad Hoc Committee with a mandate to negotiate a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices. We urge that the negotiations begin forthwith.

We underline the importance of the harmonized security assurances which we have given to non-nuclear-weapon States Parties to the NPT against the use of nuclear weapons, as well as the commitments as regards the provision of appropriate assistance to a non-nuclear-weapon State Party to the NPT victim of aggression or threat of aggression with nuclear weapons. We believe that these strengthen international peace and security.

We solemnly reaffirm our commitment, as stated in article VI, to pursue negotiations in good faith on effective measures relating to nuclear disarmament, which remains our ultimate goal.

We reaffirm our determination to continue to negotiate intensively, as a high priority, a universal and multilaterally and effectively verifiable comprehensive nuclear test ban treaty, and we pledge our support for its conclusion without delay.

We call upon all States Parties to the NPT to make the Treaty permanent. This will be crucial for the full realization of the goals set out in article VI.

We call upon all States that are not Parties to the NPT to accede to it soon, thereby contributing to the enhancement of both regional and global security.

A truly universal and fully implemented Treaty is in the interests of all.
LETTER DATED 6 APRIL 1995 FROM THE HEAD OF THE DELEGATION OF THE PEOPLE'S REPUBLIC OF CHINA TO THE CONFERENCE ADDRESSED TO THE PRESIDENT OF THE CONFERENCE ON DISARMAMENT TRANSMITTING THE TEXT OF CHINA'S NATIONAL STATEMENT ON SECURITY ASSURANCES

I have the honour to transmit to you herewith the official Chinese and English text of "China's National Statement on Security Assurances", which was delivered on 5 April 1995 by the spokesman of the Ministry of Foreign Affairs of the People's Republic of China.

I would be grateful if the text of this statement could be circulated as an official document of the Conference on Disarmament.

(Signed): Sha Zukang
Ambassador Extraordinary and Plenipotentiary for Disarmament Affairs
Head of the Delegation of the People's Republic of China to the Conference on Disarmament
For the purpose of enhancing international peace, security and stability and facilitating the realization of the goal of complete prohibition and thorough destruction of nuclear weapons, China hereby declares its position on security assurances as follows:

1. China undertakes not to be the first to use nuclear weapons at any time or under any circumstances;

2. China undertakes not to use or threaten to use nuclear weapons against non-nuclear-weapon States or nuclear-weapon-free zones at any time or under any circumstances. This commitment naturally applies to non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons or non-nuclear-weapon States that have undertaken any comparable internationally binding commitments not to manufacture or acquire nuclear explosive devices;

3. China has always held that pending the complete prohibition and thorough destruction of nuclear weapons, all nuclear-weapon States should undertake not to be the first to use nuclear weapons and not to use or threaten to use such weapons against non-nuclear-weapon States and nuclear-weapon-free zones at any time or under any circumstances. China strongly calls for the early conclusion of an international convention on no-first-use of nuclear weapons as well as an international legal instrument on assuring the non-nuclear-weapon States and nuclear-weapon-free zones against the use or threat of use of nuclear weapons;

4. China, as a Permanent Member of the Security Council of the United Nations, undertakes to take action within the Council in order that the Council take appropriate measures to provide, in accordance with the Charter of the United Nations, necessary assistance to any non-nuclear-weapon State that comes under attack with nuclear weapons, and impose strict and effective sanctions on the attacking State. This commitment naturally applies to any non-nuclear-weapon State party to the Treaty on the Non-Proliferation of Nuclear Weapons or any non-nuclear-weapon State that has undertaken any comparable internationally binding commitments not to manufacture or acquire nuclear explosive devices, in case of an aggression with nuclear weapons or the threat of such aggression against the State;

5. The "positive security assurance" provided by China, as contained in paragraph 4, does not in any way compromise China's position as contained in paragraph 3 and shall not in any way be construed as endorsing the use of nuclear weapons.

Please issue the necessary instructions for the attached declaration dated 5 April 1995 by a representative of the Ministry of Foreign Affairs of the Russian Federation to be distributed as an official document of the Conference.

(Signed) G. BERDENNIKOV
Ambassador
Permanent Representative of the Russian Federation to the Conference on Disarmament
Declaration
by a representative of the Ministry of Foreign Affairs
of the Russian Federation (5 April 1995)

Bearing in mind the fundamental significance of the Treaty on the Non-Proliferation of Nuclear Weapons, the Ministry of Foreign Affairs of the Russian Federation, respectful of the legitimate desire of States parties to the Treaty which do not possess nuclear weapons to receive assurances that nuclear weapons will not be used against them, and taking into account the provisions of the Military Doctrine of the Russian Federation, has been instructed to make the following declaration:

"The Russian Federation will not use nuclear weapons against non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons, except in the case of an invasion or any other attack on the Russian Federation, its territory, its armed forces or other troops, its allies or a State towards which it has a security commitment, carried out or sustained by such a non-nuclear-weapon State in association or alliance with a nuclear-weapon State."

In addition, we should like to emphasize that, as proposed by the President of the Russian Federation at the forty-ninth session of the United Nations General Assembly, efforts have been made to reach agreement on an updated resolution of the United Nations Security Council on security assurances for non-nuclear States. The draft of a resolution on this subject, prepared with the participation of Russian representatives, is being presented to the Security Council for consideration. The thrust of the draft is as follows.

In the event of aggression involving the use of nuclear weapons or the threat of such aggression against a non-nuclear-weapon State party to the Treaty on the Non-Proliferation of Nuclear Weapons, the permanent members of the Security Council - the nuclear-weapon States - will immediately bring the matter before the Council and will seek action by the Council to provide the necessary assistance, in accordance with the Charter, to the State that is a victim of an act of, or the object of the threat of, aggression.

Provision is also made for the possibility of taking appropriate measures in response to a request for technical, medical, scientific or humanitarian assistance from the victim of aggression, and also compensation from the aggressor for loss, damage or injury sustained by the State which is the victim of such an act of aggression as a result of the aggression.

We expect that the adoption of a resolution on this subject by the Security Council will be welcomed with satisfaction by the non-nuclear States parties to the Treaty on the Non-Proliferation of Nuclear Weapons, and that it will promote the strengthening of the non-proliferation regime, international security and world stability.
RESOLUTION 984 (1995)

Adopted by the Security Council at its 3514th meeting, on 11 April 1995

The Security Council,

Convinced that every effort must be made to avoid and avert the danger of nuclear war, to prevent the spread of nuclear weapons, to facilitate international cooperation in the peaceful uses of nuclear energy with particular emphasis on the needs of developing countries, and reaffirming the crucial importance of the Treaty on the Non-Proliferation of Nuclear Weapons to these efforts,

Recognizing the legitimate interest of non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to receive security assurances,

Welcoming the fact that more than 170 States have become Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and stressing the desirability of universal adherence to it,

Reaffirming the need for all States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to comply fully with all their obligations,

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

Considering that the present resolution constitutes a step in this direction,

Considering further that, in accordance with the relevant provisions of the Charter of the United Nations, any aggression with the use of nuclear weapons would endanger international peace and security,

2. Recognizes the legitimate interest of non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to receive assurances that the Security Council, and above all its nuclear-weapon State permanent members, will act immediately in accordance with the relevant provisions of the Charter of the United Nations, in the event that such States are the victim of an act of, or object of a threat of, aggression in which nuclear weapons are used;

3. Recognizes further that, in case of aggression with nuclear weapons or the threat of such aggression against a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons, any State may bring the matter immediately to the attention of the Security Council to enable the Council to take urgent action to provide assistance, in accordance with the Charter, to the State victim of an act of, or object of a threat of, such aggression; and recognizes also that the nuclear-weapon State permanent members of the Security Council will bring the matter immediately to the attention of the Council and seek Council action to provide, in accordance with the Charter, the necessary assistance to the State victim;

4. Notes the means available to it for assisting such a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons, including an investigation into the situation and appropriate measures to settle the dispute and restore international peace and security;

5. Invites Member States, individually or collectively, if any non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons is a victim of an act of aggression with nuclear weapons, to take appropriate measures in response to a request from the victim for technical, medical, scientific or humanitarian assistance, and affirms its readiness to consider what measures are needed in this regard in the event of such an act of aggression;

6. Expresses its intention to recommend appropriate procedures, in response to any request from a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons that is the victim of such an act of aggression, regarding compensation under international law from the aggressor for loss, damage or injury sustained as a result of the aggression;

7. Welcomes the intention expressed by certain States that they will provide or support immediate assistance, in accordance with the Charter, to any non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons that is a victim of an act of, or an object of a threat of, aggression in which nuclear weapons are used;

8. Urges all States, as provided for in Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, to pursue negotiations in good faith on
effective measures relating to nuclear disarmament and on a treaty on general and complete disarmament under strict and effective international control which remains a universal goal;

9. **Reaffirms** the inherent right, recognized under Article 51 of the Charter, of individual and collective self-defence if an armed attack occurs against a member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security;

10. **Underlines** that the issues raised in this resolution remain of continuing concern to the Council.

I have the honour to transmit herewith a Statement of the Group of 21 on Security Assurances.

I would be grateful if the necessary arrangements could be made for the distribution of this publication, under a CD number, to all member and participating non-member State delegations.

(Signed): U Aye
Ambassador
Permanent Representative

GE.95-61167 (E)
STATEMENT OF THE GROUP OF 21 ON SECURITY ASSURANCES

"It has come to the G 21 knowledge that a draft United Nations Security Council resolution on security assurances has been recently circulated in New York. The G 21 has carefully examined the proposals contained in that draft and would like to make the following preliminary observations.

1. Neither the Conference on Disarmament, nor any country belonging to G 21, has been associated with the drafting of the proposal, notwithstanding the fact that the CD is universally recognized as the sole multilateral negotiating disarmament body.

2. While taking into consideration the positive aspects of the proposal, the G 21 observes that this resolution does not take into account any of the formal objections made in the past by Non-nuclear Weapon States on the restrictive, restrained, uncertain, conditional and discriminatory character of the guarantees already provided.

3. The G 21 reiterates its conviction that duly negotiated security assurances are a legitimate right of Non-nuclear Weapon States. In this context, it notes with disappointment that the Ad Hoc Committee on Effective International Arrangements to Assure Non-nuclear Weapon States Against the Use or Threat of Use of Nuclear Weapons has not even been re-established during the present session.

4. The Group considers that the terms of its Declaration of 31 March 1994, as reported in document CD/1256, remain valid and merit serious consideration. It is imperative that an unconditional multilaterally-negotiated and legally-binding convention on negative security assurances should be drafted and, to this end, all Members of the CD should display their political will.

5. In this regard, it is worth recalling the great importance that the Heads of State and Government of the non-aligned countries attach to a multilateral and legally-binding convention governing this issue as expressed during their tenth summit in Jakarta, in 1992, and reiterated by the non-aligned Foreign Ministers in Cairo, in May 1994, when they stated that 'security assurances to Non-nuclear Weapon States against the use of threat of use of nuclear weapons could contribute positively to addressing some of the dangers inherent in the presence of nuclear weapons' and 'called upon the Conference on Disarmament to reach an urgent agreement on an internationally binding convention'.

6. At the same time, the G 21 considers it necessary that the Security Council gives positive assurances to Non-nuclear Weapon States that should go beyond a mere reiteration of the principles of the United Nations Charter.

7. Furthermore, the G 21 reiterates its conviction that Article 51 of the United Nations Charter should not be interpreted as legitimizing the use of nuclear weapons.

8. The G 21 is deeply convinced that all aspects relating to nuclear weapons issues are interrelated and that the only effective security guarantee against the use or threat of use of nuclear weapons lies in the total elimination of such weapons. Pending which, it is for the Nuclear Weapon States to provide security assurances to Non-nuclear Weapon States against the use or threat of use of nuclear weapons in an internationally and legally-binding form."
WESTERN GROUP OBSERVATIONS ON THE FUTURE AGENDA OF THE CONFERENCE ON DISARMAMENT

The 21 members of the Western Group would like to thank the Special Coordinator on the Review of the Agenda for the strenuous efforts he has made throughout the year in carrying out consultations on this complicated issue. His thoughtful report of 3 September and his informal oral report of 23 May to the CD provide a sound basis for further consultations to determine how the CD should take its work forward in 1997. We therefore welcome the proposal that the President of the CD should conduct consultations both now and during the intersessional period in order to produce a new substantive Agenda for the work of the CD. We lend our full support to all efforts aimed at producing a consensus within the CD.

The Western Group has taken note of the many statements and proposals made by delegations from all Groups during this session on the subject of the CD’s Agenda. We encourage the President in consultation with all delegations to study and reflect on the ideas and proposals which have been brought forward. In this regard the Western Group wishes to contribute constructively to the process of consultations by making the following general observations:

The future CD Agenda

- The current CD Agenda requires reform and updating. As the Special Coordinator for the Agenda noted in his report of 23 May, "it is accepted that the CD should have a new Agenda that could boldly reflect the changes that have occurred and have been occurring in the world for some years now". In our view the Agenda should also reflect the progress made in disarmament and non-proliferation. We should aim to develop a new forward-looking and realistic Agenda which can attract consensus among the expanded CD.

- The Agenda should strike a balance between nuclear and conventional items. The focus should remain on substantive negotiations and discussions.

- Negotiations already endorsed by the CD should be pursued with the establishment of Ad Hoc Committees in 1997.
Agenda items and Ad Hoc Committees

- We recall that on 23 March 1995 the CD accepted the mandate for an Ad Hoc Committee to begin substantive negotiations on a fissile material cut-off convention. The CD also agreed on a candidate for the Chairman of the Ad Hoc Committee. Since then we have continued to urge the immediate commencement of these negotiations. We firmly believe that the Ad Hoc Committee should be established promptly.

- Ad Hoc Committees could be set up immediately on negative security assurances, outer space and transparency in armaments. The mandates for the Ad Hoc Committees could be updated.

- We fully support the Special Coordinator's conclusions, which seem to attract consensus, that certain items are outdated and accordingly should be revised or deleted. Other items could also be established.

- In this context two broad agenda items entitled "Nuclear Disarmament" and "Conventional Disarmament" could be established to reflect the need for balance in the Agenda.

- We have also taken note with interest of the remarks made by the Special Coordinator concerning anti-personnel landmines.

We look forward to working together with the President and all delegations of the CD in order to agree a new Agenda. The CD should remain flexible and open-minded, willing to address relevant issues in disarmament as appropriate.
Decision

(Adopted by the Conference at its 791st plenary meeting on 26 March 1998)

The Conference takes the following decisions:

1. That the Presidency, taking into account the statement (CD/1500), made by the President at the 791st plenary meeting on 26 March 1998, shall pursue intensive consultations and seek the views of its Members on appropriate methods and approaches for dealing with agenda item 1 entitled “Cessation of the nuclear arms race and nuclear disarmament”, taking into consideration all proposals and views on this item.

2. The Conference establishes, for the duration of the 1998 session, an ad hoc committee under agenda item 4 entitled “Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons”, 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. These arrangements could take the form of an internationally legally binding instrument.

The ad hoc committee shall take into consideration all relevant views and proposals present and future and also address questions related to its mandate.

The Ad Hoc Committee will report to the Conference on the progress of its work before the conclusion of the 1998 session.

3. The Conference appoints a Special Coordinator under agenda item 3 entitled “Prevention of an arms race in outer space” to seek the views of its Members on the most appropriate way to deal with the questions related to this item.

4. The Conference appoints a Special Coordinator under agenda item 6 entitled “Comprehensive programme of disarmament” to seek the views of its Members on the most appropriate way to deal with the questions related to anti-personnel landmines taking into account, inter alia, developments outside the Conference.

5. The Conference appoints a Special Coordinator under agenda item 7 entitled “Transparency in armaments” to seek the views of its Members on the most appropriate way to deal with the questions related to this item.

GE.98-60827
6. In implementing these decisions, the Presidency and the Special Coordinators shall take into consideration all relevant views and proposals, present and future.

7. The Conference requests the Presidency and the Special Coordinators to present early and regular reports on the outcome of their consultations throughout the session, including before the end of the second part of its 1998 session.

8. The Conference also decides to appoint Special Coordinators on the Review of its Agenda, the Expansion of its Membership and its Improved and Effective Functioning. These Special Coordinators, in discharging their duties and functions, will take into account all proposals and views, as well as future initiatives. The Conference requests these Special Coordinators to report to it before the conclusion of the 1998 session.

9. The taking of these decisions contained in paragraphs 1, 3, 4 and 5 does not prejudge the positions of delegations on the eventual establishment of subsidiary bodies on the issues identified, but reflects agreement to advance the Conference’s work with a view to reaching consensus. This decision is also taken without prejudice to the rights of Members of the Conference to move forward with positions and proposals already made or to be put forward in the future.
CANADA

Questions Related to Work in the Conference on Disarmament on Negative Security Assurances

Canada's basic question with respect to the possibility of negotiating an instrument in the Conference on negative security assurances, first asked formally in the Conference's Plenary on February 26, remains: "who is to give what to whom and how?". The following paper expands on that question.

Who?

Among other steps, we have reviewed Ad Hoc Committee Report of 1994 (CD/1275 of August 30, 1994). In that report each of the P5 felt the need to make specific statements on their positions; since then, we have had further individual P5 statements and then UN Security Council Resolution 984 (1995). The Western Group also had a formal statement of position; so did other specific delegations.

There are several initial questions: Has there been any change in the collective P5 position (per the Russian Federation suggestion in 1994) or in individual P5 positions since that time? Are they prepared in principle to move beyond those positions? Does China, for example, continue to see a P5 agreement on 'No First Use' as the answer? Has the UK changed its views on NSA scope/applicability? Does France maintain its "three elements"? The National Security Blueprint of the Russian Federation published in December 1997 indicates that Russian policy remains doubtful on this concept. Do the P5 continue to see NSAs as directly linked to commitments under the NPT? Is any one of the P5 prepared "to expand the role of NSAs" so as to cover all Weapons of Mass Destruction scenarios?

And, beyond the P5, how does the Conference propose to take into account those states in the Conference which for their own considered reasons have decided upon a position of "nuclear ambiguity"? Do they provide and/or receive NSAs? Do they provide NSAs to each other via the Conference? Do they provide NSAs to others?

Others may have other questions or concerns.

GE.98-60850
What?

This sub-question refers specifically to the nature and scope of any NSAs. We could expand thereon but beyond highlighting its difficulties, we leave this aspect to possible future discussion.

To Whom?

Do only NPT non-nuclear-weapon states qualify? Do NPT non-nuclear-weapon states "in good standing" qualify? Do NPT non-nuclear-weapon states not members of any security alliance with or without a nuclear-weapon state member qualify? This is obviously a rather complex sub-question. A preliminary exchange on this would greatly clarify what, if anything, the Conference might try to achieve.

iv) How?

