



**Permanent Mission of Pakistan to the UN
Geneva**

**Statement by Ambassador Khalil Hashmi, Permanent Representative, at the
Plenary Meeting of the Conference on Disarmament, Geneva
09 February 2023**

Thematic Debate on Negative Security Assurances

Mr. President,

Thank you for convening this important thematic discussion.

Pakistan associates itself with the statement delivered by Senegal on behalf of the Group of 21.

Mr. President,

The need for codifying Negative Security Assurances into international law has assumed even more urgency in the current international environment. My delegation, and other CD members, have periodically spotlighted the history, the significance and the security dividends of this agenda item.

This subject has been on the international agenda for close to six decades. There is an international consensus that the only guarantee against the use or threat of use of nuclear weapons and the prevention of nuclear war lies in the complete elimination of such weapons.

This global consensus has endured since the adoption of the Final Document of SSOD-I and the inception of this Conference's agenda as one of the three 'original nuclear issues', the other two being nuclear disarmament and nuclear test ban.

Mr. President,

Pakistan remains committed to the goal of a nuclear weapon free world through the conclusion of a universal, verifiable and non-discriminatory Nuclear Weapons Convention.

However, it is obvious that the goal of a nuclear free world has remained distinctly elusive for decades. And if past record is any guide, achieving this goal in the foreseeable future appears unlikely.

Yet, what is realistically achievable is the negotiations on a legal instrument on NSAs which in any case remains a long-standing and legitimate aspiration of non-nuclear weapon states.

Mr. President,

We have previously articulated our views on the partial and legally non-binding nature of the NSAs envisaged in relevant UNSC resolutions. We remain convinced that to be credible and effective, NSAs should be extended in a multilateral context and in a legally binding form.

From the late 1960s onwards, then as a non-nuclear weapon State, Pakistan had sought legally binding assurances to safeguard its security from the use or threat of use of nuclear weapons. These efforts assumed greater urgency after nuclear weapons were inducted in the South Asian region in 1974.

In 1979, Pakistan tabled a draft “International Convention to Assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons” at this Conference, contained in Document CD/10.

Unfortunately, the failure of the international community to provide credible, effective and legal assurances against the threat or use of nuclear weapons obliged Pakistan to develop a nuclear deterrent of its own. Notwithstanding this defensive capability, Pakistan remains committed to pursuing a legal instrument on NSAs.

We are of the view that the option of using nuclear weapons against non-nuclear weapon States is not only strategically untenable but also ethically unacceptable. Therefore, concluding a legally binding agreement on NSAs is an obligation, not an option.

We remain committed to transforming our voluntary pledge not to use or threaten to use nuclear weapons against any State not possessing these weapons into a multilaterally negotiated legally binding international instrument on NSAs.

Our continued commitment to NSAs is demonstrated by our annual tabling of UN General Assembly resolution on NSAs since 1990. The most recent version of this resolution was adopted last year without a single negative vote.

We will continue to add our voice and make contributions to advancing the purpose of this agenda item at this body and beyond.

Mr. President,

Let me now address the most common arguments presented against the commencement of negotiations on NSAs at the CD.

One, the assurances provided through unilateral declarations and UNSC resolutions are sufficient.

The sufficiency and efficacy of these declarations has been questioned over the years. The evidence suggests these assurances are arguably insufficient and partial for the following reasons:

First, many of these unilateral declarations contain qualifiers and caveats, to be interpreted at the discretion of the States making such declarations.

Second, these qualified declarations envisage that the Security Council, and above all its nuclear-weapon State permanent members, will act immediately. This assumption remains flawed when scrutinized objectively. How can and will the Security Council “act immediately” if the perpetrator of such an act is also a veto-wielding member that will certainly block any joint action by the Council?

Third, what good would the Security Council’s post hoc action be when the country aggressed upon by the use of nuclear weapons has already been devastated?

It is obvious that these declarations do not stand the evidentiary standard of verification and compliance either.

For these reasons, the declarations of nuclear weapon states contained in Security Council resolutions do not and cannot substitute a multilateral legally binding instrument on NSAs.

Mr. President,

Let me now address the second argument that states interested in receiving further assurances should establish new Nuclear Weapon Free Zones.

