PREPARATORY COMMITTEE FOR THE CONFERENCE
OF NON-NUCLEAR-WEAPON STATES

SECURITY GUARANTEES IN THE CONTEXT OF MEASURES
TO PREVENT THE SPREAD OF NUCLEAR WEAPONS

Paper by the Rapporteur

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Introduction</td>
<td>2</td>
</tr>
<tr>
<td>2. A balance of mutual obligations</td>
<td>5</td>
</tr>
<tr>
<td>3. Security against the nuclear threat</td>
<td>6</td>
</tr>
<tr>
<td>4. Alliances and other defence agreements with nuclear-weapon Powers</td>
<td>6</td>
</tr>
<tr>
<td>5. Guarantees by nuclear-weapon Powers</td>
<td>7</td>
</tr>
<tr>
<td>6. Guarantees offered by the USSR and the United States</td>
<td>11</td>
</tr>
<tr>
<td>7. General Assembly resolution 2153 A (XXI)</td>
<td>11</td>
</tr>
<tr>
<td>8. Submission of identical draft treaties on non-proliferation by United States and USSR</td>
<td>11</td>
</tr>
<tr>
<td>9. United Nations and other collective security systems</td>
<td>12</td>
</tr>
</tbody>
</table>
SECURITY GUARANTEES IN THE CONTEXT OF MEASURES TO PREVENT THE SPREAD OF NUCLEAR WEAPONS

Paper by the Rapporteur

1. Introduction

The search for measures to prevent the spread of nuclear weapons has highlighted once more the need for collective action to promote international security. Since 1965 the question has arisen mainly in the context of the discussion on a treaty on the non-proliferation of nuclear weapons, a treaty whose avowed aim is to help to ensure a greater degree of security for all States, nuclear and non-nuclear alike, and, in the words of General Assembly resolution 2028 (XX), "be a first step towards the achievement of general and complete disarmament and, more particularly, nuclear disarmament".

The question is of paramount importance for the non-nuclear-weapon States which, under a non-proliferation treaty, would undertake not to manufacture, control or acquire nuclear weapons in any way. It is generally felt by the non-nuclear-weapons States that, as a counterpart to this commitment, they should receive from the nuclear-weapon Powers appropriate and valid security guarantees against the use or threat of use of nuclear weapons.

On many occasions, the States not possessing nuclear weapons have called attention to the question of security guarantees, as exemplified by the following wide range of statements, made in the context of a non-proliferation treaty.

Brazil

"We deem it a necessity that the nuclear-weapon Powers contemplate a system of guarantees aimed at ensuring the security of the non-nuclear-weapon countries against nuclear attack or the threat thereof." (ENDC/PV.293)

"... This necessity is magnified by the prospect that the future non-proliferation treaty might not be signed by all the nuclear-weapon Powers." (A/C.1/PV.1457)

Burma

"The question of ensuring security is an indispensable element of a non-proliferation treaty." (ENDC/PV.250)

Canada

"As an essential corollary to a non-proliferation agreement... the nuclear Powers and the United Nations should urgently consider ways of extending
meaningful guarantees to non-nuclear-weapon States who have forgone the right to acquire nuclear weapons. ... Such States should have assurances for their security against nuclear attack or the threat of it." (A/PV.1413)

**Chile**

"Those points concerning the establishment of effective guarantees to protect non-nuclear States from the nuclear threat by any great Power are of particular importance.... This is an aspect that cannot be neglected if we do not wish to make it more difficult for the largest possible number of countries to adhere to the treaty." (A/C.1/PV.1442)

**India**

"When we are talking about a treaty which will require countries to take certain steps for the prevention of proliferation of nuclear weapons, the question of security and security guarantees will be paramount." (ENDC/PV.321)

"... The very facts of political life today demand that nations, and particularly a nation like India which is exposed to nuclear blackmail, take full account of the needs of national security." (ENDC/PV.298)

**Italy**

"An ideal non-proliferation treaty should... safeguard the security of countries which voluntarily renounce nuclear weapons...." (ENDC/PV.321)

**Kuwait**

"Truly non-nuclear States... must receive the necessary assurances that the monopoly over nuclear weapons to be retained by a few will not be used as an instrument of pressure, intimidation or blackmail." (A/C.1/PV.1438)

**Malta**

"The great value of a non-proliferation treaty... could be somewhat impaired, should the political basis on which agreement is achieved not take sufficiently into account the vital security interests of some countries...." (A/C.1/PV.1434)

**Netherlands**

"The logical counterpart... of the acceptance of non-proliferation by non-nuclear countries would be an assurance that they shall not themselves become the victims of nuclear attack." (A/C.1/PV.1438)
Nigeria