What arrangements might the Conference consider? A multilaterally negotiated, legally-binding treaty? Or some other objective?

These are all complex issues which, in our view, could be usefully addressed in order to help us to understand what, if any, useful progress the Conference might make in this area.
1995 Review and Extension Conference
of the Parties to the
Treaty on the Non-Proliferation
of Nuclear Weapons

Final Document

Part I

Organization and work of the Conference

New York, 1995
Decision 1

STRENGTHENING THE REVIEW PROCESS FOR THE TREATY

1. The Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons examined the implementation of article VIII, paragraph 3, of the Treaty and agreed to strengthen the review process for the operation of the Treaty with a view to assuring that the purposes of the Preamble and the provisions of the Treaty are being realized.

2. The States party to the Treaty participating in the Conference decided, in accordance with article VIII, paragraph 3, that Review Conferences should continue to be held every five years and that, accordingly, the next Review Conference should be held in the year 2000.

3. The Conference decided that, beginning in 1997, the Preparatory Committee should hold, normally for a duration of 10 working days, a meeting in each of the three years prior to the Review Conference. If necessary, a fourth preparatory meeting may be held in the year of the Conference.

4. The purpose of the Preparatory Committee meetings would be to consider principles, objectives and ways in order to promote the full implementation of the Treaty, as well as its universality, and to make recommendations thereon to the Review Conference. These include those identified in the decision on principles and objectives for nuclear non-proliferation and disarmament, adopted on 11 May 1995. These meetings should also make the procedural preparations for the next Review Conference.

5. The Conference also concluded that the present structure of three Main Committees should continue and the question of an overlap of issues being discussed in more than one Committee should be resolved in the General Committee, which would coordinate the work of the Committees so that the substantive responsibility for the preparation of the report with respect to each specific issue is undertaken in only one Committee.

6. It was also agreed that subsidiary bodies could be established within the respective Main Committees for specific issues relevant to the Treaty, so as to provide for a focused consideration of such issues. The establishment of such subsidiary bodies would be recommended by the Preparatory Committee for each Review Conference in relation to the specific objectives of the Review Conference.

7. The Conference further agreed that Review Conferences should look forward as well as back. They should evaluate the results of the period they are reviewing, including the implementation of undertakings of the States parties under the Treaty, and identify the areas in which, and the means through which, further progress should be sought in the future. Review Conferences should also address specifically what might be done to strengthen the implementation of the Treaty and to achieve its universality.
PRINCIPLES AND OBJECTIVES FOR NUCLEAR NON-PROLIFERATION AND DISARMAMENT

The Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,

Reaffirming the preamble and articles of the Treaty on the Non-Proliferation of Nuclear Weapons,

Welcoming the end of the cold war, the ensuing easing of international tension and the strengthening of trust between States,

Desiring a set of principles and objectives in accordance with which nuclear non-proliferation, nuclear disarmament and international cooperation in the peaceful uses of nuclear energy should be vigorously pursued and progress, achievements and shortcomings evaluated periodically within the review process provided for in article VIII, paragraph 3, of the Treaty, the enhancement and strengthening of which is welcomed,

Reiterating the ultimate goals of the complete elimination of nuclear weapons and a treaty on general and complete disarmament under strict and effective international control,

The Conference affirms the need to continue to move with determination towards the full realization and effective implementation of the provisions of the Treaty, and accordingly adopts the following principles and objectives:

Universality

1. Universal adherence to the Treaty on the Non-Proliferation of Nuclear Weapons is an urgent priority. All States not yet party to the Treaty are called upon to accede to the Treaty at the earliest date, particularly those States that operate unsafeguarded nuclear facilities. Every effort should be made by all States parties to achieve this objective.

Non-proliferation

2. The proliferation of nuclear weapons would seriously increase the danger of nuclear war. The Treaty on the Non-Proliferation of Nuclear Weapons has a vital role to play in preventing the proliferation of nuclear weapons. Every effort should be made to implement the Treaty in all its aspects to prevent the proliferation of nuclear weapons and other nuclear explosive devices, without hampering the peaceful uses of nuclear energy by States parties to the Treaty.

Nuclear disarmament

3. Nuclear disarmament is substantially facilitated by the easing of international tension and the strengthening of trust between States which have prevailed following the end of the cold war. The undertakings with regard to nuclear disarmament as set out in the Treaty on the Non-Proliferation of Nuclear Weapons should thus be fulfilled with determination. In this regard, the nuclear-weapon States reaffirm their
commitment, as stated in article VI, to pursue in good faith negotiations on effective measures relating to nuclear disarmament.

4. The achievement of the following measures is important in the full realization and effective implementation of article VI, including the programme of action as reflected below:

(a) The completion by the Conference on Disarmament of the negotiations on a universal and internationally and effectively verifiable Comprehensive Nuclear-Test-Ban Treaty no later than 1996. Pending the entry into force of a Comprehensive Test-Ban Treaty, the nuclear-weapon States should exercise utmost restraint;

(b) The immediate commencement and early conclusion of negotiations on a non-discriminatory and universally applicable convention banning the production of fissile material for nuclear weapons or other nuclear explosive devices, in accordance with the statement of the Special Coordinator of the Conference on Disarmament and the mandate contained therein;

(c) The determined pursuit by the nuclear-weapon States of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goals of eliminating those weapons, and by all States of general and complete disarmament under strict and effective international control.

Nuclear-weapon-free zones

5. The conviction that the establishment of internationally recognized nuclear-weapon-free zones, on the basis of arrangements freely arrived at among the States of the region concerned, enhances global and regional peace and security is reaffirmed.

6. The development of nuclear-weapon-free zones, especially in regions of tension, such as in the Middle East, as well as the establishment of zones free of all weapons of mass destruction, should be encouraged as a matter of priority, taking into account the specific characteristics of each region. The establishment of additional nuclear-weapon-free zones by the time of the Review Conference in the year 2000 would be welcome.

7. The cooperation of all the nuclear-weapon States and their respect and support for the relevant protocols is necessary for the maximum effectiveness of such nuclear-weapon-free zones and the relevant protocols.

Security assurances

8. Noting United Nations Security Council resolution 984 (1995), which was adopted unanimously on 11 April 1995, as well as the declarations of the nuclear-weapon States concerning both negative and positive security assurances, further steps should be considered to assure non-nuclear-weapon States party to the Treaty against the use or threat of use of nuclear weapons. These steps could take the form of an internationally legally binding instrument.

Safeguards

9. The International Atomic Energy Agency is the competent authority responsible to verify and assure, in accordance with the statute of the
Agency and the Agency’s safeguards system, compliance with its safeguards agreements with States parties undertaken in fulfilment of their obligations under article III, paragraph 1, of the Treaty, with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Nothing should be done to undermine the authority of the International Atomic Energy Agency in this regard. States parties that have concerns regarding non-compliance with the safeguards agreements of the Treaty by the States parties should direct such concerns, along with supporting evidence and information, to the Agency to consider, investigate, draw conclusions and decide on necessary actions in accordance with its mandate.

10. All States parties required by article III of the Treaty to sign and bring into force comprehensive safeguards agreements and which have not yet done so should do so without delay.

11. International Atomic Energy Agency safeguards should be regularly assessed and evaluated. Decisions adopted by its Board of Governors aimed at further strengthening the effectiveness of Agency safeguards should be supported and implemented and the Agency’s capability to detect undeclared nuclear activities should be increased. Also, States not party to the Treaty on the Non-Proliferation of Nuclear Weapons should be urged to enter into comprehensive safeguards agreements with the Agency.

12. New supply arrangements for the transfer of source or special fissionable material or equipment or material especially designed or prepared for the processing, use or production of special fissionable material to non-nuclear-weapon States should require, as a necessary precondition, acceptance of the Agency’s full-scope safeguards and internationally legally binding commitments not to acquire nuclear weapons or other nuclear explosive devices.

13. Nuclear fissile material transferred from military use to peaceful nuclear activities should, as soon as practicable, be placed under Agency safeguards in the framework of the voluntary safeguards agreements in place with the nuclear-weapon States. Safeguards should be universally applied once the complete elimination of nuclear weapons has been achieved.

Peaceful uses of nuclear energy

14. Particular importance should be attached to ensuring the exercise of the inalienable right of all the parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I, II as well as III of the Treaty.

15. Undertakings to facilitate participation in the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy should be fully implemented.

16. In all activities designed to promote the peaceful uses of nuclear energy, preferential treatment should be given to the non-nuclear-weapon States party to the Treaty, taking the needs of developing countries particularly into account.
17. Transparency in nuclear-related export controls should be promoted within the framework of dialogue and cooperation among all interested States party to the Treaty.

18. All States should, through rigorous national measures and international cooperation, maintain the highest practicable levels of nuclear safety, including in waste management, and observe standards and guidelines in nuclear materials accounting, physical protection and transport of nuclear materials.

19. Every effort should be made to ensure that the International Atomic Energy Agency has the financial and human resources necessary to meet effectively its responsibilities in the areas of technical cooperation, safeguards and nuclear safety. The Agency should also be encouraged to intensify its efforts aimed at finding ways and means for funding technical assistance through predictable and assured resources.

20. Attacks or threats of attack on nuclear facilities devoted to peaceful purposes jeopardize nuclear safety and raise serious concerns regarding the application of international law on the use of force in such cases, which could warrant appropriate action in accordance with the provisions of the Charter of the United Nations.

The Conference requests that the President of the Conference bring the present decision, the decision on strengthening the review process for the Treaty and the decision on the extension of the Treaty on the Non-Proliferation of Nuclear Weapons, to the attention of the heads of State or Government of all States and seek their full cooperation on these documents and in the furtherance of the goals of the Treaty.

Decision 3
EXTENSION OF THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS

The Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,

Having convened in New York from 17 April to 12 May 1995, in accordance with article VIII, paragraph 3, and article X, paragraph 2, of the Treaty on the Non-Proliferation of Nuclear Weapons,

Having reviewed the operation of the Treaty and affirming that there is a need for full compliance with the Treaty, its extension and its universal adherence, which are essential to international peace and security and the attainment of the ultimate goals of the complete elimination of nuclear weapons and a treaty on general and complete disarmament under strict and effective international control,

Having reaffirmed article VIII, paragraph 3, of the Treaty and the need for its continued implementation in a strengthened manner and, to this end, emphasizing the decision on strengthening the review process for the Treaty and the decision on principles and objectives for nuclear non-proliferation and disarmament, also adopted by the Conference,
Having established that the Conference is quorate in accordance with article X, paragraph 2, of the Treaty,

Decides that, as a majority exists among States party to the Treaty for its indefinite extension, in accordance with article X, paragraph 2, the Treaty shall continue in force indefinitely.

Resolution on the Middle East

The Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,

Reaffirming the purpose and provisions of the Treaty on the Non-Proliferation of Nuclear Weapons,

Recognizing that, pursuant to article VII of the Treaty, the establishment of nuclear-weapon-free zones contributes to strengthening the international non-proliferation regime,

Recalling that the Security Council, in its statement of 31 January 1992, affirmed that the proliferation of nuclear and all other weapons of mass destruction constituted a threat to international peace and security,

Recalling also General Assembly resolutions adopted by consensus supporting the establishment of a nuclear-weapon-free zone in the Middle East, the latest of which is resolution 49/71 of 15 December 1994,

Recalling further the relevant resolutions adopted by the General Conference of the International Atomic Energy Agency concerning the application of Agency safeguards in the Middle East, the latest of which is GC(XXXVIII)/RES/21 of 23 September 1994, and noting the danger of nuclear proliferation, especially in areas of tension,

Bearing in mind Security Council resolution 687 (1991) and in particular paragraph 14 thereof,

Noting Security Council resolution 984 (1995) and paragraph 8 of the decision on principles and objectives for nuclear non-proliferation and disarmament adopted by the Conference on 11 May 1995,

Bearing in mind the other decisions adopted by the Conference on 11 May 1995,

1. Endorses the aims and objectives of the Middle East peace process and recognizes that efforts in this regard, as well as other efforts, contribute to, inter alia, a Middle East zone free of nuclear weapons as well as other weapons of mass destruction;

\[a/\ S/23500.\]
2. **Notes with satisfaction** that, in its report (NPT/CONF.1995/MC.III/1), Main Committee III of the Conference recommended that the Conference "call on those remaining States not parties to the Treaty to accede to it, thereby accepting an international legally binding commitment not to acquire nuclear weapons or nuclear explosive devices and to accept International Atomic Energy Agency safeguards on all their nuclear activities";

3. **Notes with concern** the continued existence in the Middle East of unsafeguarded nuclear facilities, and reaffirms in this connection the recommendation contained in section VI, paragraph 3, of the report of Main Committee III urging those non-parties to the Treaty on the Non-Proliferation of Nuclear Weapons that operate unsafeguarded nuclear facilities to accept full-scope International Atomic Energy Agency safeguards;

4. **Reaffirms** the importance of the early realization of universal adherence to the Treaty, and calls upon all States of the Middle East that have not yet done so, without exception, to accede to the Treaty as soon as possible and to place their nuclear facilities under full-scope International Atomic Energy Agency safeguards;

5. **Calls upon** all States in the Middle East to take practical steps in appropriate forums aimed at making progress towards, inter alia, the establishment of an effectively verifiable Middle East zone free of weapons of mass destruction, nuclear, chemical and biological, and their delivery systems, and to refrain from taking any measures that preclude the achievement of this objective;

6. **Calls upon** all States party to the Treaty on the Non-Proliferation of Nuclear Weapons, and in particular the nuclear-weapon States, to extend their cooperation and to exert their utmost efforts with a view to ensuring the early establishment by regional parties of a Middle East zone free of nuclear and all other weapons of mass destruction and their delivery systems.
1995 Review and Extension Conference
of the Parties to the Treaty on the
Non-Proliferation of Nuclear Weapons

New York, 17 April-12 May 1995

REPORT OF MAIN COMMITTEE I

Establishment and terms of reference

1. Pursuant to rule 34 of its rules of procedure, as provisionally applied, the Conference established Main Committee I as one of its three Main Committees and decided to allocate to it the following items for its consideration (see NPT/CONF.1995/1):

   Item 16. Review of the operation of the Treaty as provided for in its article VIII, paragraph 3:

   (a) Implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, disarmament and international peace and security:

      (i) Articles I and II and preambular paragraphs 1 to 3;

      (ii) Article VI and preambular paragraphs 8 to 12;

      (iii) Article VII, with specific reference to the main issues considered in (a) and (b);

   (b) Security assurances:

      (i) United Nations Security Council resolution 255 (1968);

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

Officers of the Committee

2. The Conference elected Mr. Isaac Ayewah (Nigeria) as the Chairman of the Committee; Mr. Anatoli Zlenko (Ukraine) and Mr. Richard Starr (Australia) served as Vice-Chairmen of the Committee.
40. [In fulfilment of the obligation of States parties under article VI to pursue negotiations in good faith on effective measures relating to cessation of the nuclear-arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control, [the Conference agrees to convene within a year a conference for the elaboration of a convention prohibiting the use, production and stockpiling of nuclear, thermonuclear and similar weapons of mass destruction and prescribing the steps for effective verification thereof, as well as providing for systematic, transparent and verifiable measures to achieve nuclear disarmament].]

41. [The Conference concludes that the substantial progress made towards nuclear disarmament could only have taken place in a framework of stability and predictability. By preventing widespread proliferation the Treaty has contributed substantially to that framework. The Conference recalls that in order to build further on the momentum created by recent disarmament successes, by the measures in prospect or in progress, it must ensure that the essential framework provided by the Treaty is made permanent.]

42.* The Conference urges all States not parties to the Treaty to accede to it at an early date, thereby, through its universality, enhancing its contribution to subregional, regional and global security.

III. REVIEW OF SECURITY ASSURANCES AND ARTICLE VII

1. The Conference reiterates its conviction that, in the interest of promoting the objectives of the Treaty, including the strengthening of the security of non-nuclear-weapon States parties to the Treaty, all States, both nuclear-weapon and non-nuclear-weapon States, should refrain, in accordance with the Charter of the United Nations, from the threat or use of force in relations between States.

2. [It reiterates that the most effective guarantee against the use and threat of use of nuclear weapons and the danger of nuclear war is nuclear disarmament and the complete elimination of nuclear weapons.] Pending the achievement of this goal on a universal basis and recognizing the need for all States to ensure their independence, territorial integrity and sovereignty, the Conference reaffirms the vital importance of assuring and strengthening the security of non-nuclear-weapon States parties to the Treaty which have renounced the acquisition of nuclear weapons.

3. The Conference underlines again the importance of adherence to and compliance with the Treaty by non-nuclear-weapon States as one of the effective means of strengthening their mutual security and the best means of reassuring one another of their renunciation of nuclear weapons.

* Placement to be decided later.
4. The Conference recognizes that non-nuclear-weapon States parties to the Treaty which have renounced nuclear weapons and which are in full compliance with their obligations have a legitimate [right] [interest] to receive credible, comprehensive and effective security assurances [in the form of an unconditional, universal and legally binding instrument.]

5. [The Conference takes note [with appreciation] of the statements made by each of the nuclear-weapon States on 5 and 6 April 1995, in which they gave security assurances against the use of nuclear weapons to non-nuclear-weapon States that are Parties to the Treaty. It further [welcomes] [takes note of] [acknowledges the importance of] Security Council resolution 984 (1995) of 11 April 1995, adopted by consensus, in which the Council for the first time noted the security assurances given by the nuclear-weapon States against the use of nuclear weapons to non-nuclear-weapon States parties to the Treaty, and in which it also elaborated measures which would be taken to provide assistance to non-nuclear-weapon States parties to the Treaty that were victims of an act of, or object of threat of, aggression in which nuclear weapons were used. It endorses the view of the Security Council that this constitutes a step in the direction of further appropriate measures to safeguard the security of non-nuclear-weapon States against the use or threat of use of nuclear weapons. [In so doing, it notes that the provision of positive security assurances cannot be construed as endorsing the use of nuclear weapons.]]

6. The Conference stresses the importance of, and encourages the search for, further measures to [register significant progress on] [complement] [strengthen] Security Council resolution 984 (1995), and recognizes [that it is] the view of [an overwhelming majority of] [many] States parties that early conclusion of a multilateral legally binding instrument on unconditional security assurances would effectively ensure the security of non-nuclear-weapon States parties to the Treaty [until such time as nuclear weapons are eliminated].

