



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

### **Statement by Mr. Muhammad Omar, First Secretary, at First Meeting of Subsidiary Body 4, Conference on Disarmament, Geneva 24 March 2022**

**Mr. Coordinator,**

Let me begin by congratulating you on your appointment as the Coordinator for Subsidiary Body 4 to consider agenda item entitled effective international arrangements to assure non-nuclear weapon States against the threat or use of nuclear weapons.

Given your vast multilateral experience and diplomatic skills, we are confident of reaching substantive outcomes under your guidance. I assure you of my delegation's full cooperation and constructive participation.

We thank you for your letter of 14 March, proposing topics and structure for these meetings. The topics, presented as headings, are relevant to and the agenda item and are in line with the mandate contained in decision CD/2229.

We also thank UNIDIR for the useful presentation.

In line with your proposal, I shall outline the general position of my delegation on NSAs. We shall revert to the more specific issues in the subsequent sessions of the Subsidiary Body.

**Mr. Coordinator,**

The subject of Negative Security Assurances (NSAs) has been on the international agenda for over 55 years. Yet, progress towards negotiating and concluding a legal instrument at the CD remains elusive as ever.

The roots of this item go back to the 1966 UN General Assembly Resolution 21/53A which called upon the then Eighteen-Nation Committee on Disarmament "to consider urgently the proposal that nuclear weapons powers should give an assurance that they will not use, or threaten to use, nuclear weapons against non-nuclear weapons states without nuclear weapons on their territories".

The salience NSAs was recognized in the foundational document of the contemporary multilateral disarmament architecture, the 1978 SSOD-I Final

Document. Let me recall the relevant proviso in the Final Document with respect to nuclear-weapon states and I quote “to pursue efforts to conclude appropriate, effective arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.”

Let me also recall that pursuant to this call made forty-three years ago, the CD began considering this issue as an integral part of its agenda at its very first session in 1979.

Let me also take the opportunity to draw attention to an important fact that is often overlooked. The item on NSAs is one of the three ‘original nuclear issues’ on the CD’s agenda, the other two being nuclear disarmament and nuclear test ban.

After nuclear disarmament, this is also the oldest and certainly the most over-ripe issue on the disarmament landscape. However, it is an unfortunate fact that the CD has been and continues to be prevented from negotiating a legal instrument on NSAs.

**Mr. Coordinator,**

Pakistan has a long history of support for NSAs. 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 our region in 1974.

In 1979, Pakistan tabled a draft text at the CD entitled “International Convention to Assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons”, contained in Document CD/10. Failure by the international rules-based order to provide legal assurances was among the reasons that obliged Pakistan to develop its defensive capability in the face of external threats to its security.

Notwithstanding this defensive capability, Pakistan did not abandon advocacy for NSAs. Our continued support for a legal instrument on NSAs is guided by the fact that the option of using nuclear weapons against non-nuclear weapon States is not only strategically untenable but also ethically unacceptable.

As a responsible nuclear State, Pakistan has held out a voluntary pledge not to use or threaten to use nuclear weapons against any State not possessing these weapons. We are ready to transform this pledge into a multilaterally negotiated legally binding international instrument.

**Mr. Coordinator,**

Pakistan’s continued commitment to negative security assurances is also demonstrated by the annual introduction of UN General Assembly resolution on it since 1990. The most recent version of this resolution was adopted last year without a single negative vote.

Let me highlight that this resolution inter alia recommends that the CD should and I quote, “actively continue intensive negotiations with a view to reaching early agreement and concluding effective international agreements to assure the non-nuclear-weapon States against the use or threat of use of nuclear weapons, taking into account the widespread support for the conclusion of an international convention”. End quote.

Here at the CD, Pakistan has also been actively participating in the substantive discussions on NSAs held in the CD over the decades, including in the Way Ahead Working Group of 2017 and Subsidiary Body 4 of 2018. While we regret that the report of SB-4 could not be adopted due to lack of consensus, we acknowledge the value added by those discussions on this salient issue.

**Mr. Coordinator,**

Let me now turn to the question of sufficiency and efficacy of unilateral declarations made by some of the nuclear weapon states.

There is an international consensus that the only guarantee against the use or threat of use of nuclear weapons and prevention of nuclear war is the complete elimination of such weapons. It is evident that the goal of elimination of nuclear weapons has remained elusive for decades. If past track record is any guide, such elimination appears unlikely in the foreseeable future.