"An indispensable element of any non-proliferation measure is a firm undertaking with adequate guarantees by the nuclear Powers not to use nuclear weapons against non-nuclear Powers under any circumstances whatever or threaten to use them." (ENDC/PV.235)

"It would be unfair to call on any responsible Government to adhere to an arrangement which did not provide fair and adequate safeguards against potential threats." (ENDC/PV.292)

Peru

"Some formula can be devised to enable the nuclear Powers to guarantee those Powers which accede to the treaty against any attack or nuclear threat. (In spite of the enormous implications of such an obligation from the political point of view... we cannot be indifferent, nor can we allow those countries which have worked, and continue to work, for peace, to become victims of either a nuclear threat or a nuclear attack." (A/C.1/PV.1438)

Romania

"It is... necessary that, until the existing nuclear weapons are completely eliminated, States not possessing nuclear weapons should enjoy guarantees of security.... It is beyond dispute that the effectiveness and power of attraction of a non-proliferation treaty depend upon the extent to which it will offer to all the signatory States an enhanced degree of security." (ENCD/PV.320)

Tanzania

"[A] category of actions likely to hinder the conclusion of a non-proliferation treaty would be the failure of all nuclear Powers to guarantee not to use nuclear weapons against States which have renounced the use of nuclear weapons...." (A/C.1/PV.1434)

United Arab Republic

"It is inconceivable that the non-nuclear States, which under the treaty would renounce nuclear weapons, would agree by the same act to reserve to the nuclear Powers the privilege of threatening them or of attacking them with those same weapons. Moreover, the non-nuclear States... would have greater interest in respecting and maintaining a treaty if it contained an obligation incumbent upon the nuclear Powers not to use or to threaten to use nuclear weapons against non-nuclear States." (ENDC/PV.294)
"States that are members of alliances which include a nuclear Power can already count on the protection of that Power's nuclear weapons if their security should be threatened by nuclear blackmail or nuclear attack. It is rather the non-aligned States which feel themselves to be at permanent disadvantage by signing a treaty promising not to acquire nuclear weapons.... It is for them to reflect on how best their legitimate needs can be met...." (ENDC/PV.250)

For their part, the major nuclear-weapon Powers have paid considerable attention to this important issue, although using somewhat different approaches. (See sections 6 and 8 below.)

2. A balance of mutual obligations

As a rule, non-nuclear-weapon States envisage security guarantees as part of a balance - in the words of General Assembly resolution 2028 (XX), "an acceptable balance of mutual responsibilities and obligations of the nuclear and non-nuclear Powers". This view is reflected by the following typical statements.

Brazil

"The nuclear-weapon States should take into account the balance of obligations set forth in resolution 2028 (XX), and thus recognize that it would be neither fair nor realistic for the non-nuclear-weapon Powers to surrender their nuclear option, without any foreseen counterpart...." (A/C.1/PV.1437)

Mexico

"An... acceptable balance of mutual responsibilities and obligations of the nuclear and non-nuclear Powers... reflects the legitimate anxiety of the non-nuclear Powers when they ask how they are to be assured that they will not be the victims of nuclear attack once they have absolutely renounced the possession of such weapons.... Hence this question of balance... implies... the... question of... guarantees which the non-nuclear Powers must unquestionably receive." (ENDC/PV.242)

Spain

"A balance must be established in respect of the sacrifices imposed on all groups of States signing the treaty which require adequate guarantees." (A/C.1/PV.1440)
3. Security against the nuclear threat

The nuclear threat appears to be the main concern of non-nuclear-weapon States when considering the possible consequences of a non-proliferation treaty. As to the possible ways of countering such a threat, a number of suggestions have been made. These suggestions, as shown in the following sections, are not uniform and reveal some differences of approach, particularly between the aligned and non-aligned non-nuclear-weapon Powers. As Sweden has stated (EMDC/PV.243), at least three different types of situation can be envisaged: "... nuclear-free countries within alliances where a guarantee of nuclear protection is already functioning and in any event applicable"; (b) "... non-aligned countries, within or outside a nuclear-free zone, which might want... a pledge from the nuclear parties to the treaty not to use nuclear weapons against countries which have forgone... such weapons"; (c) "... non-aligned countries [which] perceived a threat from some nuclear Power not a party to the [non-proliferation] treaty".

4. Alliances and other defence agreements with nuclear-weapon Powers

The non-aligned non-nuclear-weapon Powers have in general made clear their objection to any provision in a non-proliferation treaty or elsewhere which would prejudice their position as non-aligned countries (see section 5 below). On the other hand, several aligned non-nuclear-weapon Powers have stressed that their acceptance of a non-proliferation treaty should in no way exclude legitimate defence agreements with a nuclear Power, not entailing the spread of nuclear weapons.