7. In this context, the Conference notes the following proposals made by States parties:

(a) The proposal, made originally by 11 non-nuclear-weapon States parties to the Treaty 1/ at the Conference on Disarmament on 6 September 1994, for the conclusion of a protocol on security assurances to be attached to the Treaty, and the draft of such a protocol, as contained in document NPT/CONF.1995/MC.I/WP.6;

(b) The proposal by China for the early conclusion of an international convention on non-first use of nuclear weapons as well as an international legal instrument on assuring the non-nuclear States and nuclear-weapon-free zones against the use or threat of use of nuclear weapons at any time or under any circumstances, as contained in document NPT/CONF.1995/MC.I/WP.2;

1/ Egypt, Ethiopia, Indonesia, Iran (Islamic Republic of), Kenya, Mexico, Mongolia, Myanmar, Peru, Sri Lanka and Venezuela.
(c) The proposal by Egypt for the provision of more elaborate security assurances to non-nuclear-weapon States parties to nuclear-weapon-free zone arrangements, as contained in document NPT/CONF.1995/MC.I/WP.11;

(d) The proposal by Egypt for a collective commitment by the nuclear-weapon States to remedy the fundamental shortcomings in Security Council resolution 984 (1995), as contained in document NPT/CONF.1995/MC.I/WP.7;

(e) The proposal by Mexico for the conclusion by the nuclear-weapon States of a protocol on negative security assurances to be annexed to the Treaty, and the draft of such a protocol, as contained in document NPT/CONF.1995/MC.I/WP.1, and in the meantime for States parties to promote further consideration of security assurances in both the Security Council and the General Assembly;

(f) The proposal by Nigeria for States parties to the Treaty to conclude an agreement on negative security assurances which would become a protocol to the Treaty, and the draft of such an agreement, as contained in document NPT/CONF.1995/MC.I/WP.8;

(g) The proposal by Sweden that a multilateral treaty on negative security assurances be negotiated on the basis of the unilateral declarations by the five nuclear-weapon States, which could be further developed into declarations of non-first use of nuclear weapons.

8. [The Conference urges the States parties to the Treaty to [consider] [pursue] ways and means of discussing [and negotiating] these proposals [, including through the holding of a special conference within a year of the review and extension conference].]

9. [The Conference believes that additional appropriate measures, including those specified in Security Council resolution 984 (1995) are needed to provide protection for non-nuclear-weapon States parties to the Treaty from nuclear threats that emanate from States not parties to the Treaty, which possess [ambiguous nuclear programmes and] significant unsafeguarded nuclear facilities and might have acquired nuclear weapons or nuclear-weapons capability [based on the findings of relevant international organizations].]

10. The Conference notes that consultations and negotiations on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons have been under way in the Conference on Disarmament for over a decade and have not brought about [results, including] [results, particularly] an international legally binding instrument. The Conference urges the Conference on Disarmament to continue its efforts devoted to achieving a common approach [towards] [bearing in mind] this goal.

11. [The Conference further notes the importance of relevant resolutions of the General Assembly calling for conclusion of effective international arrangements to ensure non-nuclear-weapon States against the use or threat
12. The Conference holds the view that one of the effective means to assure non-nuclear-weapon States in a legally binding form against the use or threat of use of nuclear weapons is through the establishment of nuclear-weapon-free zones. 2/

2/ The Working Group agreed to refer other material relating to nuclear-weapon-free zones contributed by delegations, as contained in the annex to the present section, to the Working Group jointly established by Main Committee I and Main Committee II to consider nuclear-weapon-free zones in all their aspects.
ANNEX

Attachment to section III*

8. [The Conference holds the view that one of the effective means to assure non-nuclear-weapon States in a legally binding form against the use or threat of use of nuclear weapons is through the establishment of nuclear-weapon-free zones [especially in the Middle East]. In this context, the Conference commends those nuclear-weapon States which have adhered to and have complied with the obligations of the treaties of existing nuclear-weapon-free zones in Latin America and the Caribbean (the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Tlatelolco Treaty)) and in the South Pacific (the South Pacific Nuclear-Free-Zone (Treaty of Rarotonga)). [The Conference calls upon the nuclear-weapon States to respect the status of nuclear-weapon-free zones and to undertake corresponding obligations.] [Further, the Conference calls upon nuclear-weapon States to assume similar obligations with respect to other regions with respect to non-nuclear-weapon States parties to the Treaty.]

8.1 [The Conference considers that the establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among States of the region concerned constitutes an important disarmament measure and therefore the process of establishing such zones in different parts of the world should be encouraged with the ultimate objective of achieving a world entirely free of nuclear weapons. In the process of establishing such zones, the characteristics of each region should be taken into account.]

8.2 The Conference expresses its belief that concrete measures of nuclear disarmament would significantly contribute to creating favourable conditions for the establishment of nuclear-weapon-free zones.

8.3 The Conference welcomes the consensus reached by the General Assembly at its thirty-fifth session (resolution 35/147 of 12 December 1980) that the establishment of a nuclear-weapon-free zone in the region of the Middle East would greatly enhance international peace and security, and urges all parties directly concerned to consider seriously taking the practical and urgent steps required for the implementation of the proposal to establish a nuclear-weapon-free zone in the region of the Middle East.

8.4 [The Conference also invites the nuclear-weapon States and all other States to render their assistance in the establishment of the zone and at the same time to refrain from any action that runs counter to the letter and spirit of General Assembly resolution 49/71 of 15 December 1994.]

* Excerpt from an unofficial working paper considered by the Working Group.

I have pleasure in transmitting to you herewith a draft protocol to the Treaty on the Non-Proliferation of Nuclear Weapons, submitted by the delegation of Mexico.

I should be grateful if you could have the said text circulated as a document of Main Committee I and of the Working Group on Security Assurances of the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

(Signed) Sergio GONZÁLEZ GÁLVEZ
Under Secretary for Multilateral Affairs
Head of Delegation
Believing that the proliferation of nuclear weapons would seriously enhance the danger of nuclear war,

Declaring their intention to achieve at the earliest possible date the cessation of the nuclear-arms race and to undertake effective measures in the direction of nuclear disarmament,

Desiring to further the easing of international tension and the strengthening of trust between States in order to facilitate the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles and the elimination from national arsenals of nuclear weapons and the means of their delivery pursuant to a Treaty on general and complete disarmament under strict and effective international control,

The undersigned Plenipotentiaries of the nuclear-weapon States,

Have agreed as follows:

Article 1

Obligations assumed by non-nuclear-weapon States as defined in the Treaty on the Non-Proliferation of Nuclear Weapons, of which this instrument is an annex, shall be fully respected by the Parties to this Protocol in all its express aims and provisions.

Article 2

The Governments represented by the undersigned Plenipotentiaries undertake not to use or threaten to use nuclear weapons against the non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

Article 3

The duration of this Protocol shall be the same as that of the Treaty on the Non-Proliferation of Nuclear Weapons, of which this Protocol is an annex.
Article 4

This Protocol shall enter into force, for the States which have ratified it, on the date of the deposit of their respective instrument of ratification.

In WITNESS WHEREOF, the undersigned Plenipotentiaries, having deposited their full powers, found to be in good and due form, hereby sign this Protocol on behalf of their respective Governments in New York on ___ April 1995.

For the Government of the People’s Republic of China

For the Government of the French Republic

For the Government of the Russian Federation

For the Government of the United Kingdom of Great Britain and Northern Ireland

For the Government of the United States of America
1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

New York, 17 April-12 May 1995

SECURITY ASSURANCES TO NON-NUCLEAR-WEAPON STATES

Working paper submitted by Egypt

1. The Conference believes that the most effective guarantee against the use or threat of use of nuclear weapons is nuclear disarmament under effective international control. Pending the attainment of that goal, non-nuclear-weapon States parties to the Treaty have a legitimate right to effective comprehensive and unconditional security assurances in a legally binding form.

2. In this respect, it is regrettable that the negotiations on an international convention to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, which have been under way in the Conference on Disarmament for over a decade, have not yet succeeded.

3. Hence, the Conference calls upon all States, particularly the nuclear-weapon States, to work towards an early agreement on a common formula that could be included in an international instrument of a legally binding character to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

4. Until such an instrument is attained, a credible and effective collective commitment is required to assure non-nuclear-weapon States parties to the Treaty against the use or threat of use of nuclear weapons. These assurances should be of an unconditional nature, without qualification, unlimited in scope, duration and application and not subject to divergent or conflicting interpretations.

5. The collective commitment must provide for:

(a) Effective deterrence against the use or threat of use of nuclear weapons through an explicit and unequivocal statement to the effect that aggression with nuclear weapons, or the threat of such aggression, against a non-nuclear-weapon State party to the Treaty constitutes a threat to international peace and security and shall automatically trigger an immediate response by the Security Council in conformity with Article 39 of the Charter of the United Nations and in a manner consistent with the letter and spirit of Chapter VII;

(b) Genuine protection against any attack or threat of attack by nuclear weapons against a non-nuclear-weapon State party to the Treaty, in the form of a mechanism for the enforcement of the security assurances that indicates the
mandatory action to be adopted by the Security Council to redress a situation where a non-nuclear-weapon State is the victim of a nuclear attack or threat of attack, and safeguards the territorial integrity and political independence of the victim;

(c) Comprehensive assistance to victims of an attack by nuclear weapons, which would encompass technical assistance, mandatory reparation and compensation, as well as political remedial assistance.

6. Security Council resolution 984 (1995), adopted on 11 April 1995, and the unilateral declarations by the five permanent members of the Security Council constitute a step by the nuclear-weapon States to remedy the shortcomings of resolution 255 (1968) and to provide the non-nuclear-weapon States parties to the Treaty with the required and long overdue credible security assurances to which they are entitled as a result of their renunciation of the nuclear option.

7. The endorsement of resolution 984 (1995) by all the permanent members of the Security Council, its enunciation of the technical assistance to be provided to victims of a nuclear attack and its recognition of the right of any such victim to compensation from the aggressor represent welcome progress towards a credible collective commitment on security assurances to non-nuclear-weapon States.

8. However, resolution 984 (1995) and the unilateral declarations issued by the permanent members of the Security Council, with the exception of the declaration issued by the People's Republic of China, continue to fall short of the general expectations of non-nuclear-weapon States and leave much to be desired to bestow credibility on the assurances they offer.

9. Hence, the Conference is urged to consider:

(a) Calling upon the Security Council to continue its consideration of the issue of security assurances and to address the following essential principles in addition to the provisions of resolution 984 (1995):

(i) A clear determination that the use or threat of the use of nuclear weapons constitutes a threat to international peace and security;

(ii) A trigger mechanism that would ensure Security Council response to any threat of or attack by nuclear weapons;

(iii) A commitment by the Security Council to take effective collective measures for the prevention and removal of threats to the peace and for the suppression of acts of aggression or other breaches of the peace;

(b) The provision of more elaborate security assurances for those non-nuclear-weapon States parties to the Treaty that are also parties to nuclear-weapon-free zones in their respective regions;

(c) A renunciation by the five permanent members of the Security Council of the unanimity rule contained in Article 27, paragraph 3, of the Charter
pertaining to the concurring votes of the five permanent members with regard to
the application of security assurances to non-nuclear-weapon States;

(d) A commitment by all States parties to the Treaty not to use or
threaten to use nuclear weapons against any State party to the Treaty that does
not possess or place nuclear weapons on its territories;

(e) Assurances of the security of non-nuclear-weapon States parties to the
Treaty against the dangers posed to their security by the ambiguous and
undeclared nuclear policies of certain nuclear threshold States not parties to
the Treaty.

10. The Conference reaffirms its conviction that the establishment of nuclear-
weapon-free zones is an important disarmament measure which greatly strengthens
the international non-proliferation regime and recognizes the necessity of
providing substantial security assurances to States members of such zones.

11. The Conference further recognizes that the cooperation of the nuclear-
weapon States is necessary to ensure the maximum effectiveness of any treaty
arrangements which aim at establishing nuclear-weapon-free zones and calls upon
them to assist regional efforts in this regard.

12. The Conference considers that accession to the non-proliferation Treaty and
acceptance of IAEA safeguards by all States in the Middle East would greatly
facilitate the establishment of a nuclear-weapon-free zone in the region and
enhance the credibility of the Treaty.

13. The Conference urges all parties concerned to begin seriously taking the
practical steps required for the establishment of such a zone in the region.

14. The Conference recalls Egypt's proposal to establish a zone free from
weapons of mass destruction in the Middle East and recognizes that the
establishment of such a zone would constitute an important contribution towards
the removal of threats to regional and international peace and security as
enunciated in the statement of the Security Council, meeting at the level of
SECURITY ASSURANCES TO NON-NUCLEAR-WEAPON STATES

Working paper submitted by Egypt

Corrigendum

Paragraph 5

Subparagraph (a) should read

(a) Effective deterrence against the use or threat of use of nuclear weapons through an explicit and unequivocal statement to the effect that aggression with nuclear weapons, or the threat of such aggression, against a non-nuclear-weapon State party to the Treaty constitutes a threat to international peace and security in accordance with Article 39 of the Charter of the United Nations and shall automatically trigger an immediate response by the Security Council in a manner consistent with the letter and spirit of Chapter VII of the Charter;
Attached is the statement on behalf of the delegations of Egypt, Ethiopia, Indonesia, Iran (Islamic Republic of), Kenya, Mexico, Mongolia, Morocco, Myanmar, Peru, Sri Lanka and Venezuela delivered at the 691st plenary meeting of the Conference on Disarmament, on 6 September 1994, which is being circulated at the request of the delegation of Myanmar.
Paragraph 20 of the Final Document of the first special session of the General Assembly devoted to disarmament underscores the importance of effective measures of nuclear disarmament and prevention of nuclear war as deserving the highest priority among measures of arms limitation and disarmament. The document, in paragraph 32, reaffirmed also the need for effective arrangements, as appropriate, to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, which could strengthen the security of those States and international peace and security.

Following the demise of the cold war, dramatic positive changes have taken place in the international political climate. As a consequence, the world has witnessed the arrangement of a number of significant arms limitation and disarmament agreements. The precedent of the conclusion of the Chemical Weapons Convention, the beginning of a process of nuclear disarmament by the United States and the Russian Federation, and the measures taken by other former Soviet republics in the framework of complete nuclear disarmament demonstrate clearly that nuclear disarmament is not only within the frame of practical implementation but can also be achieved in the foreseeable future if only the political will exists. Apparently, less reliance is now being placed by nuclear-weapon States on the role of nuclear weapons. The process of the de-emphasizing of this role and reducing the dependence upon them should be continued and carried forward as a significant step towards the complete elimination of nuclear weapons.

The Non-Aligned Conference recently held in Cairo reiterated the belief that, in order to be effective and lasting, the approach towards international security should be non-discriminatory and balanced and should seek security for all through total nuclear disarmament, elimination of all weapons of mass destruction and progressive measures of reduction of conventional arms. The Conference restated that security assurances to non-nuclear-weapon States can contribute positively to addressing some of the dangers inherent in the presence of nuclear weapons and urged the Conference on Disarmament to negotiate, as a matter of priority, an international convention prohibiting the use or threat of use of nuclear weapons under any circumstances and to undertake negotiations for the complete elimination of all nuclear weapons within a time-bound framework.

Accordingly, the members of the Group of 21 already parties to the Treaty attach utmost importance to both questions of negative and positive security assurances. It is their conviction that the only completely effective security
assurances against the use of threat of use of nuclear weapons lie in the prohibition of the use of nuclear weapons, nuclear disarmament and complete elimination of these weapons. Existence of nuclear weapons constitutes in itself a threat to international security and a factor which encourages proliferation. For this reason, and pending the achievement of the complete elimination of nuclear weapons, it is imperative for the international community to develop effective measures and arrangements to assure non-nuclear-weapon States against these weapons, and to elaborate measures and arrangements which can contribute positively towards achieving the most effective regime of non-proliferation of nuclear weapons in all its aspects.

In this respect, the delegations of the Group of 21, States parties to the Treaty, wish to present to the Conference a draft protocol on security assurances which would be attached to the non-proliferation Treaty as its integral part. They are confident that the protocol drafted on the basis of a simple common formula (i.e., the nuclear-weapon States pledge themselves never to use or threaten to use nuclear weapons against non-nuclear-weapon States) would be given early and serious consideration by the members of the Conference on Disarmament. The text of the protocol is annexed below.
Preamble

The States Parties to the Non-Proliferation Treaty,

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

Regarding that the only credible guarantee against the use or threat of use of nuclear weapons lies in the total elimination of such weapons,

Considering that, until nuclear disarmament is achieved on a universal basis, it is imperative for the international community to devise effective measures to ensure the security of non-nuclear-weapon States against the use or threat of use of nuclear weapons,

Bearing in mind the resolutions of the United Nations General Assembly and the Security Council on the question of strengthening the security of non-nuclear-weapon States,

Taking into consideration the unilateral solemn declarations made by nuclear-weapon States on some guarantees given to non-nuclear-weapon States,

Recalling their obligations to refrain, in their mutual relations, from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the Charter of the United Nations,

Have agreed as follows:

I. Definitions

1. The term "nuclear-weapon State" referred to in this Protocol refers to the definition given by the Non-Proliferation Treaty.

2. The term "non-nuclear-weapon State" referred to in this Protocol refers to all States other than those which fall under the above definition of a nuclear-weapon State.

II. Basic obligations

1. In accordance with Article 2, paragraph 4, of the Charter of the United Nations, each State undertakes to refrain in its international relations from the threat or use of force against another State, its territorial integrity and its political independence.

2. The nuclear-weapon States pledge themselves not to use or threaten to use nuclear weapons against non-nuclear-weapon States.
III. Measures in case of non-compliance

1. Any State which has reason to believe that there has been or is likely to be a breach of the obligations of the States Parties arising from article II of this Protocol may request an urgent meeting of a Conference of the States Parties to the Non-Proliferation Treaty, and/or the Security Council, under Chapter VII of the Charter of the United Nations, with a view to preventing such a breach or redressing the situation arising therefrom.

2. In the case of a nuclear aggression or a threat of aggression against a non-nuclear-weapon State, the Conference of the States Parties and the Security Council should provide to it the necessary help and assistance.

IV. Duration

This Protocol constitutes an integral part of the Non-Proliferation Treaty and shall remain in force as long as the Treaty remains valid or as long as complete elimination of nuclear weapons has not been achieved.

V. Entry into force

This Protocol shall enter into force under the same conditions as the Non-Proliferation Treaty.
The following proposal is submitted by the delegation of Egypt, and is being circulated at the request of that delegation.
5 bis. The Conference recognizes, pending the conclusion of a multilateral legally binding instrument on comprehensive security assurances to non-nuclear-weapon States parties to the Treaty, the necessity of a collective commitment from the nuclear-weapon States which recognizes that any attack or threat of attack by nuclear weapons against a non-nuclear-weapon State party to the Treaty constitutes a threat to international peace and security in accordance with Article 39 of the Charter of the United Nations and necessitates an immediate response on the part of the Security Council consistent with the letter and spirit of the relevant articles of Chapter VII of the Charter. Such a commitment would greatly remedy the fundamental shortcomings in Security Council resolution 984 (1995).
New York, 17 April-12 May 1995

WORKING GROUP ON SECURITY ASSURANCES AND ARTICLE VII

Proposal of Nigeria

The call by non-nuclear-weapon States parties to the Treaty for an assurance, in a legally binding form, that they will not be the victim of attack or threat of attack with nuclear weapons by nuclear-weapon States is as old as the Treaty itself. This is considered to be a legitimate demand by the non-nuclear-weapon States parties, which had foresworn the possession of nuclear weapons through their membership of the Treaty. At previous review conferences this issue had been raised. The call for the provision of negative security assurances has become even louder and more urgent as the Treaty becomes due for extension at this Conference.

