

CONFERENCE ON DISARMAMENT

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

Special Report to the Conference on Disarmament

I. Introduction

1. At its 436th plenary meeting on 2 February 1988 the Conference on Disarmament decided to re-establish for the duration of its 1988 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. It further decided that the Ad Hoc Committee would report to the Conference on the progress of its work before the conclusion of the first part of the 1988 session in view of the forthcoming third special session of the General Assembly devoted to disarmament (CD/801). Pursuant to that request, the Ad Hoc Committee submits its report to the Conference regarding the present state of negotiations on the subject, taking into account negotiations conducted since August 1982.

2. In 1982 and 1983 Ambassador Mansur Ahmad of Pakistan was Chairman of the Ad Hoc Working Group on the agenda item. After that, the following Ambassadors were appointed Chairman of the Ad Hoc Committee on the agenda item: Ambassador Borislav Konstantinov of Bulgaria in 1984; Ambassador Mansur Ahmad of Pakistan in 1985; Ambassador Paul von Stülpnagel of the Federal Republic of Germany in 1987; Ambassador Dimitar Kostov of Bulgaria in 1988 and, in his absence, Ambassador Konstantin Tellalov. In 1986, the Ad Hoc Committee was not re-established. In the course of the second part of the 1982 session, as well as the sessions from 1983 to 1985 and 1987 to 1988, the Ad Hoc Working Group and Ad Hoc Committee held 41 meetings.

3. At their request, representatives of the following States not members of the Conference on Disarmament were invited to participate in the various sessions of the subsidiary body since August 1982: Austria, Bangladesh, Cameroon, Colombia, Democratic Yemen, Finland, Greece, Ireland, New Zealand, Norway, Portugal, Senegal, Spain and Zimbabwe.

II. Substantive Negotiations during the second part of the 1982 session and the sessions from 1983 through 1987

4. At the beginning of the second part of the 1982 session, one delegation recalled in a statement before the plenary that in document CD/280 the Group of 21 had urged the nuclear-weapon States concerned to review their policies and to present revised positions on the subject to the second Special

Session. That delegation then stated that at the special session there had been no response at all to these concerns of the Group of 21 from two of the nuclear-weapon States concerned, and that the work on this item had reached an impasse. Having taken note of the above-mentioned assessment of the state of negotiations, it was generally understood that the Working Group would not hold any meetings during the second half of 1982. One delegation disagreed with the assessment of the state of negotiations expressed in CD/280 and with the views expressed by the delegation referring to the Group of 21 statement and stated it had been prepared to resume work on the issue.

5. During the course of the meetings of the Ad Hoc Working Group in 1983 the prospects for further progress on the issue were debated. The Chairman of the Ad Hoc Working Group suggested three mutually non-exclusive approaches for possible adoption by the Working Group in its consideration of the subject, namely, (1) to continue negotiations towards an agreement on a common formula which could be included in an international instrument of a legally binding character; (2) to examine the relevance and the direct implications of the non-first-use of nuclear weapons to the so-called negative security assurances; and (3) to adopt any other approach which might help in the resolution of some of the problems. Negotiations on a "common formula" did not result in substantive progress but the importance of effective security assurances to non-nuclear-weapon States was re-affirmed. It was widely held that there was an urgent need to reach agreement on a "common formula" which could be included in an international instrument of a legally binding character. There was also no objection, in principle, to the idea of an international convention; however, the difficulties involved were also pointed out. The relevance of the non-first-use of nuclear weapons to negative security assurances was debated, but divergent views remained on the subject. One nuclear-weapon State reiterated that it undertook unconditionally not to use or threaten to use nuclear weapons against non-nuclear States and nuclear-free zones. One nuclear-weapon State stressed the importance of its unilateral obligation not to be the first to use nuclear weapons, assumed during the second special session of the General Assembly devoted to disarmament. Another approach was proposed that the question of security assurances be examined according to the categories of non-nuclear-weapon States contained in the five unilateral declarations of the nuclear-weapon powers. The discussions on this approach remained inconclusive. In addition, during the course of the meetings, the five nuclear-weapon States reiterated their unilateral assurances. One nuclear-weapon State recalled the substantial expansion of its position presented during the second special session on disarmament (CD/321). Different views were expressed in connection with those statements. Furthermore, the Group of 21 presented document CD/407 to the Committee on Disarmament containing a statement that further negotiations in the Committee were unlikely to be fruitful so long as nuclear-weapon States did not exhibit a genuine political will to reach a satisfactory agreement.