Thus, Japan, for instance, held that "proliferation should not be interpreted in such a way as to prevent non-nuclear States from taking such measures as they might consider necessary to guarantee their security against possible nuclear attack, or the threat thereof, by concluding or maintaining with a nuclear State bilateral or multilateral agreements, provided that such agreements would not entail the acquisition of nuclear weapons" (A/C.1/PV.1439). Other countries, including Australia (A/C.1/PV.1439), Belgium (A/C.1/PV.1435), China (A/C.1/PV.1436), Netherlands (A/C.1/PV.1438), Philippines (A/C.1/PV.1436), have taken similar views.

This is a question that has been debated at great length in the past, particularly in the ENDC, during 1966. The USSR and the United States and their
respective allies have widely contributed to this debate. The non-aligned non-nuclear-weapon Powers, on the other hand, have generally taken the view that this was a problem which fell mainly within the field of competence of the major nuclear-weapon Powers and their allies (see, for instance, the "Joint Memorandum on Non-Proliferation of Nuclear Weapons" by Brazil, Burma, Ethiopia, India, Mexico, Nigeria, Sweden and the United Arab Republic (ENDC/178 of 19 August 1966)). It would seem that since 1966 many of the difficulties concerning this question have been dispelled by the major nuclear-weapon Powers in consultation with their allies.

5. Guarantees by nuclear-weapon Powers

The question of security guarantees by nuclear-weapon Powers, outside the context of alliances, presents many different aspects, as evidenced by the following statements.

**Burma**

"We are receptive to any guarantee against nuclear attack that would not compromise our standing as a non-aligned country." (ENDC/PV.250)

**Ethiopia**

"It favoured a multilateral guarantee by all the nuclear-weapon Powers, or failing that, at least by the major nuclear-weapon Powers, for the security of non-nuclear-weapon States against a nuclear threat." (A/C.1/PV.1435)

**India**

"Whether or not one includes relevant paragraphs on security guarantees in the non-proliferation treaty, or how they are included, is a different matter, but those considerations will be paramount in the minds of the people in considering any draft placed before them." (ENDC/PV.321)

**Kenya**

"We would like all non-nuclear States to be protected against nuclear blackmail by a non-proliferation treaty accepted by all the five nuclear Powers." (A/PV.1422)

/...
Kuwait

"Truly non-nuclear States... should be allowed to maintain their non-alignment, which has been a most potent factor in the maintenance of international peace and security." (A/C.1/PV.1438)

Lebanon

"The existing nuclear Powers should give support on a collective and multilateral basis to a non-nuclear country which, because it had forsworn nuclear weapons, is exposed to threats of the use of such weapons. Such support would be in conformity with the Charter of the United Nations which prohibits the threat or use of force." (A/C.1/PV.1436)

New Zealand

"There are two kinds of proposals intended to provide a greater measure of security for the States which undertake not to exercise or develop their capacity to make nuclear weapons: undertakings by nuclear Powers not to use these terrible weapons against States which do not possess them; and proposals for guarantees by nuclear Powers of the security of non-nuclear-weapon States." (A/C.1/PV.1441)

Nigeria

"The idea of a 'separate bilateral' agreement involving 'one or more of the nuclear Powers' is not consistent with the non-aligned status of the non-nuclear-weapon States.... What is probably more suitable is that all nuclear-weapon States parties to the treaty on non-proliferation should agree to provide the guarantees and that this should be written into the treaty." (ENDC/PV.262)

Pakistan

"An assurance of the security of non-nuclear-weapon States from nuclear attack can have little value if it is not given by all existing nuclear Powers...." (A/C.1/PV.1434)

Philippines

"The principal nuclear Powers must be specific as to the form of nuclear guarantee they are willing to undertake. We would not be content with a broad and general declaration of support in case of nuclear attack, and must insist on definite and clear treaty obligations." (A/C.1/PV.1436)
Tunisia

"If the non-nuclear States agree to a renunciation... the nuclear States, all the nuclear States, must make a corresponding guarantee, that of collective security..." (A/C.3/PV.1446)

It would appear from these statements that the main aspects of the question of security guarantees are the following: (a) nature of the guarantees to be given by the nuclear-weapon States; (b) the guarantor Powers; (c) States whose security is to be guaranteed; (d) question of non-alignment; (e) form of guarantees; (f) question of inclusion of guarantees in a non-proliferation treaty.