In 1989, Nigeria had submitted the draft of a proposed agreement on negative security assurances to the Depository States of the Treaty. The Nigerian proposal had requested that a conference be convened to negotiate the proposed agreement, which would be a protocol attached to the Treaty. The proposal was considered during the fourth review process, where it was decided that the proposal should be considered at an appropriate time.

Nigeria believes that now is the appropriate time for this proposal to be given serious consideration. The proposal, which was contained in document NPT/CONF.IV/17 (1990), is therefore being presented again at the 1995 Review and Extension Conference of the Parties to the Treaty. As one of the proposals on the table for a legally binding agreement on negative security assurances, it is recommended that a conference to negotiate such an agreement be held as soon as possible, but not later than a year after this review and extension conference.

The Nigerian proposal is as follows:

Proposed agreement on the prohibition of the use or threat of use of nuclear weapons against non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons

The States Parties to this Agreement,

Being also Parties to the Treaty on the Non-Proliferation of Nuclear Weapons opened for signature at London, Moscow and Washington on 1 July 1968 (hereinafter called "the Treaty"), have hereby accepted the following provisions:

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Article I

Each nuclear-weapon State Party to this Agreement undertakes not to use or threaten to use nuclear weapons against any non-nuclear-weapon State Party to the Treaty which does not belong to a military alliance and does not have other security arrangements providing for mutual defence with a nuclear-weapon State.

Article II

Each nuclear-weapon State Party to this Agreement undertakes not to use or threaten to use nuclear weapons against any non-nuclear-weapon State Party to the Treaty which belongs to a military alliance, or has other security arrangements providing for mutual defence, with a nuclear-weapon State but has no nuclear weapons stationed on its territory. The non-nuclear-weapon State Party to the Treaty referred to in this article undertakes not to partake in, or contribute to, any military attack on any nuclear-weapon State Party to this Agreement, or its allies, Parties to the Treaty, except in self-defence, in accordance with the Charter of the United Nations.

Article III

1. This Agreement shall be signed and shall be subject to ratification, or may be acceded to, as if the provisions of article IX of the Treaty applied hereto.

2. This Agreement shall enter into force in respect of each State on the date of deposit of the instrument of ratification or accession of the State concerned.

3. The duration of this Agreement shall be the same as that of the Treaty and the provision regarding denunciation contained in article X, paragraph 1, of the Treaty shall be applicable to it.

Article IV

This Agreement, the English, Russian, French and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Agreement shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

In witness WHEREOF the undersigned plenipotentiaries, having deposited their full powers, found to be in good and due form, hereby sign this Agreement, on behalf of their respective Governments.

Done in triplicate, at the cities of London, Moscow and Washington, the day of ......... one thousand nine hundred .............
1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

New York, 17 April-12 May 1995

WORKING GROUP ON SECURITY ASSURANCES AND ARTICLE VII

Attached is a working document entitled "Textual option for the report of Main Committee I: review of security assurances and nuclear-weapon-free zones". The document is being circulated at the request of the delegation of Indonesia, on behalf of the members of the Movement of Non-Aligned Countries parties to the Treaty.
TEXTUAL OPTION FOR THE REPORT OF MAIN COMMITTEE I: REVIEW
OF SECURITY ASSURANCES AND NUCLEAR-WEAPON-FREE ZONES

Working document submitted by the Movement of
Non-Aligned Countries

1. The Conference considers that the most effective guarantee against the
possible use of nuclear weapons and the danger of nuclear war is nuclear
dismantlement and the complete elimination of nuclear weapons. Pending the
achievement of this goal, the Conference recognizes that different approaches
may be required to strengthen the security of non-nuclear-weapon States parties
to the Treaty.

2. The Conference reiterates also its conviction that, in the interest of
promoting the objectives of the Treaty, including the strengthening of the
security of non-nuclear-weapon States, all States, both nuclear-weapon States
and non-nuclear-weapon States, should refrain, in accordance with the Charter
def the United Nations, from the threat or the use of force in relations between
States, involving either nuclear or non-nuclear weapons.

3. The Conference underlines again the importance of adherence to the Treaty
by non-nuclear-weapon States as the best means of reassuring one another of
their renunciation of nuclear weapons and as one of the effective means of
strengthening their mutual security.

4. Pending the elimination of all nuclear weapons, the Conference believes
that the best security assurance is an effective, unconditional, comprehensive,
internationally negotiated and legally binding instrument. In this connection,
the Conference believes that Security Council resolution 984 (1995) should have
included language committing the nuclear-weapon States to take action, in the
event of a threat of use of nuclear weapons, to suppress that threat.

5. The Conference welcomes the declaration on negative security assurance
issued by the five nuclear-weapon States prior to the adoption by the Security
Council of resolution 984 (1995). However, the Conference believes that
resolution 984 (1995) and the five declarations are only the first step towards
providing non-nuclear-weapon States with the kind of assurances to which they
are entitled, namely, an internationally negotiated, legally binding instrument
where all the nuclear-weapon States are obligated to the same provisions and the
same conditions.

6. The conclusion of an international instrument providing for such
arrangements would strengthen the security of non-nuclear-weapon States parties,
and offer an additional incentive to non-nuclear-weapon States not parties to
the Treaty to adhere to the Treaty. The Conference notes that consultations and
negotiations on effective international arrangements to assure non-nuclear-
weapon States against the use or threat of use of nuclear weapons have been
under way in the Conference on Disarmament for over 15 years. The Conference
agrees that a conference should be convened at an early date to work on a
protocol to the Treaty on the Non-Proliferation of Nuclear Weapons, on the
prohibition of the use or threat of use of nuclear weapons against non-nuclear-weapon States parties.

7. The Conference believes that appropriate measures may also be needed to provide protection for non-nuclear-weapon States parties to the Treaty from nuclear threats that emanate from the ambiguous policy of certain States not parties to the Treaty which possess significant unsafeguarded nuclear facilities and might have acquired nuclear-weapon capability.

8. The Conference also holds the view that one of the effective means to assure non-nuclear-weapon States in a legally binding form against the use or threat of use of nuclear weapons is through the establishment of nuclear-weapon-free zones which encompass the integrality of the countries in such zones.
More elaborate security assurances for non-nuclear weapon States

The Conference recognizes that more elaborate security assurances should be provided to non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons which are also parties to nuclear-weapon-free-zone arrangements in their respective regions.
CHAIRMAN'S STATEMENT

It is understood that within the existing agenda and in accordance with the methods of work adopted at the first session, the Committee also recommended that time should be allocated at the second session for the discussion on and the consideration of any proposals on the following subject areas, without prejudice to the importance of other issues:

- Security assurances for parties to the Treaty on the Non-Proliferation of Nuclear Weapons;
- The resolution on the Middle East;
- The provision in paragraph 4 (b) of the principles and objectives on a non-discriminatory and universally applicable convention banning the production of fissile material for nuclear weapons or other nuclear explosive devices.

It is noted that there was no objection to my making this statement.
1. The first session of the Preparatory Committee began the process of reviewing the operation of the Treaty in accordance with article VIII, paragraph 3, taking into account the decisions and the resolution adopted by the 1995 Review and Extension Conference.

2. In the course of this process, the specific proposals listed in paragraph 4 below were put forward by delegations as a basis for recommendations to be made by the Preparatory Committee to the Review Conference to be held in 2000.

3. At this stage, there was general agreement, subject to review and updating at subsequent sessions of the Preparatory Committee, and pending final agreement on all draft recommendations at the last session, on the following points:

   Reaffirmation of commitment to the preamble and the articles of the Treaty,

   Reaffirmation of commitment to efforts designed to promote the full realization and effective implementation of the provisions of the Treaty, as well as reaffirmation of the decisions on principles and objectives for nuclear non-proliferation and disarmament and on strengthening the review process for the Treaty as well as the resolution on the Middle East adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons;

   (i) Universality

   Urgency and importance of achieving the universality of the Treaty; welcome for the eight new accessions to the Treaty since 1995, bringing the number of States parties to 186; urgency for all States not yet party to the Treaty to accede to the Treaty at the earliest possible date, particularly those States that operate unsafeguarded nuclear facilities.

   (ii) Main Committee I issues

   Non-proliferation

   Reaffirmation that every effort should be made to implement the Treaty in all its aspects to prevent the proliferation of nuclear weapons and other nuclear explosive devices, without hampering the peaceful uses of nuclear energy by States parties to the Treaty.

   Nuclear disarmament

   The importance of all States to make every effort to promote the earliest entry into force of the Comprehensive Nuclear-Test-Ban Treaty, in accordance with article XIV of that Treaty.

   /...
Reaffirmation of the need for immediate commencement and early conclusion of negotiations on a non-discriminatory and universally applicable convention banning the production of fissile material for nuclear weapons or other nuclear explosive devices, in accordance with the statement of the Special Coordinator of the Conference on Disarmament and the mandate contained therein.

Recognition of the progress in nuclear weapons reductions by the nuclear-weapon States, including those made unilaterally or bilaterally under the START process, as steps towards nuclear disarmament; reaffirmation of the commitment by the nuclear-weapon States to the determined pursuit of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons and of the commitment by all States to the achievement of general and complete disarmament under strict and effective international control.

Nuclear-weapon-free zones

Welcome for the steps taken to conclude further nuclear-weapon-free-zone treaties since 1995 and reaffirmation of the conviction that the establishment of internationally recognized nuclear-weapon-free zones freely arrived at among the States concerned enhances global and regional peace and security.

Recognition of the importance attached by signatories and States parties to the Treaties of Tlatelolco, Rarotonga, Pelindaba and Bangkok to establishing a mechanism for cooperation among their respective Treaty agencies.

Security assurances

Reaffirmation of the view that further steps, which could take the form of an international legally binding instrument, should be considered to assure non-nuclear-weapon States party to the Treaty against the use or threat of use of nuclear weapons.
Security assurances

• Further steps should be taken to assure non-nuclear-weapon States party to the Treaty against the use or threat of use of nuclear weapons. We welcome and will actively explore ideas in this respect, including those aimed at an internationally legally binding instrument.

• All nuclear-weapon States should commit themselves unconditionally not to use or threaten to use nuclear weapons against non-nuclear-weapon States or nuclear-weapon-free zones, and conclude, at an early date, legally binding international instruments to that effect.

• The total elimination of nuclear weapons is the only genuine guarantee for all non-nuclear-weapon States against the use or threat of use of nuclear weapons. Pending the achievement of such a goal, a legally binding negative security assurances regime which will ensure the security of non-nuclear-weapon States against the use or threat of use of nuclear weapons must be urgently concluded. In this regard, there is no objection, in principle, in the Conference on Disarmament and the General Assembly, to the idea of an international legally binding instrument to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. Hence, the States parties should agree to negotiate, in the Preparatory Committee meetings for the 2000 Review Conference on a legal instrument to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons to be finally adopted by the 2000 Review Conference as a protocol annexed to the Treaty on the Non-Proliferation of Nuclear Weapons.

• The States parties agree to commence negotiations and conclude in the shortest possible time a treaty banning the use or threat of use of nuclear weapons under any circumstances pursuant to the successful conclusion of the legally binding instrument to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

• The importance of security assurances to non-nuclear-weapon States of the Treaty on the Non-Proliferation of Nuclear Weapons regime is fully recognized. Bearing in mind Security Council resolution 984 (1995) of 11 April 1995 as well as the declarations by the nuclear-weapon States concerning both negative and positive security assurances, further steps should be considered to assure non-nuclear-weapon States parties to the Treaty against the use or threat of use of nuclear weapons as envisaged in paragraph 8 of the principles and objectives.
These States parties to the Treaty on the Non-Proliferation of Nuclear Weapons believe that international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons should cover both negative and positive security assurances.

They consider that, by renouncing voluntarily their nuclear option, non-nuclear-weapon States parties to the Treaty have a legitimate right to receive legally binding assurances from the nuclear-weapon States not to use or threaten to use nuclear weapons against them.

In this context, these States parties consider that the unilateral declarations made by the four nuclear-weapon States, and Security Council resolutions 255 (1968) of 19 June 1968 and 984 (1995) of 4 November 1995 on security assurances have not fulfilled the requirements of non-nuclear-weapon States.

Accordingly, the delegations of Kenya, Myanmar, Nigeria and the Sudan consider that the time is now opportune to negotiate and conclude a protocol to the Treaty, providing comprehensive and unconditional security assurances for non-nuclear-weapon States.

These States parties, therefore, propose a draft protocol to the Treaty on security assurances for non-nuclear-weapon States. The text of the protocol is annexed hereto.

These States parties are of the view that all States parties to the Treaty must take effective measures for nuclear disarmament, a ban on fissile materials, conclusion of an international legally binding instrument providing comprehensive and unconditional security assurances for non-nuclear-weapon States, promotion of the peaceful uses of nuclear energy and universal adherence to the Treaty. With regard to the question of security assurances for non-nuclear-weapon States, these States parties urge the Preparatory Committee to address this issue in a substantive manner with a view to concluding a protocol to the Treaty, not later than the time of the convening of the 2000 Review Conference. The draft protocol, proposed by the States parties, will provide a basis for negotiations at the Conference or at the Preparatory Committee meetings.

These States parties firmly believe that conclusions of such a protocol on security assurances constitute an essential element of an effective regime of the Treaty, will strengthen the Treaty and will contribute to the success of the 2000 Review Conference.

The States parties welcome the adoption of Security Council resolution 984 (1995) of 4 November 1995, as well as the declarations by the nuclear-weapon States concerning both negative and positive security assurances as important developments in this field. The States parties recommend that further steps be considered to assure non-nuclear-weapon States party to the Treaty against the use or threat of use of nuclear weapons, which could take the form of an international legally binding instrument. The States parties...
recognize that treaty-based security assurances are available to parties to nuclear-weapon-free zones through the signature of the relevant protocols to such zones by the nuclear-weapon States. The States parties recommend that concerned States that have not yet signed and ratified these treaties do so as soon as possible and thus bring into effect those security assurances.

The need for an international legally binding, comprehensive and unconditional arrangement to assure the security of non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons has remained primordial and must be pursued. Nuclear-weapon-free-zone treaty-based security assurances, some of which precede the Treaty, and which are regional, cannot take the place of a global one because, being party to a nuclear-weapon-free-zone treaty does not relieve a State from fulfilling the obligations that it has undertaken by its accession to the Treaty on the Non-Proliferation of Nuclear Weapons. Indeed, the status makes it imperative for a State to comply with the Treaty, and thereby strengthen the Treaty - which is the main axis of the global non-proliferation regime. This should also be the relationship between a global legal instrument on security assurances and nuclear-weapon-free-zone treaty-based security assurances.

It is necessary therefore for the instrument to be negotiated multilaterally. It needs to have as its starting point the obligation of "no use, no first use" of nuclear weapons by the nuclear-weapons States against a non-nuclear-weapon State party to the Treaty on the Non-Proliferation of Nuclear Weapons. In other words, there must be a clear commitment by the nuclear-weapon States not to use or threaten to use nuclear weapons against non-nuclear-weapon States parties to the Treaty. For just as the non-nuclear-weapon States accepted treaty provisions not to develop or acquire nuclear weapons, they should equally be assured in treaty form that they would not be victims of use or threat of use of nuclear weapons. The comprehensive assurances to be given must be such that States would be unable to withdraw from fulfilling them, especially during hostilities, because of what may be claimed to be national interest, and the assurances should not be vulnerable to the veto. It is also necessary for it to be noted somewhere in the instrument that the best assurances against use or threat of use of nuclear weapons is the complete elimination of those weapons, and that measures to that effect are highly desirable.

The Preparatory Committee recommends that time be allocated at its second session for further debate and consideration of proposals that have been made on the issue of security assurances.

The States parties recommend that the 2000 Review Conference endorse an instrument on legally binding security assurances for the non-nuclear-weapon States parties to the Treaty for signature and ratification.

The delegations of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, in the particular context of the commencement of the strengthened review process agreed at the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, reiterate our countries' strong and continuing support for the Treaty. We express our determination to continue to implement fully all the provisions of the Treaty, including those of article VI.

Stressing the importance of the indefinite extension of the Treaty, we reaffirm our continued support for the documents adopted by consensus on 11 May 1995 by the Review and Extension Conference of the Parties to the Treaty.1

We welcome the fact that Andorra, Angola, Chile, Comoros, Djibouti, the United Arab Emirates, Vanuatu and Oman have acceded to the Treaty since the 1995 Review and Extension Conference. We stress the importance of achieving universal adherence to the Treaty which would contribute to the enhancement of both regional and global security.

Since the May 1995 Review and Extension Conference, there have been very significant developments in the area of nuclear disarmament, notably with respect to the programme of action set out in the decision on principles and objectives for nuclear non-proliferation and disarmament:2

(a) The completion by the Conference on Disarmament of the negotiations on a universal and internationally and effectively verifiable Comprehensive Nuclear Test-Ban Treaty in 1996 is a step that has long been one of the highest priority objectives of the international community.

The signing of the Comprehensive Nuclear Test-Ban Treaty by more than 140 States, including the 5 nuclear-weapon States that signed on the first day of its opening for signature on 24 September 1996, is a historic event.

/...
By banning any nuclear weapon test explosion or any other nuclear explosion, the Treaty, as stated in its preamble, by constraining the development and qualitative improvement of nuclear weapons and ending the development of advanced new types of nuclear weapons, constitutes an effective measure of nuclear disarmament and non-proliferation in all its aspects.

This is why China, France, the Russian Federation, the United Kingdom and the United States value this Treaty. We are pleased to see that, in such a short period of time since the 1995 Review and Extension Conference, this major achievement, followed by the successful creation of the Preparatory Commission of the Comprehensive Nuclear Test-Ban Treaty took place.

We stress the importance of early signature and ratification of the Treaty by all States which would facilitate its early entry into force; this is an objective we fully share.

(b) We also reaffirm our readiness for the immediate commencement and early conclusion of negotiations in the Conference on Disarmament on a non-discriminatory, universal and internationally and effectively verifiable convention banning the production of fissile material for nuclear weapons or other nuclear explosive devices, a goal contained in the decision on principles and objectives for nuclear non-proliferation and disarmament and as its second step, following the completion of the negotiations on the Comprehensive Nuclear Test-Ban Treaty.