6. During the 1984 session of the Conference, the Ad Hoc Committee held consultations and discussions with a view to overcoming those difficulties. The importance of effective security assurances to non-nuclear-weapon States against the use or threat of use of nuclear weapons was reaffirmed. Discussions were held to attempt to reach agreement on a "common formula" of a legally binding character. The question of how to harmonize different views and find such a formula was considered. A number of delegations expressed the view that the "common formula" should be based on a non-use or non-first-use

clause and stressed the importance of the non-stationing criterion. Other delegations, including three nuclear-weapon States, challenged that approach and maintained that the common ground should embody two elements - the status of non-nuclear-weapon States and a non-attack provision. Those States maintained that no provision of the United Nations Charter limits the right of States to make use of the means they deem the most appropriate, subject to existing international agreements, in the exercise of their inherent right of individual or collective self-defence as recognized in Article 51. It was stressed that the "common formula" should first of all meet the wishes of the non-nuclear-weapon States and be conducive to the strengthening of their security. Many delegations felt that the very term "non-nuclear-weapon States" was unambiguous and self-explanatory and it ruled out, by definition, any further need to elaborate on the status of such States. These delegations also maintained that Article 51 of the United Nations Charter could not be invoked to justify the use or threat of use of nuclear weapons in the exercise of the right of self-defence in the case of armed attack not involving the use of nuclear weapons. The question of form was also discussed. Again, there was no objection in principle to the idea of an international convention; however, the difficulties involved were also pointed out. Some delegations suggested that pending agreement on those matters elements of interim arrangements should be explored. Some delegations considered that a resolution of the Security Council containing a common denominator could be an acceptable interim solution but not a substitute to a final solution. Many delegations expressed the view that a common denominator should be an unconditional guarantee similar to that given by one nuclear-weapon State. They stated that a "common formula" was politically, legally and technically possible if four of the five nuclear-weapon States were to review their policies and formulate revised positions so as to respond positively to the legitimate concerns of the neutral and non-aligned States. Other aspects as to the form and substance of such arrangements were also analysed. The question of the relevance of the non-first-use of nuclear weapons commitment to the issue was re-examined as well as the relevance of a mutual non-use of force commitment. Divergent views remained on these subjects. In addition, the importance of the establishment of nuclear-weapon-free zones to the question was raised. A possible way out of the impasse was suggested again to the effect that security assurances could be provided only to those non-nuclear-weapon States which were outside the two major alliance systems. Discussion of this proposal remained inconclusive.

7. At the 1985 Session, owing to the late establishment of the Ad Hoc Committee, the Chairman held informal consultations with a view to determining the most efficacious manner to address the item during the remaining part of the session. As a result of those consultations, the Chairman concluded that positions espoused by the nuclear-weapon States during previous years had not changed. During the course of consultations different views were expressed regarding possibilities for making progress.

8. In the course of the 1986 session of the Conference, consultations were held on the agenda item under the guidance of successive Presidents of the Conference to explore ways and means to overcome the difficulties encountered in its work in carrying out negotiations on the question. These consultations, which were particularly focussed on the re-establishment of the Ad Hoc Committee and the appointment of the Chairman, were inconclusive and it was generally agreed that this question would be taken up at the beginning of the 1987 Session. Some delegations expressed their disappointment at the lack

of progress on the question and reiterated their appeal to the nuclear powers to re-examine their unilaterally declared policies and positions relating to arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. Some of them noted that security assurances to non-nuclear-weapon States was the least nuclear-weapon States could expect to give in exchange for the commitment by other States under the Treaty on the Non-Proliferation of Nuclear Weapons. Some delegations were of the view that security assurances to non-nuclear-weapon States should be without qualification and pre-conditions, not subject to divergent interpretations and unlimited in scope, application and duration. In statements before the plenary, one delegation pointed out that there were three categories of non-nuclear-weapon States and expressed the belief that there were feasible treaty formulations for each category, which would be realistic, discourage the geographical spread of nuclear weapons and satisfy the security considerations of all parties. This delegation also held that finding a consensus formulation required effective negotiations and stated that it was not helpful for delegations to prejudge their outcome. Some delegations strongly favoured conclusion of an international legally binding instrument to assure non-nuclear-weapon States having no nuclear weapons on their territories against the use or threat of use of such weapons and they pointed out that the unilateral declaration made by the nuclear-weapon State belonging to those delegations, was a credible and unconditional assurance which met the security concerns of the non-nuclear-weapon States. Some other delegations drew attention to the unilateral declarations made by three nuclear-weapon States, which they regard as credible and reliable and which amount to firm declarations of policy and they expressed their readiness to continue discussion of the question, though acknowledging that previous experience had shown the difficulties involved in elaborating an international convention on the subject. One delegation, not belonging to any group, held that, pending the complete prohibition and thorough destruction of nuclear weapons, all nuclear-weapon States should undertake not to use or threaten to use nuclear weapons against non-nuclear-weapon States and nuclear-free zones and reiterated that it unconditionally assumed such an obligation. It also supported all efforts conducive to reaching an agreement on effective international arrangements in this regard.