Both the hindsight and prognosis of nuclear disarmament makes the case for a legal instrument on NSAs all the more eminent and urgent.

The assurances by the nuclear weapon States contained in UNSC resolution 255 of 1968 and UNSC resolution 984 of 1995 are arguably insufficient, partial and even confounding.

Let me illustrate. It is well known that many of these unilateral declarations contain qualifiers and caveats. How these caveats are interpreted remains the prerogative of the States making such declarations. It is obvious that these declarations do not stand the evidentiary standard of verification and compliance.

Let me explain it further. For example, these declarations provide 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 [a non-nuclear weapon state is] the victim of an act of, or object of a threat of, aggression in which nuclear weapons are used”.

Now let us look at the viability of this noble assertion on an objective basis. Consider Exhibit: how can or 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?

Let us now consider Exhibit B. 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?

A clear majority in the international community has long raised this legitimate question: 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 formalizing the assurances into an international legally binding instrument?

Moreover, it is also clear that the principle of non-use of force or threat to use force, enshrined in the UN Charter, extends also to the use of nuclear weapons, without prejudice to Article-51. Concluding a legally binding agreement on NSAs is therefore, in our view, an obligation, not an option.

It is also evident that since legally binding NSAs will not involve any elimination, reduction or freeze on nuclear weapons, a legal instrument would not undermine the security of any nuclear-weapon state.

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

**Mr. Coordinator,**

Let me now illustrate further the transformational value addition of a legal instrument on NSAs.

As long as the goal of nuclear disarmament and associated legal obligations remain unfulfilled, NSAs can bridge the security gap between nuclear and non-nuclear weapon States.

Legally provided NSAs could also obviate the concerns amongst non-nuclear weapon States arising from induction of new doctrines and technologies related to the use of nuclear weapons. Such NSAs can also make a significant contribution to strengthening the international non-proliferation regime. Conversely, their absence has had an opposite effect.

Legally binding NSAs would constitute a major Confidence Building Measure (CBM) between the nuclear and non-nuclear weapon States thus leading to a genuinely conducive international environment facilitating negotiations on other matters related to nuclear disarmament and non-proliferation. Concluding and implementing NSAs does not entail any financial burden.

International legally binding NSA's could indeed be considered a concrete marker for demonstrating responsible behaviour on the part of nuclear weapon states.

It is obvious from these considerations that a legally binding instrument on NSAs remains a low hanging fruit that does not impinge on the security interests of any state possessing nuclear weapons. And its value addition lies in its transformational potential and benefits for global as well as regional peace and security.

**Mr. Coordinator,**

The G-21 has repeatedly called for the establishment of a subsidiary body to negotiate NSAs in the CD. Substantive work could commence on the basis of the draft text submitted by Pakistan in 1979, contained in document CD/10, while aligning it with contemporary context. My delegation stands ready to join the commencement of negotiations on any other basis to facilitate the conclusion of a treaty.

Another concrete way to move forward is to update the matrix prepared previously by UNIDIR on all existing negative security assurances, identify and list the common elements among them as the starting point, or the least common denominator, for incorporation into a multilateral treaty. Details can be fleshed out during negotiations.

We once again call upon States that continue to block commencement of negotiations on NSAs in the CD to enlighten us with their rationale and reasons for their opposition, including any security interests of theirs that might be at stake. The CD membership also deserves an explanation on why concerns of those opposing a legal instrument on NSAs cannot be addressed during negotiations in the CD.

As we have pointed out in other subsidiary body discussions, there can be no other explanation for continued blocking of negotiations in the CD on nuclear disarmament, PAROS and NSAs except that these States seek to perpetuate what they perceive as strategic advantages, maintain their “full spectrum dominance”, but fail to acknowledge their responsibility in perpetuating the CD’s deadlock.

**Mr. Coordinator,**

It is my delegation’s hope that substantive discussions on NSAs in this Subsidiary Body would meaningfully contribute to developing a better mutual understanding among the CD members.

It is also our sincere hope that this work would pave the way to start negotiations on this over-ripe low hanging fruit as a first step in delivering on the CD’s mandate.

**I thank you, Mr. Coordinator.**

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