Such a treaty will cap the fissile material stockpiles available for use in nuclear weapons and, by adding new constraints, will strengthen the international nuclear non-proliferation regime and will constitute a significant step towards the eventual achievement of nuclear disarmament.

We encourage all States parties to the Treaty on the Non-Proliferation of Nuclear Weapons to fulfil this shared commitment set forth in the decision on principles and objectives for nuclear non-proliferation and disarmament. We also stress the importance for the States which are not yet parties to the Treaty to join the negotiations on a fissile material cut-off treaty in accordance with the statement of the Special Coordinator of the Conference on Disarmament and the mandate contained therein.

(c) It is the responsibility and obligation of all States to contribute to the relaxation of international tension and to the strengthening of international peace and security. The nuclear-weapon States underscore the important and tangible progress achieved in the area of nuclear disarmament and reaffirm our determination to continue the pursuit by the nuclear-weapon States of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons, and by all States of general and complete disarmament under strict and effective international control.

In this context we welcome the recent understanding reached by the Presidents of the Russian Federation and the United States at Helsinki on further reductions of nuclear weapons building on progress already achieved.

The other steps being taken by us in this area are also to be welcomed.
We also welcome the removal of all nuclear weapons of the former Union of Soviet Socialist Republics from the territories of Belarus, Kazakhstan and Ukraine.

(d) China, France, the Russian Federation, the United Kingdom and the United States reaffirm our conviction that the establishment of nuclear-weapon-free zones, on the basis of arrangements freely arrived at among the States of the region concerned, enhances global and regional peace and security.

We consider that the signature by all the nuclear-weapon States of the Protocols to the Treaty of Rarotonga and the Treaty of Pelindaba, establishing nuclear-weapon-free zones in the South Pacific and in Africa, was a significant development. By signing these protocols, all the nuclear-weapon States are giving security assurances in treaty form to the very large number of States concerned.

Moreover, we remain ready to work with the signatories of the Treaty on the Southeast Asian Nuclear-Weapon-Free Zone to remove those obstacles currently preventing the nuclear-weapon States from signing the Protocol to that Treaty.

These steps are in line with the security assurances we have provided in our national declarations, which are referred to in Security Council resolution 984 (1995) of 11 April 1995 and constitute a positive development with regard to the relevant paragraph of the decision on principles and objectives for nuclear non-proliferation and disarmament.

* * *

We are ready to contribute to global nuclear non-proliferation objectives by doing our part in support of the programme for strengthening the effectiveness and improving the efficiency of the safeguards system. In this regard, we intend to apply those measures provided for in the model protocol that each of us identifies as capable of contributing to the non-proliferation and efficiency aims of the Protocol, when implemented with regard to that State, and as consistent with that State’s obligations under article I of the Treaty on the Non-Proliferation of Nuclear Weapons.

China, France, the Russian Federation, the United Kingdom and the United States attach importance to the full implementation of article IV of the Treaty. In this context we reaffirm our commitment towards cooperation in the field of nuclear energy for peaceful purposes without discrimination and in conformity with articles I, II and III of the Treaty and following the decision on the principles and objectives for nuclear non-proliferation and disarmament.

Notes


2 Ibid., decision 2.
Letter Dated 10 April 1997 From the Chairman of the Working Group on Disarmament of the Movement of Non-Aligned Countries Addressed to the Chairman of the Preparatory Committee

On behalf of the Group of States members of the Movement of Non-Aligned Countries and other States parties to the Treaty on the Non-Proliferation of Nuclear Weapons, in my capacity as Chairman of the Working Group on Disarmament of the Movement of Non-Aligned Countries, I have the honour to enclose herewith the document entitled "Views of the States members of the Movement of Non-Aligned Countries and other States that are parties to the Treaty on the Non-Proliferation of Nuclear Weapons on the 2000 Review Conference and its Preparatory Committee meetings" (see annex). It contains various aspects related to the Treaty that are of paramount importance to the present and subsequent Preparatory Committee meetings as well as the 2000 Review Conference.

It would be highly appreciated if you could circulate the present letter and its annex as an official document of the Preparatory Committee.

(Signed) Nugroho Wisnumurti
ANNEX

Views of the States members of the Movement of Non-Aligned Countries and other States that are parties to the Treaty on the Non-Proliferation of Nuclear Weapons on the 2000 Review Conference and its Preparatory Committee meetings

I. SUBSTANTIVE ISSUES

General views

1. The forthcoming meetings of the Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons will be the harbinger of a new era in our continuing endeavours to strengthen the review process of the operation of the Treaty with a view to assuring that the purposes of the preamble and the provisions of the Treaty in their entirety are being realized and thereby fulfil the commitments undertaken by the 1995 Review and Extension Conference of Parties to the Treaty.

2. The decisions and resolution of the 1995 Review and Extension Conference constitute a single integral undertaking. This integrality should be maintained and respected.

3. The Treaty is a key instrument to halt vertical and horizontal proliferation of nuclear weapons. The international community should work towards a fair balance between the mutual obligations and responsibilities of the nuclear-weapon States and non-nuclear-weapon States with a view to achieving the complete elimination of nuclear weapons.

4. At the Cartagena summit meeting, the heads of State or Government of countries belonging to the Movement of Non-Aligned Countries that are parties to the Treaty on the Non-Proliferation of Nuclear Weapons, consistent with the decisions and resolution adopted by the 1995 Review Conference, called upon all States and, in particular, the nuclear-weapon States, to fulfil the commitments they have undertaken in their entirety, inter alia:

(a) The achievement of universality of the Treaty;

(b) The conclusion of legally binding instruments to assure the non-nuclear-weapon States against the use or threat of use of nuclear weapons;

(c) A ban on fissile materials and other nuclear devices for weapon purposes;

(d) The elimination of nuclear weapons and other weapons of mass destruction, which must be accorded priority;

(e) The establishment of nuclear-free zones;

(f) The unimpeded and non-discriminatory transfer of nuclear technology for peaceful purposes to all States parties without exception.
5. Significant progress has been achieved in recent years in disarmament: \textit{inter alia} the conclusion and the entry into force of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction; adoption and the commencement of the preparatory process for the implementation of the Comprehensive Nuclear Test Ban Treaty, adoption of an amended Protocol II and Protocol IV of the Convention on Prohibition or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects; the conclusion of the treaties on the establishment of nuclear-weapon-free zones in Southeast Asia (Bangkok Treaty) and in Africa (Pelindaba Treaty), which effectively mean that the entire southern hemisphere is covered by nuclear-weapon-free zones; and the advisory opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons. However, the Movement of Non-Aligned Countries continues to believe that many important and significant tasks remain ahead of it, particularly on the shaping of the future agenda for nuclear disarmament.

6. The purpose of the upcoming meeting of the Preparatory Committee would be to consider ways to promote full implementation of and universal adherence to provisions of the Treaty on the Non-Proliferation of Nuclear Weapons and to make recommendations to the 2000 Review Conference. The Preparatory Committee meetings should make substantive contributions, taken into account by the 1995 decisions on "Strengthening the review process" and "Principles and objectives" in order to enable the Review Conference to evaluate the full realization and effective implementation of the provisions of the Treaty and identify the areas in which further progress should be sought in the future.

7. The preparations for the 2000 Review Conference provide an opportunity for the realization of the objectives enshrined in the Treaty. For the successful outcome of the Review Conference substantive preparation should be made by the Preparatory Committee meetings in order to elaborate rolling texts to be submitted for consideration by the Conference, as basis for its final document. In this context, the Movement of Non-Aligned Countries offers its preliminary views, which consist of the following:

\textbf{Universality}

8. The States parties to the Treaty on the Non-Proliferation of Nuclear Weapons emphasize the urgency and the importance of achieving the universality of the Treaty.

9. The Preparatory Committee meetings and the Review Conference should consider ways and means to achieve the universality of the Treaty, particularly by the accession to the Treaty at the earliest possible date of those States possessing nuclear capabilities.

\textbf{Non-proliferation}

10. The Treaty on the Non-Proliferation of Nuclear Weapons has a vital role to play in preserving the non-proliferation of nuclear weapons in all its aspects. The international community should make all the possible efforts to prevent the
proliferation of nuclear weapons and other nuclear explosive devices, without hampering the peaceful uses of nuclear energy by States parties to the Treaty.

Nuclear disarmament

11. States parties should agree on a recommendation to the Conference on Disarmament to establish, on a priority basis, an ad hoc committee on nuclear disarmament to commence negotiations on a phased programme of nuclear disarmament and for the complete elimination of nuclear weapons within a specified framework of time, including a nuclear-weapons convention. A universal and legally binding multilateral agreement should be concluded committing all States to the complete elimination of nuclear weapons and to commence negotiations on a treaty banning the production and stockpiling of fissile material for nuclear weapons and other nuclear explosive devices. The ad hoc committee on nuclear disarmament would take into account the proposal for a programme of action for the elimination of nuclear weapons submitted by 28 members of the Conference belonging to the Group of 21 (CD/1419) as well as any other existing proposals and future initiatives in this regard. In this context, the nuclear-weapon States should adopt flexible approach, taking into account their commitment, as stated in article VI of the Treaty, to pursue in good faith negotiations on effective measures relating to nuclear disarmament.

12. The nuclear-weapon States should express their commitment to undertake a step-by-step reduction of the nuclear threat and a phased programme of progressive and deep reductions of nuclear weapons, and to carry out effective nuclear disarmament measures with a view to the total elimination of these weapons.

Security assurances

13. The total elimination of nuclear weapons is the only genuine guarantee for all non-nuclear-weapon States against the use or threat of use of nuclear weapons. Pending the achievement of such a goal, a legally binding negative security assurances regime which will ensure the security of non-nuclear-weapon States against the use or threat of use of nuclear weapons must be urgently concluded. In this regard, there is no objection, in principle, in the Conference on Disarmament and the General Assembly, to the idea of an international legally binding instrument to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. Hence, the States parties should agree to negotiate, in the Preparatory Committee meetings for the 2000 Review Conference on a legal instrument to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons to be finally adopted by the 2000 Review Conference as a protocol annexed to the Treaty on the Non-Proliferation of Nuclear Weapons.

Fissile material

14. States parties support the establishment of a treaty banning the production and stockpiling of fissile material for nuclear weapons and other nuclear explosive devices in the Conference on Disarmament. It would be a significant contribution to nuclear disarmament and non-proliferation provided that such a treaty is non-discriminatory, effectively verifiable and universally applicable.

/...
1. Since the dawn of the nuclear age, non-nuclear-weapon States have expressed concern for their security. They have consistently called for the conclusion of a legally binding instrument, providing comprehensive and unconditional security assurances for non-nuclear-weapon States against the use or threat of use of nuclear weapons. To secure such security assurances and to conclude an international legal instrument thereon is a legitimate aspiration of non-nuclear-weapon States.

2. Paragraph 20 of the Final Document of the Tenth Special Session of the General Assembly (resolution S-10/2), the first special session devoted to disarmament, underscores the importance of effective measures of nuclear disarmament and prevention of nuclear war as deserving the highest priority among measures of arms limitation and disarmament. In paragraphs 32 and 59 of the same document the Assembly also reaffirms the need for effective arrangements, as appropriate, to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, which could strengthen the security of those States and international peace and security.

3. Following the demise of the cold war, positive changes have taken place in the international political climate. As a consequence, the world has witnessed the conclusion of a number of significant arms limitation and disarmament agreements. The precedents of the conclusion of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction and the Comprehensive Nuclear-Test-Ban Treaty, the beginning of the process of nuclear disarmament by the United States of America and the Russian Federation, and the measures taken by other former Soviet Republics in the framework of complete nuclear disarmament demonstrate clearly that nuclear disarmament is not only within the realm of practical implementation, but it is also achievable in the foreseeable future, if only the political will exists. Apparently, less reliance is now being placed by nuclear-weapon States on the role of nuclear weapons. This process of de-emphasizing the role of nuclear weapons should be continued and carried forward as a significant step towards the complete elimination of nuclear weapons.
4. The Movement of Non-Aligned Countries on many occasions has reiterated the belief that, in order to be effective and lasting, the approach towards international security should be non-discriminatory and balanced and should seek security for all through total nuclear disarmament within a time-bound framework, elimination of all weapons of mass destruction and progressive measures of reduction of conventional arms. The Movement of Non-Aligned Countries also stressed that security assurances to non-nuclear-weapon States can contribute positively to addressing some of the dangers inherent in the presence of nuclear weapons and has urged the Conference on Disarmament to negotiate, as a matter of priority, an international convention prohibiting the use or threat of use of nuclear weapons under any circumstances and to undertake negotiations for the complete elimination of all nuclear weapons within a time-bound framework.

5. The delegations of Kenya, Myanmar, Nigeria and the Sudan attach the utmost importance to the question of security assurances for non-nuclear-weapon States. It is their conviction that the only completely effective security assurances against the use or threat of use of nuclear weapons lie in the prohibition of the use of nuclear weapons, nuclear disarmament and complete elimination of these weapons. Existence of nuclear weapons in itself constitutes a threat to international security and a factor which encourages proliferation. For this reason, and pending the achievement of the complete elimination of nuclear weapons, it is imperative for the international community to develop effective measures and arrangements to assure non-nuclear-weapon States against these weapons, and to elaborate measures and arrangements which can contribute positively towards achieving the most effective regime of non-proliferation of nuclear weapons in all its aspects.

6. These States parties to the Treaty on the Non-Proliferation of Nuclear Weapons believe that international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons should cover both negative and positive security assurances.

7. They consider that, by renouncing voluntarily their nuclear option, non-nuclear-weapon States parties to the Treaty have a legitimate right to receive legally binding assurances from the nuclear-weapon States not to use or threaten to use nuclear weapons against them.

8. In this context, these States parties consider that the unilateral declarations made by the four nuclear-weapon States, and Security Council resolutions 255 (1968) of 19 June 1968 and 984 (1995) of 4 November 1995 on security assurances have not fulfilled the requirements of non-nuclear-weapon States.

9. In May 1995, the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons adopted decisions on strengthening the review process for the Treaty, on principles and objectives for nuclear non-proliferation and disarmament and on the extension of the Treaty, and a resolution on the Middle East. In the decision on principles and objectives, the Conference, inter alia, called upon the States parties to consider further steps on security assurances that could take the form of an internationally legally binding instrument.
10. Accordingly, the delegations of Kenya, Myanmar, Nigeria and the Sudan consider that the time is now opportune to negotiate and conclude a protocol to the Treaty, providing comprehensive and unconditional security assurances for non-nuclear-weapon States.

11. These States parties, therefore, propose a draft protocol to the Treaty on security assurances for non-nuclear-weapon States. The text of the protocol is annexed hereto.

12. These States parties are of the view that all States parties to the Treaty must take effective measures for nuclear disarmament, a ban on fissile materials, conclusion of an international legally binding instrument providing comprehensive and unconditional security assurances for non-nuclear-weapon States, promotion of the peaceful uses of nuclear energy and universal adherence to the Treaty. With regard to the question of security assurances for non-nuclear-weapon States, these States parties urge the Preparatory Committee to address this issue in a substantive manner with a view to concluding a protocol to the Treaty, not later than the time of the convening of the 2000 Review Conference. The draft protocol, proposed by the States parties, will provide a basis for negotiations at the Conference or at the Preparatory Committee meetings.

13. These States parties firmly believe that conclusions of such a protocol on security assurances constitute an essential element of an effective regime of the Treaty, will strengthen the Treaty and will contribute to the success of the 2000 Review Conference.

Notes

ANNEX

Draft protocol on security assurances to the Treaty on the Non-Proliferation of Nuclear Weapons

The States parties to the Treaty on the Non-Proliferation of Nuclear Weapons,

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

Reaffirming the commitment of the international community to the goal of the total elimination of nuclear weapons and the creation of a nuclear-weapon-free world,

Convinced that the only effective and credible guarantee against the use or threat of use of nuclear weapons lies in the total elimination of these weapons,

Considering that, until nuclear disarmament is achieved on a universal basis, it is imperative for the international community to devise effective measures to ensure the security of non-nuclear-weapon States against the use or threat of use of nuclear weapons,

Convinced that the principle of undiminished security for all States requires effective measures of such legally binding security assurances for non-nuclear-weapon States,

Considering that, by renouncing voluntarily their nuclear option, non-nuclear-weapon States parties to the Treaty have the legitimate right to receive legally binding assurances from the nuclear-weapon States not to use or threaten to use nuclear weapons against them,

Recalling the three decisions and one resolution adopted by the 1995 Review and Extension Conference of the States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,* including the decision on the principles and objectives for nuclear non-proliferation and disarmament, which, inter alia, called upon the States parties to take further steps on security assurances that could take the form of an internationally legally binding instrument,

Reaffirming their undertaking to observe strictly the provisions of the Treaty on the Non-Proliferation of Nuclear Weapons, to which the present protocol is an annex, and their determination to achieve universal adherence to the Treaty by all States,

Bearing in mind the resolutions of the General Assembly and the Security Council on the question of strengthening the security of non-nuclear-weapon States,

Recalling their obligations to refrain, in their mutual relations, from the threat or use of force against the territorial integrity or political
independence of any State, or in any other manner inconsistent with the purposes and principles of the Charter of the United Nations,

Have agreed as follows:

I. DEFINITIONS

The terms 'nuclear-weapon States' and 'non-nuclear-weapon States' referred to in the present protocol refer to the definitions given in the Treaty on Non-Proliferation of Nuclear Weapons.

II. BASIC OBLIGATIONS

1. In accordance with Article 2, paragraph 4, of the Charter of the United Nations, each State party to the Treaty undertakes to refrain in its international relations from the threat or use of force against another State party, its territorial integrity and its political independence.

2. The nuclear-weapon States undertake not to use or threaten to use nuclear weapons against non-nuclear-weapon States parties to the Treaty.

III. MEASURES IN CASE OF NON-COMPLIANCE

1. Any State party that has reason to believe that there has been or is likely to be a breach of the obligations of States parties arising from Article II of this instrument may request an urgent meeting of a Conference of States parties to the Treaty on the Non-Proliferation of Nuclear Weapons and/or that of the Security Council under Chapter VII of the Charter of the United Nations, with a view to preventing such a breach, or redressing the situation arising therefrom.

2. In the case of a nuclear aggression or a threat of such an aggression against a non-nuclear-weapon State, the Conference of States Parties should provide to it the necessary help and assistance.

IV. DURATION

The duration of the present protocol shall be the same as that of the Treaty on the Non-Proliferation of Nuclear Weapons, to which the protocol is an annex.