9. At the start of the work of the Ad Hoc Committee in 1987, the Chairman put forward as topics for discussion in the Ad Hoc Committee a review of positions and consideration of new proposals in the light of recent developments in arms control and international relations; and a consideration of conclusions that the Ad Hoc Committee could draw, including, inter alia, the possibilities for interim measures and alternatives for action. During consideration of the first item in the Ad Hoc Committee, delegations pointed to various aspects of recent developments in the field of disarmament and international relations and different views were expressed on their relevance to the question of security assurances.

10. In connection with the second item, one delegation put forward a proposal categorizing the non-nuclear-weapon States according to the diversity of their military situations (document CD/768), namely: (a) non-members of military alliances with a nuclear-weapon State; (b) members of military alliances with a nuclear-weapon State but having no nuclear weapons on their territories; and (c) members of military alliances that have other States' nuclear weapons on their territories. That delegation proposed undertakings to be assumed by the nuclear and the non-nuclear-weapon States in respect of the various

categories, and further proposed that nuclear-weapon States undertake to commence without delay, and conscientiously, negotiations with a view to concluding agreements to remove their nuclear weapons stationed on the territories of other States, prohibit the use of nuclear weapons, and reduce and eliminate existing stocks. An exchange of views was held on the proposal and it was generally agreed that it contained elements that required further study by the Committee.

11. In connection with the concept of "common formula", one delegation resubmitted a proposal of 1982 on the form in which the common elements of such a formula could be embodied. That delegation proposed again, as an interim measure, that the views of the nuclear-weapon States, which need not be identical, be integrated into a Security Council resolution. That delegation further suggested that the Conference on Disarmament agree to put a paragraph in its annual report with regard to elements for a "common formula", that is, in the view of that delegation, that States that had made an internationally binding commitment not to acquire nuclear weapons and were not a military ally of a nuclear-weapon State had received solemn assurances by all nuclear-weapon States against the use or threat of use of nuclear weapons, as well as with regard to the idea of a Security Council resolution as an interim measure. Other delegations reiterated their view that a resolution of the Security Council embodying disparate declarations of the nuclear-weapon States could not serve as the effective arrangement sought by the non-nuclear-weapon States and emphasized that, in view of the limitations, conditions and exceptions contained in the declarations made by some nuclear-weapon States, these delegations could not agree with the above statement that all States that had made an internationally binding commitment not to acquire nuclear weapons and were not a military ally of a nuclear-weapon State had received solemn assurances from all nuclear-weapon States against the use or threat of use of nuclear weapons.

III. Present State of Negotiations

12. At the beginning of the 1988 session, the Chairman of the Ad Hoc Committee, after appropriate consultations, proposed a list of topics for discussion during the first part of the session based on the experience of the 1987 session. In addition to consideration of the present report, the Chairman suggested the following topics: a general exchange of views; a review of positions and consideration of existing proposals and future initiatives in the light of recent developments in the field of disarmament and international relations; and conclusions including consideration, inter alia, of the possibilities for interim measures and alternatives for action.

13. The importance attached to reaching an agreement on effective international arrangements not to use or threaten to use nuclear weapons was reaffirmed once again. As in the previous years, the Ad Hoc Committee concentrated 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. Within this context, the proposal made by one delegation at the 1987 session (CD/768) categorizing non-nuclear-weapon States according to the diversity of their military situations was further discussed. The delegation that had sponsored the preceding proposal put forward an alternative option to the effect that nuclear-weapon States set aside their various unilateral declarations to facilitate effective

negotiations and the adoption of a convention on the basis of a common approach or formula. According to that alternative option, any nuclear-weapon State would have the right to make reservations reflecting its unilateral declarations while ratifying such a convention. The proposals were widely recognized as a good basis for discussion and negotiation. This view was not shared by a number of delegations which maintained that these proposals were not likely to facilitate agreement on a "common formula" which could be included in an international instrument of a legally binding character. However, the in-depth discussion on the proposals raised some questions and it was widely felt that more time was needed for reflection. All delegations expressed their readiness to seek agreement on a "common formula" acceptable to all to be included in an international instrument of a legally binding character.

