



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

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

**Madam Chair,**

Thank you for convening this meeting.

We also thank UNIDIR for the useful presentation.

The overall position of my delegation on NSAs has been elaborated in detail during the previous meeting of this Subsidiary Body.

We appreciate the coordinator's efforts to provide a structure for our discussions, aimed at bringing clarity to this subsidiary body's work. In my remarks today, I shall endeavour to address these topics, though given the nature of this subsidiary body's work, some overlaps are inevitable.

**Madam Chair,**

NSAs have an important role in fostering a more peaceful and stable environment globally and regionally. They are also vital in advancing the objectives of nuclear disarmament and non-proliferation. These factors notwithstanding, the real impact of NSAs is only achievable when NSAs are codified through an international legally binding instrument.

As one of the three 'original nuclear issues' on the CD's agenda for over four decades, the other two being nuclear disarmament and nuclear test ban, concluding a legally binding instrument on NSAs is the next essential and logical step on the pathway to nuclear disarmament.

From security perspective, 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 development of new doctrines and induction of 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.

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.

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

**Madam Chair,**

Let me now turn to the subject of general and specific obligations, and the effectiveness of existing NSAs.

It is well known that a number of questions remain regarding the sufficiency and efficacy, or the lack thereof, of unilateral declarations made by some of the nuclear weapon states.

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

My delegation has already raised questions on the structural limitations inherent in the logic of Security Council "acting immediately" when five of the nuclear weapon possessors are also veto-wielding members of the very Council.

And even if such a decision is reached by the Council, what good would such post hoc action serve when the country aggressed upon by the use of nuclear weapons has already been devastated?

For these reasons, declarations of nuclear weapon states contained in Security Council resolutions do not make up for a multilateral legally binding instrument on NSAs.

It is also 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

A future treaty on NSAs would have to plug these gaps, in addition to translating these unilateral assurances into a legal instrument. While the exact nature of general and specific obligations would be the subject of treaty negotiations, certain general obligations are evident even today.

First, the NSAs would have to be of a legally binding, universal and unconditional character.

Secondly, two key provisions of the UN Charter, namely the principle of non-use or threat of use of force contained in Article 2(4), without prejudice to Article-51, and an unqualified adherence to Article 25 of the Charter would need to be embedded into the legal instrument.

**Madam Chair,**

Let me now address the topic of Nuclear Weapon Free Zones. These zones have served some useful purposes and even given root to certain norms in their individual contexts. Yet, such zones in themselves do not substitute for an international legally binding instrument. Let me illustrate.

Pakistan spearheaded the creation of a nuclear weapons free zone in South Asia for nearly a quarter century through an annual resolution tabled by Pakistan and adopted by the UN General Assembly. I would like to recall some elements from this resolution.

- Firstly, endorsement of the concept of a nuclear weapons free zone in South Asia;
- Secondly, urging states in the region to establish such a zone, and in the meantime, refrain from any action contrary to this objective;
- And thirdly, calling upon those nuclear weapon States which had not done so to respond positively and extend their cooperation to establish such a zone in South Asia.

However, in 1998, this normative layer was breached by one state in our region.

Without prejudice to their individual significance, which I stated earlier, nuclear weapons free zones contribute primarily to their regional contexts. The current system of nuclear weapon free zones (NWFZs) remains non-universal, excluding some regions.

The insertion of qualifiers and caveats by some nuclear weapon States in the NWFZs treaties raises key questions. One, these qualifiers in some instances undermine the spirit of the very treaties establishing such zones i.e. by limiting the obligations to self interpretive declarations. Many questions have already been raised such as 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 guarantees codified into an international legally binding instrument?

Lastly, the questions around transit and movement of nuclear weapons are complicated further by the on-set and introduction of new developments and technologies. It is well understood that the issue of nuclear weapons is intrinsically tied to their means of delivery. With states possessing means with global reach and without any constraints on such means, nuclear weapons free zones in and of themselves are not the solution to the NSAs question.

**Madam Chair,**

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 G-21 has repeatedly called for the establishment of a subsidiary body to negotiate NSAs in the CD.

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.

If not a clear recommendation to the CD to establish an Ad Hoc Committee on NSAs next year, at the least this year's subsidiary body should clearly outline the rationale and concerns which remain an impediment to such a recommendation which could enable us to start negotiations on this over-ripe low hanging fruit as a first step in delivering on the CD's mandate.

**I thank you.**

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