V. ENTRY INTO FORCE

The present protocol shall enter into force for the States parties to the Treaty on the Non-Proliferation of Nuclear Weapons, which have ratified it, on the date of the deposit of their respective instrument of ratification with the depositary Governments of the Treaty.
Notes

Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

First session
New York, 7-18 April 1997

DRAFT PROTOCOL TO THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS TO ASSURE NON-NUCLEAR-WEAPON STATES PARTIES AGAINST THE USE OR THREAT OF USE OF NUCLEAR WEAPONS

Submitted by Myanmar, Nigeria and the Sudan

Corrigendum

1. The titles of document NPT/CONF.2000/PC.I/16 should read as above.

2. Paragraph 5

The first sentence should read

5. The delegations of Myanmar, Nigeria and the Sudan attach the utmost importance to the question of security assurances for non-nuclear-weapon States.

3. Paragraph 10 should read

10. Accordingly, the delegations of Myanmar, Nigeria and the Sudan consider that the time is now opportune to negotiate and conclude a protocol to the Treaty, providing comprehensive and unconditional security assurances for non-nuclear-weapon States.
Preparatory Committee for the 2000 Review
Conference of the Parties to the Treaty on
the Non-Proliferation of Nuclear Weapons

First session
New York, 7-18 April 1997


Submitted by the European Union

For insertion in part B of the Chairman's paper

Universality

Recognizing that universal adherence to the Treaty on the Non-Proliferation of Nuclear Weapons is an urgent requirement, the States Parties recommend that all States Parties should make every effort to achieve this objective, and call on all States not yet party to the Treaty to accede to it at the earliest date, particularly those States that operate unsafeguarded facilities.

Cluster one

Comprehensive Nuclear-Test-Ban Treaty

The States Parties welcome the conclusion of the Comprehensive Nuclear-Test-Ban Treaty in 1996, and call on all States which have not yet done so to sign and ratify the Treaty at the earliest possible date.

[If the Comprehensive Nuclear-Test-Ban Treaty has not yet entered into force:]

in particular those States upon whose adherence entry into force of the Treaty depends.

Fissile material cut-off treaty

The States Parties call on all States to sign and ratify a non-discriminatory and universally applicable convention, negotiated in the Conference on Disarmament, banning the production of fissile material for nuclear weapons or other nuclear explosive devices, in accordance with the statement of the Special Coordinator of the Conference on Disarmament of 24 March 1995 (CD/1299) and the mandate contained therein.
Disarmament

Welcoming the progress towards nuclear disarmament made by the nuclear-weapons States, including that made unilaterally or bilaterally under the Strategic Arms Reduction Treaty (START) process, the States Parties call for further progress towards global reductions of nuclear arsenals. The States Parties urge the nuclear-weapons States to continue the determined pursuit of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating these weapons, and all States to continue the determined pursuit of general and complete disarmament under strict and effective control.

[If START II has not been ratified:]

The States Parties call for the START II Treaty to be ratified as soon as possible and for an early start to negotiations on a START III treaty.

[If START III has not been concluded:]

The States Parties call for an early conclusion to negotiations on a START III treaty.

The States Parties welcome efforts by the group of seven major industrialized countries and the Russian Federation to address the issue of management of plutonium from dismantled nuclear weapons.

[If the Chemical Weapons Convention is not universal:]

The States Parties urge all States that have not yet done so to adhere to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction.

[If negotiation on a Biological Weapons Convention verification protocol is not completed:]

The States Parties urge the Ad Hoc Group of the States parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction to complete as soon as possible a legally binding verification and compliance regime for the Treaty.

The States Parties recommend that all regions make major reductions in their level of conventional arms, as has been done in Europe on the basis of the Treaty on Conventional Armed Forces in Europe.

Nuclear-weapon-free zones

Considering nuclear-weapon-free zones to be important complementary instruments to the Treaty on the Non-Proliferation of Nuclear Weapons, the States Parties welcome advances made in this field, on the basis of arrangements freely arrived at among the States of the regions concerned.
Security assurances

The States Parties welcome the adoption of Security Council resolution 984 (1995) of 4 November 1995, as well as the declarations by the nuclear-weapon States concerning both negative and positive security assurances as important developments in this field. The States Parties recommend that further steps be considered to assure non-nuclear-weapon States party to the Treaty against the use or threat of use of nuclear weapons, which could take the form of an international legally binding instrument. The States Parties recognize that treaty-based security assurances are available to parties to nuclear-weapon-free zones through the signature of the relevant protocols to such zones by the nuclear-weapon States. The States Parties recommend that concerned States that have not yet signed and ratified these treaties do so as soon as possible, and thus bring into effect those security assurances.

Cluster two

Safeguards

The States Parties call on all States and other Parties with INFCIRC 153-type agreements with the International Atomic Energy Agency that have not yet done so to conclude with the International Atomic Energy Agency and bring into effect additional safeguards agreements using the model protocol containing the Programme "93+2" Part 2 measures as a standard text.

The States Parties call on States with voluntary offer safeguards agreements with the International Atomic Energy Agency that have not yet done so to conclude additional agreements with the International Atomic Energy Agency incorporating measures that they have identified as capable of contributing to the non-proliferation and efficiency aims of the protocol, when implemented with regard to that Party and as consistent with its obligations under article I.

The States Parties call upon States with INFCIRC 66-type safeguards agreements to negotiate and bring into effect agreements providing for the implementation of Programme "93+2" Part 2 measures.

Nuclear materials accountancy and physical protection

The States Parties recommend that each Party with nuclear materials on its territory maintain and improve its own arrangements for nuclear materials accountancy, safety and physical protection, applying the appropriate internationally agreed standards.

Export controls

The States Parties recommend that transparency in nuclear-related export controls should continue to be promoted within the framework of dialogue and cooperation among all interested States party to the Treaty.

All States Parties should exercise their responsibility to control nuclear-related exports whatever their destination and give full effect to their commitment that new supply arrangements should require, as a necessary...
precondition, acceptance of the International Atomic Energy Agency's full-scope safeguards and international legally binding commitments not to acquire nuclear weapons or other nuclear explosive devices.

The States Parties call upon Parties that have not yet done so to adhere to the Nuclear Suppliers Group Guidelines.

Nuclear smuggling

The States Parties call upon all Parties that have not yet done so to adhere to the Programme of Action on Illicit Trafficking as agreed by the group of seven major industrialized countries and the Russian Federation. States Parties that have adhered should continue to work to promote international cooperation between the relevant national agencies with a view to preventing such smuggling.

Cluster three

Peaceful uses of nuclear energy

The States Parties recommend continued international cooperation in this field, taking into account, in particular, the needs of developing countries.

The States Parties call on all States that have not yet done so to sign and ratify the 1994 Convention on Nuclear Safety at the earliest possible date.

The States Parties urge early conclusion of a convention on the safety of spent fuel management and on the safety of radioactive waste management, and call on all States to sign and ratify that convention at the earliest possible date.
SECURITY ASSURANCES: A SOUTH AFRICAN PERSPECTIVE

Working paper submitted by South Africa

1. INTRODUCTION

Paragraph 8 of the 1995 Principles and Objectives for Nuclear Non-Proliferation and Disarmament states that:

"Noting United Nations Security Council resolution 984 (95), which was adopted unanimously on 11 April 1995, as well as the declarations by the nuclear-weapon States concerning both negative and positive security assurances, further steps should be considered to assure non-nuclear-weapon States party to the Treaty against the use or threat of use of nuclear weapons. Theses steps could take the form of an internationally legally binding instrument."

The 1990 Nuclear Non-Proliferation Treaty Review Conference draft Final Document stated in paragraph 7 under the heading Security Assurances, which while the document as a whole did not achieve agreement was consensus language, that:

"The Conference recognises the need for effective international arrangements, that could be included in an international legally binding instrument, to assure non-nuclear-weapon States parties to the Treaty against the use or threat of use of nuclear weapons. The conclusion of an international instrument providing for such arrangements would strengthen the security of non-nuclear-weapon States parties to the Treaty and offer additional incentives to other non-nuclear-weapon States to adhere to the Treaty. Participation of all nuclear-weapon States, including those parties to the Treaty, in such an instrument would contribute to ensuring its
maximum effectiveness."

In the Advisory Opinion of the International Court of Justice on the "Legality of the Threat or Use by a State of Nuclear Weapons in Armed Conflict" it was decided unanimously that:

"There is in neither customary nor conventional international law any specific authorization of the threat or use of nuclear weapons" and that "A threat or use of force by means of nuclear weapons that is contrary to Article 2, paragraph 4, of the United Nations Charter, and that fails to meet all the requirements of Article 51, is unlawful."

2. SOUTH AFRICAN PERSPECTIVE

At the 1997 meeting of this Preparatory Committee South Africa proposed that the PrepCom should decide to take up the work on security assurances envisaged in the "Principles and Objectives", with a view to completing this work before the year 2000 so as to make a recommendation to the Review Conference.

The issue at stake is the granting of legally binding security assurances to the non-nuclear-weapon States parties of the NPT, thereby fulfilling the undertaking which should be given to the States which have voluntarily given up the nuclear-weapons option by becoming parties to the Treaty. The negotiation of legally binding security assurances within the NPT umbrella, as opposed to some other forum, would provide a significant benefit to the Treaty parties and would be seen as an incentive to those who remain outside the NPT. Security assurances rightfully belong to those who have given up the nuclear weapon option as opposed to those who are still keeping their options open. They would strengthen the nuclear non-proliferation regime and confirm the role of the NPT and its indefinite extension.

3. SECURITY ASSURANCES IN THE CONTEXT OF THE NPT

The issue of legally binding security assurances to non-nuclear-weapon States is a complex issue. Key questions which would need to be addressed are:

- Identification of the States providing the security assurances;
- Identification of the beneficiaries of such security assurances;
- The nature and scope of the security assurances being provided;
- Elements that would need to be included in a legally
binding instrument on security assurances; and
- In what format such security assurances would be provided.

4. IDENTIFICATION OF THE STATES PROVIDING SECURITY ASSURANCES

The only States in a position to provide security assurances, in that they are legally in a position to possess nuclear weapons and thereby having the capacity to use or threaten to use nuclear weapons, are the nuclear-weapon States. Article IX(3) of the nuclear Non-Proliferation Treaty identifies and defines a nuclear weapon-State as a one "... which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to 1 January 1967."

5. IDENTIFICATION OF THE BENEFICIARIES OF SECURITY ASSURANCES


6. THE NATURE AND SCOPE OF THE SECURITY ASSURANCES BEING PROVIDED

Security assurances comprise of negative and positive assurances. Negative security assurances are those in terms of which there is an undertaking by the nuclear-weapon States not to use or threaten to use nuclear weapons. Positive security assurances are those in terms of which there is an undertaking to provide assistance, in accordance with the United Nations Charter, to a State victim of an act of nuclear-weapons aggression or the object of a threat of such aggression.

A complicating factor in this regard, however, is that all non-nuclear-weapon States are not similar. Many of the non-nuclear-weapon States parties to the NPT are members of security arrangements/alliances which rely on the nuclear capability of nuclear-weapon States as an integral part of their defence strategy. It is for this reason that in some of the abovementioned statements of the nuclear-weapon States (France, Russia, United Kingdom, United States) on security assurances these assurances were qualified by to exclude cases of an invasion or any other attack on a nuclear-weapon State's territory, its armed forces or other troops, its allies or on a State towards which it has a security commitment, carried out or sustained by such a non-nuclear-weapon State in association or alliance with a nuclear-weapon State.
A further qualification included in some of the 1995 security assurance statements of the nuclear-weapon States (United Kingdom, United States) was that those assurances given emphasised that the assurances were not regarded as applicable if any beneficiary is in material breach of its own non-proliferation obligations under the NPT. It is assumed that the material breach referred to here relates to instances where a non-nuclear-weapon-States party to the NPT is acquiring or developing nuclear weapons in contravention with the Treaty.

The negotiation of any internationally legally binding instrument on security assurances would need to take these factors into account. Should such elements be included in the agreement it would mean that, while all non-nuclear weapon States parties to the NPT are beneficiaries of security assurances, these assurances would in certain circumstances be qualified.

7. ELEMENTS THAT WOULD NEED TO BE INCLUDED IN A INTERNATIONALLY LEGALLY BINDING INSTRUMENT ON SECURITY ASSURANCES

An internationally legally binding instrument would, inter alia, need to include the following elements:

- A general statement of the security assurances which are the subject of the instrument.
- The identification of the States providing the security assurances.
- The identification of the States beneficiary of the security assurances.
- Any qualifications to the security assurances provided for in the instrument.
- Provisions on the mandatory actions to be undertaken by the Security Council where a beneficiary of the security assurances are the subject of a threat of use or use of nuclear-weapons.
- Provisions for assistance to be provided to a beneficiary of the security assurances attacked or threatened by the use of nuclear-weapons.

8. THE FORMAT IN WHICH SECURITY ASSURANCES WOULD BE PROVIDED

Security assurances should be provided in the context of an internationally legally binding instrument, which could either be in the format of a separate agreement reached in the context of the Nuclear Non-Proliferation Treaty, or as a protocol to the NPT. The arguments that declarations made by the nuclear-weapon States are sufficient or that these
assurances should only be granted in the context of nuclear-weapon-free zones, are not valid. The primary undertaking not to aspire to nuclear-weapons has been made under the NPT; it is therefore in the context of or as a part of this Treaty that security assurances should also be given.
SECURITY ASSURANCES: A SOUTH AFRICAN PERSPECTIVE

Working paper submitted by South Africa

Corrigendum

1. INTRODUCTION

On page 1, the last second line

Insert "which are not" between "including those" and "parties to the Treaty".
LETTER DATED 28 APRIL 1998 FROM THE CHAIRMAN
OF THE WORKING GROUP ON DISARMAMENT OF THE
MOVEMENT OF NON-ALIGNED COUNTRIES ADDRESSED
TO THE CHAIRMAN OF THE PREPARATORY COMMITTEE

On behalf of the Group of States members of the Movement of Non-Aligned Countries and other States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, in my capacity as Chairman of the Working Group on Disarmament of the Movement of Non-Aligned Countries, I have the honour to enclose herewith the document entitled "Working Paper presented by the members of the Movement of Non-Aligned Countries parties to the Treaty" (see Annex). It contains various aspects related to the Treaty that are of paramount importance to the present and subsequent Preparatory Committee meeting as well as the 2000 Review Conference in the form of the NAM proposal of draft recommendation to be considered by the Preparatory Committee.

It would be highly appreciated if you could circulate the present letter and its Annex as an official document of the Preparatory Committee.

(Signed) Makarim WIBISONO
The Non-Aligned Movement States parties to the Treaty on the Non-Proliferation of Nuclear Weapons believe, in terms of the strengthened review process and in the context of fully implementing the Treaty and in pursuant to the decisions and resolution adopted by the 1995 NPT Review and Extension Conference, that recommendations which have been deliberated upon throughout its preparatory process, should be forwarded to the Review Conference in 2000 for further refining, finalization and adoption.

We also believe that this kind of approach will strengthen the review process and will provide the basis for a successful outcome of the 2000 Review Conference. In this vein, the NAM proposes the following draft recommendations to be considered by the Preparatory Committee:

**Preamble**

1. The States Parties believe that the Treaty is a key instrument to halt vertical and horizontal proliferation of nuclear weapons and they will work towards a fair balance between the mutual obligations and responsibilities of the nuclear-weapon States and non-nuclear-weapon States with a view to achieving the complete elimination of nuclear weapons.

2. The States Parties undertake to prevent the proliferation of nuclear weapons and other nuclear explosive devices, without hampering the peaceful uses of nuclear energy by States Parties to the Treaty and they shall fulfill their commitments on the unimpeded and non-discriminatory transfer of materials, equipments, scientific and technological information for peaceful uses of nuclear energy to all States Parties without exception.

**Article I**

3. The States Parties agree that the strict observance of the terms of Article I remains central to achieving the shared objectives of preventing under any circumstances further proliferation of nuclear weapons and preserving the Treaty's vital contribution to peace and security.

4. The Nuclear-weapon States parties to the NPT reaffirm their commitments to the fullest implementation of this Article and to refrain from, among themselves, with non-nuclear weapons states, and with States not party to the Treaty, nuclear sharing for military purposes under any kind of security arrangements.
5. The States Parties remain concerned about the ability of certain States not parties to the Treaty to obtain nuclear materials, technology and know-how to develop nuclear weapons. The States Parties call for the total and complete prohibition of the transfer of all nuclear-related equipment, information, material and facilities, resources or devices and the extension of assistance in the nuclear, scientific or technological fields to States non-parties to the Treaty without exception.

Article II

6. Non-nuclear-weapon States Parties to the NPT reaffirm their commitments to the fullest implementation of this Article and to refrain from nuclear sharing with nuclear-weapon States, non nuclear-weapon States, and States not party to the Treaty for military purposes under any kind of security arrangements.

Article III

7. The States Parties believe that the International Atomic Energy Agency is the competent authority to verify the compliance of the States Parties to the Non-Proliferation Treaty and reaffirm that IAEA safeguards are an essential element in guaranteeing compliance with their Article III undertakings. In this regard, all States Parties which have not yet done so should sign without delay the safeguards agreements required by Article III of the Treaty.

8. The States Parties call on the nuclear weapon States and all States not party to the Treaty to place their nuclear facilities under full-scope safeguards of IAEA.

9. The States Parties that have concerns regarding non-compliance with the safeguards agreements of the Treaty by any State Party should direct such concerns, along with supporting evidence and information, to the Agency to consider, investigate, draw conclusions and decide on necessary actions in accordance with its mandate. Measures should be taken to ensure that the inalienable rights of all State Parties under the provisions of the preamble and articles of the Treaty are fully protected and that no state party is limited in the exercise of this right based on allegations of non-compliance not verified by the IAEA.

10. The States Parties support the principles that new supply arrangements for the transfer of source of special fissionable material or equipment or material specially designed or prepared for the processing, use or production of a special fissionable material to non-nuclear weapon States should require as a necessary precondition, acceptance by all States Parties of full-scope safeguards; and that excess nuclear material in military stockpiles and nuclear materials removed from nuclear weapons as a result of nuclear weapons reduction agreements should be placed under IAEA safeguards.
11. Every effort should be made to ensure that the IAEA has the financial and human resources necessary in order to meet effectively its responsibilities in the areas of technical cooperation, safeguards and nuclear safety.

**Article IV**

12. The States Parties reaffirm their inalienable right to engage in research, production and use of nuclear energy for peaceful purposes without discrimination; and that free and unimpeded and non-discriminatory transfer of nuclear technology for peaceful purposes to all States Parties be fully ensured.

13. The States Parties reaffirm that beyond safeguards required under the Treaty, unilaterally enforced restrictive measures which prevent peaceful nuclear development should be removed.