(a) **Nature of guarantees to be given by the nuclear-weapon States**

As indicated, for instance, in the above statement by New Zealand, two forms of security guarantees may be envisaged: (i) an undertaking by nuclear-weapon States not to use or threaten to use nuclear weapons against States which have renounced nuclear weapons; (ii) an undertaking by nuclear-weapon States to protect the non-nuclear-weapon States against nuclear threats. (See section 6 below.)

(b) **The guarantor Powers**

Here again two possible alternatives have been considered: (i) a guarantee given by all the nuclear-weapon Powers; (ii) by only some of them. Some of the statements in question give a clear indication of the preferred solution ("the nuclear-weapon Powers", "all the nuclear-weapon Powers", "the major nuclear-weapon Powers", etc.).

(c) **States whose security is to be guaranteed**

Generally, reference is made to guarantees for "the non-nuclear-weapon Powers" or "all the non-nuclear-weapon Powers". However, in some cases, not all the non-nuclear-weapon States might be considered to qualify for guarantees. (See, for instance, section 6 below.)

(d) **Question of non-alignment**

While favouring guarantees which could effectively enhance their security, the non-aligned non-nuclear countries appear to have objections to any formula /...
that would force them into a degree of alignment (see, for instance, the above statements by Burma, Kuwait and Nigeria). On this aspect the USSR said: "The non-aligned States give particular importance to the point that what is required is not guarantees to a non-nuclear State on the part of one or more nuclear States but a multilateral agreement which would not affect the status of independence and neutrality which the non-aligned States enjoy" (ENDC/PV.273).

(e) **Form of guarantees**

Some reference is made in the above statements to "treaty obligations" as against a "general declaration of support", "support on a collective and multilateral basis", "assurances" of security, etc. No firm views have, however, emerged so far on this complex subject.

(f) **Question of inclusion of guarantees in non-proliferation treaty**

Often it is stated that a non-proliferation treaty should explicitly provide for security guarantees. Consideration has also been given, however, to the possibility that such guarantees might be provided by a separate instrument. India, as quoted above, thought this could be done, and in its view this was not a question as important as that of the guarantees themselves. Pakistan held that a non-proliferation treaty was "not a final answer to the question of the safeguarding of the security of non-nuclear countries" (A/C.1/PV.1442). Canada held that "it would be very difficult to incorporate effective guarantees in a simple treaty on non-proliferation" and suggested that, perhaps, only an article "setting out in general terms the principle that nuclear Powers were responsible for ensuring against nuclear attack or threats of it the safety of non-aligned nations which agreed to abstain from acquiring nuclear weapons" could be included in the treaty. However, "such an article could serve as a basis for separate bilateral or multilateral agreements..." (ENDC/PV.245. See also ENDC/PV.319 and 321). The United Kingdom held that "to try to write security guarantees of any formal sort into a non-proliferation treaty might delay agreement beyond the point of safety...", and that this could be done (see section 9 below) in another framework (ENDC/PV.288. See also ENDC/PV.299 and 326).

Views are being exchanged by the USSR and the United States (see section 8) on various possible solutions.
6. **Guarantees offered by the USSR and the United States**

In his message dated 27 January 1966 to the ENDC Conference, President Johnson stated:

"... So that those who forswear nuclear weapons may for ever refrain without fear from entering the nuclear arms race, let us strive to strengthen United Nations and other international security arrangements. Meanwhile, the nations that do not seek the nuclear path can be sure that they will have our strong support against threats of nuclear blackmail." (ENDC/165)

In his message dated 1 February 1967 to the same Conference, Chairman Kosygin stated:

"In order to facilitate agreement on the conclusion of a [non-proliferation] treaty, the Soviet Government declares its willingness to include in the draft treaty a clause on the prohibition of the use of nuclear weapons against non-nuclear States parties to the treaty which have no nuclear weapons in their territory." (ENDC/167)

These proposals have been discussed at length both in the ENDC and the General Assembly. The Assembly, at its twenty-first session, took the action that is described in the following section.

7. **General Assembly resolution 2153 A (XXI)**

By this resolution, which was adopted on 17 November 1966, by 97 votes to 2, with 3 abstentions, the General Assembly inter alia (a) called upon all nuclear-weapon Powers to refrain from the use or the threat of use of nuclear weapons against States which may conclude regional treaties in order to ensure the total absence of nuclear weapons in their respective territories; (b) requested the ENDC Conference to "consider urgently the proposal that the nuclear-weapon Powers should give an assurance that they will not use, or threaten to use, nuclear weapons against non-nuclear-weapon States without nuclear weapons on their territories, and any other proposals that have been made or may be made for the solution of this problem".