We believe that existing nuclear weapon free zones have served some useful purpose, even giving root to and consolidating certain norms in their individual contexts.

We also remain supportive of efforts to create such zones, where possible, and in conformity with the 1999 UN Disarmament Commission’s principles and guidelines on this subject.

Yet, such zones in themselves do not substitute for an international legally binding instrument for the following reasons:

First, the current system of nuclear weapon free zones (NWFZs) is not universal;

Non-nuclear weapon states that are outside established zones or belong to regions where the establishment of such zones is extremely problematic due to the existence of nuclear weapons in such regions, should not be denied their legitimate right to receive legally binding NSAs.

Second, the insertion of qualifiers and caveats by some nuclear weapon States in the NWFZs treaties in some instances undermine the spirit of the very treaties establishing such zones i.e. by limiting the obligations to self-interpretive declarations.

Third, the questions around transit and movement of nuclear weapons have been complicated further by new developments and technologies. In addition, many states possess means of delivery with global reach and without any constraints on such means. For these reasons, Nuclear Weapon Free Zones in and of themselves do not offer a viable solution to the larger question of legally codified NSAs.

Mr. President,

Given the above context, a large majority of the international community has continued to raise the legitimate question that if some permanent members of the Security Council do not have any intention of using nuclear weapons against non-nuclear weapon states, then what prevents them from codifying these assurances into an international legally binding instrument?

And secondly, if such States do not want to unconditionally and legally relinquish their right to use nuclear weapons against non-nuclear weapon states, how will they possibly relinquish nuclear weapons at all?

The CD membership deserves an explanation on the rationale and reasons for the opposition to commencing negotiations on a legally binding instrument on NSAs, including any security concerns that might be at stake. Furthermore, why and which of these concerns cannot be addressed during negotiations in the CD?

In any event, States opposing commencement of negotiations on a legal instrument on NSAs should at least acknowledge their responsibility for perpetuating the CD's ongoing stalemate.

Mr. President,

A legally binding instrument on NSAs will not undermine the national security interests of any state possessing nuclear weapons since the Convention would not entail any elimination, reduction or freeze on nuclear weapons, and will therefore also be in accord with the letter and spirit of SSOD-I.

Its absence on the other hand undermines and diminishes the right to equal security for non-nuclear weapon states that have renounced the right to develop nuclear weapons and are not parties to the collective security arrangements of, or alliances with some nuclear-weapon States.

Let me share the security dividends that an international instrument on NSAs will provide.

It will contribute meaningfully to fostering a more peaceful and stable security environment globally and regionally. It will constitute a major CBM

between the nuclear and non-nuclear weapon States, thereby facilitating negotiations on other matters related to nuclear disarmament and non-proliferation.

It will also bridge the security gap between nuclear and non-nuclear weapon States. A legal instrument will help reduce tensions; avoid costly arms races; and mitigate concerns of non-nuclear weapon states due to the emergence of new doctrines related to the use of nuclear weapons.

Mr. President,

An international convention on NSAs is the next essential and logical step on the pathway to achieving nuclear disarmament.

Deliberations at this Conference have also made it clear that there are no insurmountable legal, technical or financial obstacles to negotiating and concluding such an instrument either. Commencing negotiations on an International Convention on NSAs would also end the decades long impasse in the CD.

The Group of 21 has repeatedly called for establishing a subsidiary body in the CD to negotiate a legal instrument on NSAs. Over the years, other CD members have also echoed this call.

Indeed, such calls are consistent with the aspirations for a “rules based international order”. The nuclear domain, especially commencement of negotiations on International Convention on NSAs, eminently qualifies as a key constituent of such an international order.

Willingness to negotiate such a Convention will be a concrete marker for demonstrating responsible behaviour on the part of nuclear weapon states.

As has been consistently pointed out by many members, the 2022 draft report of subsidiary body-4 contained a recommendation to establish an Ad Hoc Committee on NSAs, to which no CD member had raised objections. The last CD plenary meeting under your presidency was yet another manifestation of this. Given the lack of opposition, we earnestly hope that we are able to chart a concrete path under your able leadership.

I thank you.