14. The States Parties reaffirm the responsibility of nuclear supplier states parties to the Treaty to promote the legitimate needs of nuclear energy of the states parties to the Treaty, with preferential treatment rendered to developing ones, by allowing the latter to participate to the fullest in possible transfer of nuclear equipment, materials, scientific and technological information for peaceful purposes with a view to achieving the largest benefits and applying pertinent elements of sustainable development in their activities.

15. The States Parties reaffirm the inviolability of peaceful nuclear activities emanating from the international norms prohibiting the use of force in international relations, and in particular Article 2(4) of the United Nations Charter in considering that any attacks or threat of attack on nuclear facilities devoted to peaceful uses of nuclear energy would entail highly dangerous political, economic and environmental implications particularly on the civilian inhabitants; and believe that they bear a solemn responsibility to continue to play a leading role towards the establishment of comprehensive and universal norms and standards specifically prohibiting attacks, or threat of attacks on nuclear facilities devoted to peaceful uses of nuclear energy.

16. The States Parties encourage the adoption of appropriate measures to regulate international maritime transportation of radioactive waste and spent fuel to the highest standards in international security and support current efforts within the IAEA to adopt and improve international regulations in that regard.

**Article V**

17. The States Parties will take into account all the provisions of the CTBT related to this Article.
18. The States Parties call upon the nuclear-weapon states to refrain from conducting all types of tests in conformity with the objectives of the CTBT. They also call upon nuclear-weapon states to provide transparency on-site and other measures to build confidence on the full implementation of the provisions of the Treaty in order to meet international concern.

19. The States Parties call upon all of the States which have not yet done so to sign and ratify the CTBT. Pending the entry into force of the CTBT, the States Parties called upon the nuclear-weapon states to comply with the letter and spirit of the CTBT.

Article VI

20. The States Parties note with regret that, despite the conclusion of limited agreements, the provisions of article VI and the ninth to twelfth preambular paragraphs of the Treaty have not been fulfilled since the Treaty came into force. In this regard, the States Parties stress the need to take effective measures towards nuclear disarmament, thus reaffirming their role in achieving this objective.

21. The States Parties reaffirm that nuclear weapons pose the greatest danger to mankind and to the survival of the civilization. It is essential to halt and reverse the nuclear arms race in all its aspects in order to avert the danger of war involving nuclear weapons. In this context, the goal is the complete elimination of nuclear weapons. In the task of achieving the goal of nuclear disarmament, all States Parties bear responsibility, in particular those nuclear-weapon States which possess the most important nuclear arsenals.

22. The States Parties reaffirm that priority in disarmament negotiations shall be nuclear weapons in accordance with the Final Document of the first special session of the General Assembly on disarmament.

23. The States Parties reaffirm their commitment to fulfill with determination their obligations under article VI, in particular nuclear-weapon States to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament.

24. The States Parties in particular the nuclear-weapon States shall inform the Secretary-General of the United Nations of the efforts and measures they have taken on the implementation of the unanimous conclusion of the International Court of Justice that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.

25. The States Parties call upon the Conference on Disarmament to establish an ad hoc committee on nuclear disarmament taking into account all proposals which have been submitted
by members of the Group of 21, and to commence negotiations on a phased programme of nuclear disarmament and for the complete elimination of nuclear weapons with a specified framework of time, including a nuclear-weapons convention prohibiting the development, production, testing, employment, stockpiling, transfer, threat or use of nuclear weapons and providing for their elimination.

26. The States Parties renew their call for the immediate commencement and early conclusion of negotiations within an appropriate ad hoc committee in the Conference on Disarmament for a treaty banning the production and stockpiling of fissile material for nuclear weapons and other nuclear explosive devices, as an essential measures of nuclear disarmament as well as non-proliferation of nuclear weapons taking into account the 1995 report of the Special Coordinator on that item and the views relating to the scope of the Treaty. The Treaty should be non-discriminatory, effectively verifiable and universally applicable.

27. The States parties regret the continuing lack of progress on items relevant to nuclear issues in the agenda of the Conference on Disarmament.

**Article VII**

28. The States Parties express support on measures taken by a State Party or Group of States Parties to conclude nuclear-weapon-free-zone treaties. They also support proposals to these zones in other parts of the world where they do not exist, such as the Middle East and South Asia, on the basis of arrangements freely arrived at among the States of the region concerned as a measure towards the strengthening of nuclear non-proliferation regime and realizing the objectives of nuclear disarmament. States Parties welcome the initiative taken by States in Central Asia freely arrived at among themselves to establish a nuclear-weapon free zone in that region.

29. The States parties and signatories to the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba that are parties to the NPT reaffirm their commitment to promote the common goals envisaged in those treaties, explore and implement further ways and means of cooperation, including the consolidation of the status of the nuclear-weapon-free southern hemisphere and adjacent areas.

**Article VIII**

30. The States Parties will continue their endeavors to strengthen the review process of the operation of the Treaty with a view to assuring that the purposes of the Preamble and the provisions of the Treaty in their entirety are being realized.
31. The States Parties reemphasize the urgency and the importance of achieving the universality of the Treaty, particularly by the accession to the Treaty at the earliest possible date of those States possessing nuclear capabilities. They will make determined efforts to achieve this goal.

Security Assurances

32. The States Parties reaffirm that total elimination of nuclear weapons is the only genuine guarantee for all non-nuclear-weapons states against the use or threat of use of nuclear weapons. Pending the achievement of such a goal, a legally-binding negative security assurances regime which will ensure the security of non-nuclear-weapon states against the use or threat of use of nuclear weapons must be urgently concluded. Hence, the States Parties should agree to negotiate, in the Preparatory Committee meetings for the NPT Review Conference in the year 2000 on a legal instrument to assure non-nuclear-weapon states against the use of threat of use of nuclear weapons to be finally adopted by the 2000 NPT Review Conference as an annexed protocol to the NPT. They note the Ad-hoc Committee on NSA established by the Conference on Disarmament in 1998 to conclude an international legally-binding instrument to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

The Resolution on the Middle East

33. The States Parties recall that the adoption of the Resolution on the Middle East by the 1995 Review and Extension Conference on 11 May 1995 constituted an integral part of the package of the 1995 outcome comprising three decisions and a Resolution, and as such they reaffirm their firm commitment to work towards the full implementation of that Resolution. In this regard, the States parties recognize the special responsibility of the depository states, as cosponsors of the 1995 Resolution on the Middle East.

34. The States Parties note that since the adoption of the 1995 Resolution on the Middle East, all states in the region have become parties to the Treaty, with the exception of Israel. The States parties stress the urgent need for Israel to accede to the Treaty without further delay and to place all its nuclear facilities under full scope IAEA safeguards, in order to enhance the universality of the Treaty and to avert the risk of nuclear proliferation in the Middle East.

35. The nuclear-weapon-states, in conformity with their obligations under Article I of the Treaty, solemnly undertake not to transfer nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly to Israel, and further undertake not in any way to assist, encourage, or induce Israel to manufacture or otherwise
acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices under any circumstances whatsoever.

36. All States Parties, in conformity with the seventh preambular paragraph and Article 4 of the Treaty, hereby declare their commitment to exclusively prohibit the transfer of all nuclear related equipment, information, material and facilities, resources or devices, and the extension of know-how or any kind of assistance in the nuclear, scientific or technological fields to Israel, as long as it remains a non-party to the Treaty and has not placed all its nuclear facilities under full-scope IAEA safeguards.

37. The States parties reaffirm once again, their determination to extend their fullest cooperation and to exert their utmost efforts with a view to ensuring the early establishment in the Middle East a zone free of nuclear as well as all other weapons of mass destruction and their delivery systems.

I have the honour to transmit to you, on behalf of the delegations of China, France, the Russian Federation, the United States of America and my own, the attached statement.

I would be grateful if the necessary arrangements could be made for its distribution as a document of the Preparatory Committee.

(Signed) Ian Soutar
Ambassador
Permanent Representative to the Conference on Disarmament

1. As the Nuclear Weapon States party to the Treaty on the Non-Proliferation of Nuclear Weapons, China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America believe it is appropriate and useful in connection with the Second Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty to express our shared views on issues relating to the implementation of the Treaty.

2. We welcome the fact that since the indefinite extension of the Treaty's duration on 11 May 1995, the Treaty has been strengthened by the almost universal adherence to it. It will be further strengthened when Brazil has implemented the declared and very welcome intention of its Government to accede to the Treaty at the earliest possible date.

3. It is the responsibility and obligation of all States to contribute to the relaxation of international tension and to the strengthening of international peace and security. We underscore the important and tangible progress achieved in the area of nuclear disarmament and reaffirm our determination to continue the pursuit by the nuclear-weapon States of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons, and by all States of general and complete disarmament under strict and effective international control.

4. The opening for signature of the Comprehensive Nuclear Test Ban Treaty on 24 September 1996, and its signature on that day by all of us, was a major achievement by the international community. We strongly support the earliest ratification of the Treaty by all States, in particular by those whose ratification ensures its entry into force. To this end France and the United Kingdom have already ratified the Treaty. In addition we are all fully supporting the work of the Preparatory Commission for the Comprehensive Test Ban Treaty Organisation. We call upon all States to contribute to the success of this Treaty.
5. We also reaffirm our readiness for the immediate commencement and early conclusion of negotiations in the Conference on Disarmament on a non-discriminatory, universal and internationally and effectively verifiable convention banning the production of fissile material for nuclear weapons or other nuclear explosive devices, a goal contained in the Decision on Principles and Objectives for Nuclear Non-Proliferation and Disarmament and as its second step, following the completion of the CTBT negotiations.

6. Such a treaty will cap the fissile material stockpiles available for use in nuclear weapons and, by adding new constraints, will strengthen the international nuclear non-proliferation regime and will constitute a significant step towards the eventual achievement of nuclear disarmament.

7. We encourage all States Parties to the NPT to fulfil this shared commitment set forth in the Decision on Principles and Objectives for Nuclear Non-Proliferation and Disarmament. We also stress the importance for the States which are not yet parties to the NPT to join negotiations on a fissile material cut-off treaty in accordance with the 1995 statement of the Special Coordinator of the Conference on Disarmament and the mandate contained therein.

8. In connection with our determined pursuit of systematic and progressive efforts to reduce nuclear weapons globally, we welcome

- the agreements reached in New York in September 1997 between the Russian Federation and the United States of America with a view to facilitating the entry into force of the second Strategic Arms Reduction Treaty and the subsequent negotiation of a third Strategic Arms Reduction Treaty;

- related steps to place under IAEA verification as soon as practicable fissile material withdrawn from weapons programmes by the nuclear weapon States concerned in the process of nuclear weapons reductions and designated by those States as no longer required for their defence purposes and to identify appropriate strategies for the management of such material, with a view to making the process of nuclear reduction irreversible; and, in this context, the trilateral initiative involving the Russian Federation, the United States and the IAEA, to address technical, financial and legal aspects of the application of IAEA verification to weapons-origin fissile material;

- the other steps being taken by us in this area.

9. We also welcome and encourage overall progress towards general and complete disarmament, as provided for in Article VI of the NPT, for which all States Parties share responsibility.
10. We emphasise the importance of the faithful adherence of all States Parties to their respective non-proliferation obligations under the NPT and Nuclear-Weapon-Free Zone Treaties. We reaffirm our conviction that the establishment of nuclear-weapon-free zones, on the basis of arrangements freely arrived at among the States of the regions concerned, enhances global and regional peace and security. We recall the security assurances we have provided to the parties to these treaties which now number nearly 100 countries. Moreover, we are working with the signatories of the South East Asian Nuclear-Weapon-Free Zone Treaty to remove those obstacles currently preventing the nuclear weapon States from signing the Protocol to that Treaty. We supported the re-establishment of an Ad Hoc Committee on "Effective international arrangements to assure non-nuclear weapon States against the use or threat of use of nuclear weapons" in the Conference on Disarmament, as part of the decision adopted by the Conference on 26 March 1998.

11. We welcome the adoption on 15 May 1997 by the Board of Governors of the International Atomic Energy Agency of a Model Additional Protocol containing measures which, when implemented, will strengthen the effectiveness and improve the efficiency of the safeguards system as a contribution to global nuclear non-proliferation objectives.

12. We urge all States which have not yet done so to start early negotiations with the IAEA and to conclude their Additional Protocol negotiations in accordance with this model as soon as possible. We also note that at the IAEA's Board of Governors meeting in May 1997 all of us made commitments to negotiate Additional Protocols or other legally binding agreements incorporating those measures provided for in the Model Protocol that each of us has identified as capable of contributing to the non-proliferation and efficiency aims of the protocol and as consistent with our obligations under Article I of the NPT.

13. We welcome the development and emphasise the importance of peaceful uses of nuclear energy which is used increasingly in many sectors of the economy, not just for the production of electricity but also for the improvement of the health and welfare of mankind.

14. Nuclear security is a fundamental issue. The acceptance by States of safeguards under Article III.1 of the NPT is a key requirement. The work of the Zangger Committee in setting guidelines for the implementation of Article III.2 of the NPT is also important. Moreover, both support the peaceful development of nuclear energy.

15. We remain determined to increase nuclear security and reinforce our joint efforts to prevent and combat illicit trafficking in nuclear materials. In this regard, we evaluate positively the implementation of the relevant decisions of the 1996 Moscow Summit.
16. We attach importance to the full implementation of Article IV of the NPT. In this context we reaffirm our commitment towards cooperation in the field of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I, II and III of the Treaty and following up the Decision on the Principles and Objectives for Nuclear Non-Proliferation and Disarmament.

17. Every effort should be made to ensure that the IAEA has the financial and human resources necessary in order to meet effectively its responsibilities in the areas of technical cooperation, safeguards and nuclear safety. The Agency should also be encouraged to intensify its efforts aimed at finding ways and means for funding technical assistance through predictable and assured resources.

18. We reaffirm the absolute necessity of nuclear safety and the need to pursue research to ensure ever greater safety in the future, including in the field of waste management in order to ensure that nuclear waste does not become a burden for future generations.

19. We emphasise the importance of transparency in the development of nuclear energy, particularly regarding safety.

20. In recognition of the value of the NPT to global security and conscious of our obligations under the Treaty, we will continue to work together for the success of the preparatory process and the 2000 Review Conference and on related issues.
I. General context

It is to be noted that in its Special Report (CD/825), the Ad Hoc Committee once again reaffirmed that non-nuclear-weapon States should be effectively assured by the nuclear-weapon States against the use or threat of use of nuclear weapons pending effective measures of nuclear disarmament. All delegations expressed (para. 13) their readiness to seek agreement on a "common formula" of such NSA acceptable to all to be included in an international instrument of a legally binding character.

As in the previous years, the Ad Hoc Committee decided to concentrate primarily on the scope and the nature of the arrangements on the understanding that an agreement on the substance of the arrangements could facilitate the agreement on the form. At the same time, the discussion held revealed that a more comprehensive review of the "common formula" alternatives required also reference to some aspects of the arrangements' form, particularly its legal status.

1. Existing system of global NSA

(a) Source - non-use declarations by all nuclear-weapon States

(b) Features:

- specifies Art.2(4) of the UN Charter when use of nuclear weapons might be involved;
- stipulates cases when non-nuclear-weapon States may rely on intentions expressed by nuclear-weapon States not to use or threaten to use nuclear weapons;
- unilateral (could be changed or withdrawn);
- not uniform in scope of the non-use declarations;
- conditional elements susceptible to subjective interpretations.

1/ The Chairman took into account relevant comments in the final drafting of this paper and noted that it should not be viewed as prejudicial to any position nor as endorsing any particular approach. He expressed the hope that the paper would be up-dated in light of future developments on the question.
(c) Points of clarification:
- meaning of "aggression" (French NSA);
- meaning of "attack" (US/UK NSA);
- meaning of "non-stationing" (Soviet NSA);
- meaning of "in alliance with" (US/UK/French NSA);
- meaning of "in association with" (US/UK/French NSA).

(d) Improvements suggested by States:
- legally binding form;
- uniformity of scope;
- less conditions (if any);
- reciprocity of status of obligations by non-nuclear-weapon States and nuclear-weapon States.

(e) Action recommended by the United Nations General Assembly - para. 59 of Final Document:
- 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.

2. Regional systems of NSA

(a) Source:
- Additional Protocol II to the Treaty of Tlatelolco on a nuclear-weapon-free zone in Latin America;
- Protocol 2 to the Treaty of Rarotonga on a nuclear-free zone in the South Pacific;

(b) Features:
- legally binding;
- scope limited to region;
- all nuclear-weapon States assumed obligations under Protocol II to the Treaty of Tlatelolco; some of those States made interpretative statements attached to Protocol II;
- two nuclear-weapon States assumed obligations under Protocol 2 to the Treaty of Rarotonga with no reservations.
II. Single "common formula" approach

1. Nature - not to use or threaten to use nuclear weapons against non-nuclear-weapon States

2. Non-nuclear-weapon States' qualifications
   (a) Non-nuclear status:
       - NPT parties;
       - nuclear-weapon-free zone parties;
       - unilateral non-nuclear undertakings;
   (b) Nuclear-weapon States self-defence:
       - not parties to a military alliance of collective defence with a nuclear-weapon State;
       - not stationing nuclear weapons;
       - not attacking a nuclear-weapon State (or allies).

3. Structure
   (a) Static formula containing (verifiable) qualifications of non-nuclear-weapon States to be assured:
       - all States which are not nuclear-weapon States;
       - States renouncing production, acquisition and not station nuclear weapons;
       - non-nuclear-weapon States parties to the NPT which undertake not to attack a nuclear-weapon State (or allies) in alliance with another nuclear-weapon State;
       - States not having nuclear weapons, which have pledged not to seek them and undertake not to commit aggression against a nuclear-weapon State (or allies) in alliance with another nuclear-weapon State;
       - non-nuclear-weapon States not parties to nuclear security arrangements of some nuclear-weapon States.
   (b) Dynamic formula containing qualifications of non-nuclear-weapon States to be assured plus a "withdrawal clause":
       - non-nuclear-weapon States parties to the NPT, unless attacking a nuclear-weapon State (or allies) in alliance with another nuclear-weapon State;
States having committed themselves not to manufacture or acquire nuclear weapons, provided that they do not attack, or partake in attack upon a nuclear-weapon State (or allies) with support (alliance) of another nuclear-weapon State;

States not having nuclear weapons and having pledged not to seek them, except when committing aggression against a nuclear-weapon State (or allies) in alliance with another nuclear-weapon State.