8. **Submission of identical draft treaties on non-proliferation by United States and USSR**

The identical draft treaties tabled by the United States and the USSR in the ENDC, on 24 August 1967, contain a preambular paragraph which reads as follows:

...
"Noting that nothing in this Treaty affects the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories...". As to the specific question of security guarantees, the Co-Chairman of the ENDC made the following statements.

In tabling the United States draft treaty, Mr. Foster said:

"We recognize that the problem of security assurances, which is of concern to some non-aligned countries, remains to be considered. The United States maintains the view that this is a matter which, because of its complexity and the divergent interests involved, cannot be dealt with in the treaty itself. We are, however, exploring various possible solutions, including action which could be taken in the context of the United Nations, whose primary purpose is the maintenance of peace and security. We expect that the Co-Chairmen will be exploring this problem further with a view to presenting recommendations to this Committee in the course of our consideration of the treaty." (ENDC/PV.325)

Similarly, in tabling the USSR draft treaty, Mr. Roschin stated:

"The Soviet Union... attaches great importance to the question of guarantees of security for the non-nuclear-weapon States which will assume the obligation not to manufacture and not to acquire nuclear weapons. It is well known that... in 1966 the USSR proposed the inclusion in the treaty of a provision that the nuclear Powers should undertake not to use nuclear weapons against the non-nuclear-weapon States which have no nuclear weapons on their territories. In submitting the draft treaty the Soviet delegation is acting on the basis of the understanding reached between the Co-Chairmen to continue the exchange of views on the guarantees of security for the non-nuclear-weapon States in order to find a positive solution of this urgent and important problem." (ENDC/PV.325)

9. United Nations and other collective security systems

A number of countries have dealt explicitly with this aspect of the problem as exemplified by the following statements.

Canada

"One way to state the right to security against attack by nuclear weapons for those countries which are willing to forgo... then... might be by way of a resolution of the United Nations General Assembly but that probably would have to be reinforced by other assurances. We would call to mind... the fact that the nuclear Powers are also the permanent members of the Security Council, and... that... they have a particular responsibility for seeing that the peace is kept and that the less powerful countries within the United Nations can live without the fear of being 'atomized' so to speak." (ENDC/PV.319)
Ireland

"Armed resistance to aggression by individual States or by limited group alliances is ceasing to give them the assurance of permanent security against attack by a great nuclear Power. This assurance... can only be given in the nuclear missile age with the maximum of credibility by a world-wide system of collective security based on a United Nations peace-guarantor force composed of lightly armed troops drawn from the non-nuclear Members, and backed by a combined force supplied by the nuclear Powers who have bound themselves to oppose aggression by a nuclear Power on a non-nuclear State." (A/C.1/PV.1441)

Nigeria

"We should sponsor provisions in the non-proliferation treaty for an international deterrent system against nuclear blackmail of any signatory of the treaty." (ENDC/PV.292)

Pakistan

"We have to look ahead and evolve a collective system whereby the security from nuclear attack of one country can be made the security of all." (A/C.1/PV.1442)

Philippines

"The ideal guarantee, of course, remains one given through the authority of the United Nations." (A/C.1/PV.1436)

Poland

"Security is obviously of universal concern.... A global threat should be coped with by a global effort, preferably through the United Nations, which was set up primarily for that purpose." (ENDC/PV.302)

Senegal

"The only guarantee, the only valid and durable security, will be that created and maintained under the auspices of the United Nations through a multilateral treaty which will constitute a true universal alliance having as its primary objective the survival of mankind." (A/C.1/PV.1444)

USSR

"The idea of a multilateral guarantee is of undoubted interest and great importance. If, for example, all States at present possessing nuclear weapons were here and now to agree never in any circumstances to use these
weapons, such an agreement would be an important step towards the complete prohibition of nuclear weapons... It would be a step, the importance of which it is hard to over-estimate, towards ensuring the security of non-nuclear States." (ENDC/PV.275)

**United Kingdom**

"If... any country signing a non-proliferation treaty feels the need for assurances of its security - and this applies, of course... more specifically to the non-aligned countries - then it is up to the nuclear Powers which sign the treaty to provide in some form or another, possibly through the existing machinery of the United Nations, the assurances that are called for." (ENDC/PV.299) (See also ENDC/PV.288 and ENDC/PV.326.)

**United States**

"Action by the General Assembly can be a useful part of security assurances for non-nuclear-weapon States." (ENDC/PV.266)

***

It would appear from the above that some progress has already been made, in the United Nations and the ENDC debates, in clarifying the basic concepts of security guarantees. As a result of the submission of the identical draft treaties on non-proliferation by the USSR and the United States, on 24 August, this question is bound to receive increased attention.