(c) Preference:

- in the context of unilateral non-use declarations, both static and dynamic formulae could be used, depending on the nature of the nuclear-weapon States' requirements;

- in the context of a legally-binding instrument the preference is for a static "common formula";

4. Current scope of global NSA system
(States covered by all existing non-use declarations of the nuclear-weapon States)

(a) Static formula - NPT non-nuclear-weapon States which do not station nuclear weapons and are not members of military alliance of collective defense with a nuclear-weapon State and which reaffirm obligation under Art. 2(4) of the UN Charter;

(b) Dynamic formula - NPT non-nuclear-weapon States which do not station nuclear weapons, providing that they do not attack (commit an aggression against) a nuclear-weapon State (or its allies) in alliance with another nuclear-weapon State.

5. Alternatives for negotiation (not mutually exclusive)

(a) A categorical NSA formula accompanied by interpretative statements by nuclear-weapon States:

- an international instrument to give a legally-binding form to the unilateral non-use declarations of the nuclear-weapon States;

(b) A "common formula" containing elements to be raised and agreed upon by all parties concerned;

(c) A "common formula" reconciling the elements of the existing non-use declarations.
III. Categorizational approach

1. Criteria for categorization:
   (a) NPT adherence,
   (b) unilateral non-nuclear undertaking,
   (c) alliance status,
   (d) non-stationing of nuclear weapons.

2. Categories of non-nuclear-weapon States:
   (a) Non-nuclear-weapon States not parties to military alliance of collective defense with a nuclear-weapon State:
       - NPT parties or other legally-binding commitment
       - unilateral non-nuclear status;
   (b) Non-nuclear-weapon States parties to military alliance of collective defense with a nuclear-weapon State and not stationing nuclear weapons on their territories;
   (c) Non-nuclear-weapon States parties to military alliance of collective defense with a nuclear-weapon State and stationing nuclear weapons on their territories.

3. Negotiation on a step-by-step basis
   (a) First stage: "common formula" arrangements with respect to the two sub-categories under (a);
   (b) Second stage: "common formula" arrangements with respect to categories (b) and (c).
Ad Hoc Committee on Effective International Arrangements to Assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons

CHAIRMAN'S DISCUSSION PAPER 1/

Elements of a "Common Formula" of Negative Security Assurances (NSA)

I. General context

It is to be noted that in its Special Report (CD/825), the Ad Hoc Committee once again reaffirmed that non-nuclear-weapon States should be effectively assured by the nuclear-weapon States against the use or threat of use of nuclear weapons pending effective measures of nuclear disarmament. All delegations expressed (para. 13) their readiness to seek agreement on a "common formula" of such NSA acceptable to all to be included in an international instrument of a legally binding character.

As in the previous years, the Ad Hoc Committee decided to concentrate primarily on the scope and the nature of the arrangements on the understanding that an agreement on the substance of the arrangements could facilitate the agreement on the form. At the same time, the discussion held revealed that a more comprehensive review of the "common formula" alternatives required also reference to some aspects of the arrangements' form, particularly its legal status.

1/ This paper is based on document CD/SA/WP.12/Rev.1 dated 2 September 1988, which has been updated in the light of the developments within the Committee since its issue.

GE.93-60922 (E)
1. **Existing system of global NSA**

(a) **Source** - non-use declarations by all nuclear-weapon States.

(b) **Features:**

- specifies Art.2 (4) of the UN Charter when use of nuclear weapons might be involved;
- stipulates cases when non-nuclear-weapon States may rely on intentions expressed by nuclear-weapon States not to use or threaten to use nuclear weapons;
- unilateral (could be changed or withdrawn);
- not uniform in scope of the non-use declarations;
- conditional elements susceptible to subjective interpretations

(c) **Points of clarification:**

- meaning of "aggression" (French NSA);
- meaning of "attack" (US/UK NSA);
- meaning of "non-stationing" (Soviet NSA);
- meaning of "in alliance with" (US/UK/French NSA);
- meaning of "in association with" (US/UK/French NSA);

(d) **Improvements suggested by States:**

- legally binding form;
- uniformity of scope;
- less conditions (if any);
- reciprocity of status of obligations by non-nuclear-weapon States and nuclear-weapon States.

(e) **Action recommended by the United Nations General Assembly - paragraph 59 of Final Document:**

- 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.
2. Regional systems of NSA

(a) Source:
- Additional Protocol II to the Treaty of Tlatelolco on a nuclear-weapon-free zone in Latin America;
- Protocol 2 to the Treaty of Rarotonga on a nuclear-free zone in the South Pacific.

(b) Features:
- legally binding;
- scope limited to region;
- all nuclear-weapon States assumed obligations under Protocol II to the Treaty of Tlatelolco; some of those States made interpretative statements attached to Protocol II;
- two nuclear-weapon States assumed obligations under Protocol 2 to the Treaty of Rarotonga with no reservations.

II. Single "common formula" approach

1. Nature - not to use or threaten to use nuclear weapons against non-nuclear-weapon States.

2. Non-nuclear-weapon States' qualifications

(a) Non-nuclear status:
- NPT parties;
- parties to the Treaties or Agreements establishing nuclear-weapon-free zones;
- States which made unilateral non-nuclear undertakings;
- States which officially affirm that they do not possess nuclear weapons.

(b) Nuclear-weapon States self-defence:
- not parties to a military alliance of collective defence with a nuclear-weapon State;
- not stationing nuclear weapons;
- not partaking in, or contributing to, any military attack on any nuclear-weapon State (or its allies);
- a party to a military alliance or any other security arrangements providing for mutual defence with a nuclear-weapon State but which has no nuclear weapons stationed on its territory.

3. Structure

(a) Static formula containing (verifiable) qualifications of non-nuclear-weapon States to be assured:

- all States which are not nuclear-weapon States;
- States renouncing production, acquisition and not station nuclear weapons;
- non-nuclear-weapon States parties to the NPT which undertake not to attack a nuclear-weapon State (or allies) in alliance with another nuclear-weapon State;
- States not having nuclear weapons, which have pledged not to seek them and undertake not to commit aggression against a nuclear-weapon State (or allies) in alliance with another nuclear-weapon State;
- non-nuclear-weapon States not parties to nuclear security arrangements of some nuclear-weapon States;
- parties to the Treaties or Agreements establishing nuclear-free or nuclear-weapon-free zones.

(b) Dynamic formula containing qualifications of non-nuclear-weapon States to be assured plus a "withdrawal clause":

- non-nuclear-weapon States parties to the NPT, unless attacking a nuclear-weapon State (or allies) in alliance with another nuclear-weapon State;
- States having committed themselves not to manufacture or acquire nuclear weapons, provided that they do not attack, or partake in attack upon a nuclear-weapon State (or allies) with support (alliance) of another nuclear-weapon State;
- States not having nuclear weapons and having pledged not to seek them, except when committing aggression against a nuclear-weapon State (or allies) in alliance with another nuclear-weapon State.

(c) Preference:

- in the context of unilateral non-use declarations, both static and dynamic formulae could be used, depending on the nature of the nuclear-weapon States' requirements;
- in the context of a legally-binding instrument the preference is for a static "common formula".

4. **Current scope of global NSA system**
   (States covered by all existing non-use declarations of the nuclear-weapon States)

   (a) **Static formula** - NPT non-nuclear-weapon States which do not station nuclear weapons and are not members of military alliance of collective defence with a nuclear-weapon State and which reaffirm obligation under Article 2 (4) of the UN Charter;

   (b) **Dynamic formula** - NPT non-nuclear-weapon States which do not station nuclear weapons, providing that they do not attack (commit an aggression against) a nuclear-weapon State (or its allies) in alliance with another nuclear-weapon State.

5. **Alternatives for negotiation** (not mutually exclusive)

   (a) A categorical NSA formula accompanied by interpretative statements by nuclear-weapon States:

      - an international instrument to give a legally-binding form to the unilateral non-use declarations of the nuclear-weapon States;

   (b) A "common formula" containing elements to be raised and agreed upon by all parties concerned;

   (c) A "common formula" reconciling the elements of the existing non-use declarations.

III. **Categorizational approach**

1. **Criteria for categorization**:

   (a) adherence to the NPT and compliance with all its obligations;

   (b) unilateral non-nuclear undertaking;

   (c) alliance status;

   (d) non-stationing of nuclear weapons;

   (e) adherence to the Treaties or Agreements establishing nuclear-free or nuclear-weapon-free zones;

   (f) official declaration of non-possession of nuclear weapons.
2. **Categories of non-nuclear-weapon States:**

   (a) Non-nuclear-weapon States not parties to military alliance of collective defence with a nuclear-weapon State:
       - NPT parties or other legally-binding commitment;
       - unilateral non-nuclear status.

   (b) Non-nuclear-weapon States parties to military alliance of collective defence with a nuclear-weapon State and not stationing nuclear weapons on their territories.

   (c) Non-nuclear-weapon States parties to military alliance of collective defence with a nuclear-weapon State and stationing nuclear weapons on their territories.

3. **Negotiation on a step-by-step basis**

   (a) First stage: "common formula" arrangements with respect to the two sub-categories under (a).

   (b) Second stage: "common formula" arrangements with respect to categories (b) and (c).
FINLAND

VIEWS ON EFFECTIVE INTERNATIONAL ARRANGEMENTS TO ASSURE NON-NUCLEAR-WEAPON STATES AGAINST THE USE OR THREAT OF USE OF NUCLEAR WEAPONS

1. Overall context

The end of the Cold War has fundamentally reduced the danger of nuclear war. Not only has the change of the political situation made the use of nuclear weapons a more remote possibility but nuclear weapons are being deeply cut and extensively withdrawn from forward positions on the territories of non-nuclear-weapon countries.

Based on the shared values and responsibilities, new forms and practices of security cooperation have become possible not only in Europe but globally as well. In line with this development, the role of nuclear weapons in security relations should be further diminished. Nuclear weapons should never be used.

A new basis exists for ensuring international security and stability through the instruments of the NPT regime.

2. Strengthening the security assurances is a timely task

The assurance of non-nuclear-weapon States against the use or threat of use of nuclear weapons is a legitimate objective. Credible provision of such guarantees has become a real possibility and a timely task for international cooperation.

3. Basic characteristics of NSAs

Finland has consistently maintained that negative security assurances should be made in a legally binding international arrangement providing for guarantees that are global in scope, uniform, unconditional and comprehensive.
4. **Non-nuclear-weapon States' qualifications**

Such guarantees should ensure the equality and integrity of all countries that have renounced the acquisition of nuclear weapons through the NPT or other legally binding multilateral instruments within the non-proliferation regime such as nuclear-weapon-free zones.

5. **Non-proliferation efforts**

Progress in the issue of security guarantees will be facilitated by further strengthening of the NPT regime. As post-Cold War fragmentation and instability is evident in some regions, cooperative efforts should be intensified to prevent nuclear proliferation.

Furthermore, all countries that have so far refrained from adhering to the international non-proliferation regime should make a legally binding and verifiable commitment to non-acquisition of nuclear weapons. Accession to the NPT, which is the solid foundation of the regime is the single most efficient form of such a pledge.

6. **Role of the Security Council**

The enhanced role and credibility of the United Nations and the Security Council has made the so-called positive security assurances a more credible instrument. A growing consensus seems to be emerging for the confirmation, on a broader basis and in a more tangible fashion, of the commitments originally undertaken by three nuclear-weapon States in the Security Council resolution 255 (1968).

Finland supports the idea of a Security Council resolution on the stronger assurance of solidarity and assistance to non-nuclear-weapon States in the case of nuclear aggression.

Such a resolution should also contain uniform and equitable non-use assurances by the nuclear-weapon States. Such a Security Council resolution would be an important step towards the legally binding arrangement that should remain our aim.
Ad Hoc Committee on Effective International
Arrangements to Assure Non-Nuclear-Weapon
States against the Use or Threat of Use
of Nuclear Weapons

Preliminary and personal conclusions by the Chairman

1. Firstly, I consider the agreement to study the problem of NSA in the
wider context of security very important. That development corresponds
mutatis mutandis to the expansion of the mandate of the First Committee, which
is now also supposed to deal increasingly with security problems.

2. Placed in this context of security, the problem of the threat of use of
nuclear weapons has been not diminished but relativized, with account being
taken of the other threats, including that from conventional weapons, which,
as we know, have been responsible for so many disasters in the past 50 years.

3. It was also remarked that the nuclear threat belongs to the same family,
so to speak, as the threats from other weapons of mass destruction (chemical
weapons, biological weapons, etc.) and that it cannot really be dealt with
until all those factors are taken into account.

4. On another point, it seems to be generally agreed that, while their
status gives the five nuclear Powers special responsibility as regards
assurances, a system of assurances can clearly only include those who have,
for their part, also given a certain number of undertakings.

5. The undertakings which are required must be credible, and that is why
many people feel that the unilateral declarations by the five nuclear Powers
are unsatisfactory, because they are not, in their opinion, legally binding.
By the same token, however, it must be recognized that, if the rule of
reciprocity of undertakings is to apply, only those who have themselves given
equally legally binding undertakings could avail themselves of such
assurances.
6. Thinking of this kind has led us to move on from the approach to the NSA issue as we have previously studied it, namely unilateral declarations by certain countries, or even joint declarations by a certain group of countries with, perhaps, an endorsement by the Security Council, to look into the advantages and disadvantages of a broader system of collective security.

7. We have therefore moved outside the narrow framework of negative security assurances to link to them the idea of positive assurances and see what might be done in a spirit of mutual security. In studying mutual security it is expedient to distinguish between global security, which may be thought to be more directly the responsibility of the nuclear States, and regional security, which may be thought to be within the jurisdiction and responsibility of every State.

8. Approaching the problem in this way reveals the inescapable complementarity between the problems of disarmament and non-proliferation. Nowadays, in a forum like ours, where we are supposed to be working to build security systems for the coming generations, it would be a mistake to view the problem otherwise. It behoves us then, not to ignore ideological concepts, which remain of the utmost importance and are still the ultimate goal, but to go beyond them and try to build something concrete, credible, realistic and effective.

9. Regarding sanctions, the general view is that the Security Council should be given a central role. It was clear that, whatever the legal form of the future undertakings, a system of automatic sanctions, such, for example, as might derive from a treaty, is out of the question and that the only recourse would be an appeal to the Security Council. That underscores the central role that everyone wishes to see the United Nations play in this matter.
CONFERENCE ON DISARMAMENT

CD/SA/WP.19
6 August 1994

ENGLISH
Original: ARABIC

Ad Hoc Committee on Effective International Arrangements to Assure Non-Nuclear-Weapon States Against the Use or Threat of Use of Nuclear Weapons

REPLY OF THE SYRIAN ARAB REPUBLIC TO THE QUESTIONNAIRE PREPARED BY THE CHAIRMAN OF THE AD HOC COMMITTEE ON EFFECTIVE INTERNATIONAL ARRANGEMENTS TO ASSURE NON-NUCLEAR-WEAPON STATES AGAINST THE USE OR THREAT OF USE OF NUCLEAR WEAPONS

Question 1: What are the fears of each of you in the field of foreign security?

Reply: (a) The possession, stockpiling and production of nuclear weapons.

(b) The possibility of nuclear weapons being used to launch an attack on one or more other States.

(c) In the Middle Eastern region, it is well known that Israel is the only State possessing, stockpiling and producing nuclear weapons. This poses a threat to the States of the region in view of Israel's aggressive and expansionist nature, its occupation of Arab territory by force, its obstruction of the peace endeavours and its refusal to sign the Non-Proliferation Treaty and to place its facilities under the control and safeguards of the International Atomic Energy Agency.

Question 2: A number of treaties - and not the least the United Nations Charter - protect against foreign aggressions. Why do we need extra commitments? Is it because we deal with weapons of mass destruction or because the use of nuclear weapons would greatly endanger the world?

Reply: For decades, none of the international instruments in force, including the provisions of Article 2 of the Charter, and particularly the Non-Proliferation Treaty, have prevented the nuclear-weapon States from conducting their nuclear tests and developing their nuclear-weapon capabilities while the non-nuclear-weapon States have been prevented from acquiring nuclear weapons, with the exception of certain States such as Israel which some nuclear-weapon States have helped to acquire and develop nuclear weapons, turning a blind eye to Israel's refusal, for a quarter of a century,
to sign the Non-Proliferation Treaty and the Agreement concerning comprehensive safeguards. This confirms the need to amend the Non-Proliferation Treaty in such a way as to make it binding on all States, since nuclear weapons are the most dangerous weapons of mass destruction and their use threatens international peace and security.

Question 3: What is the potential danger?

- war between the nuclear countries
- nuclear threat or aggression from one nuclear-weapon State against a non-nuclear-weapon State
- nuclear threat or aggression from one non-nuclear-weapon State against another non-nuclear-weapon State
- nuclear threat or aggression from one non-nuclear-weapon State against a nuclear-weapon State

Reply: The source of the nuclear danger is the possession of nuclear weapons and the threat that their possible use would pose to the sovereignty and territorial integrity of non-nuclear-weapon States.

Question 4: Who has to be protected?

- everyone
- everyone except the nuclear-weapon State
- only the signatories

Reply: International protection should be provided, by every means, for the non-nuclear-weapon States, particularly those that have signed the Non-Proliferation Treaty and have undertaken to place their facilities under the control and safeguards of the International Atomic Energy Agency.

Question 5: Who has to give the guarantees?

- the nuclear-weapon States
- everybody, on a mutual basis

Reply: The international protection should be documented in international instruments that provide the non-nuclear-weapon States and the parties to the Non-Proliferation Treaty with all forms of guarantees, particularly by the nuclear-weapon States which should undertake not to use or threaten to use nuclear weapons against them. The first of these guarantees should place the nuclear-weapon States under an obligation to accede to the Non-Proliferation Treaty and place their nuclear facilities under the control of the International Atomic Energy Agency.
Question 6: In a system of collective security, the sanctions should be

- military
- other (diplomatic, political, economic, financial, etc.)

Reply: When such international instruments are drafted, they should stipulate that all the necessary sanctions will be imposed on anyone who violates their provisions or refuses to provide the guarantees that they require, regardless of whether or not he is a party thereto.

Question 7: In which framework?

- multilateral treaty (binding only those who signed)
- United Nations

Reply: The international treaty should place the nuclear-weapon States under a definite obligation in regard to comprehensive nuclear disarmament. The wording to be agreed upon should be clear, reliable and unambiguous and should meet the wishes and concerns of all the States parties, including a ban on the proliferation of all forms of nuclear weapons with the exception of the peaceful use of atomic energy.

Protection of the States signing the Non-Proliferation Treaty should be guaranteed through the total elimination of nuclear weapons under effective international control. Until that is achieved, security arrangements or assurances, both positive and negative, must be provided for the non-nuclear-weapon States.

The mandate of the Ad Hoc Committee should include the provision of various positive and negative assurances and the conclusion of a binding international instrument confirming those assurances for the non-nuclear-weapon States that have voluntarily rejected the nuclear option or the acquisition of nuclear weapons, since positive assurances are insufficient and declarations by the nuclear-weapon States are inadequate and not legally binding.