14. Some delegations reiterated their long-standing belief that the most effective guarantee against the use or threat of use of nuclear weapons was nuclear disarmament and the prohibition of nuclear weapons. They held that pending the achievement of that goal, negative security assurances were an indispensable measure to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. In their view, nuclear-weapon States had an obligation to guarantee, in clear and categorical terms and in an internationally binding form, that non-nuclear-weapon States would not be attacked or threatened with nuclear weapons. They remained convinced that the existing assurances and unilateral declarations fell far short of the credible assurances sought by non-nuclear-weapon States. They continued to assert their belief that, in order to be effective, those assurances must be unconditional, without qualification, not subject to divergent interpretation and unlimited in scope, application and duration. In the view of these delegations, the declarations of four of the five nuclear-weapon States were based solely on their own strategic considerations and did not respond to the legitimate security concerns of the non-nuclear-weapon States, which had voluntarily renounced the nuclear weapon option in the larger interest of promoting nuclear disarmament. These delegations held that the positions of those four nuclear-weapon States confirmed the opinion that the question of negative security assurances continued to be approached by nuclear-weapon States from the narrow point of view of their security perceptions vis-à-vis each other and was not aimed at providing effective and credible guarantees to assure the security of non-nuclear-weapon States. Those delegations maintained that Article 51 of the United Nations Charter could not be invoked to justify the use or threat of use of nuclear weapons in the exercise of the right of self-defence in the case of armed attack not involving the use of nuclear weapons, since nuclear war would threaten the very survival of mankind. They once again expressed the apprehension that a situation whereby some nuclear-weapon States claimed the right to use nuclear weapons against non-nuclear-weapon States would weaken the non-proliferation régime. They also continued to maintain that assurances sought by non-nuclear-weapon States could best be provided by an international instrument with binding legal effect. They stressed again that the need for assurances had not lessened but rather increased with the passage of time. They called upon the concerned nuclear-weapon States to demonstrate a genuine will to reach a satisfactory agreement and review their positions so as to remove the limitations, conditions and exceptions contained in their unilateral declarations. Several delegations also held that insistence on unilateral declarations by nuclear-weapon States introduced a new element in multilateral disarmament negotiations which undermined the sovereignty of States. Similarly, these delegations felt that insistence on the part of the non-nuclear-weapon States on unconditional

assurances without due regard to the security concerns of the nuclear-weapon States would be unfruitful, unrealistic and unattainable. These delegations felt that security assurances must be effectively negotiated taking into full consideration the realities of the security situation of the present day. They drew attention to the fact that the majority of States represented at the Conference on Disarmament and of States Members of the United Nations have renounced, in legally binding international instruments, their sovereign right to manufacture nuclear weapons and appealed for greater flexibility and understanding on the question of negative security assurances from both nuclear and non-nuclear-weapon States.

15. A number of delegations, including a nuclear-weapon State, restated that they shared the belief that the most effective and reliable guarantee against the use or threat of use of nuclear weapons was nuclear disarmament and the complete elimination of nuclear weapons. They held the view that pending the achievement of that objective, various interim measures should be taken to strengthen the security of non-nuclear-weapon States. These delegations referred to proposals, such as the prohibition of the use of nuclear weapons by an appropriate international convention, the assumption of a policy of non-first-use of such weapons by all nuclear-weapon States which would actually preclude the use of nuclear weapons against all States, including the non-nuclear-weapon States, the establishment of nuclear-weapon-free zones as an effective means to ensure the necessary prerequisites for all nuclear-weapon States to assume obligations not to use or threaten to use nuclear weapons against the zonal non-nuclear-weapon States. They maintained their support for the conclusion of an international legally binding instrument to assure effectively, uniformly and unconditionally the non-nuclear-weapon States having no nuclear weapons on their territories against the use or threat of use of such weapons. The nuclear-weapon State belonging to that group of delegations reaffirmed the continuing validity of its guarantee of non-use of nuclear weapons with respect to such non-nuclear-weapon States, as well as of its obligation not to be the first to use nuclear weapons. That nuclear-weapon State pointed to the fact that it had provided relevant guarantees to the States Parties to the Tlatelolco Treaty and had ratified Protocols 2 and 3 to the Treaty of Rarotonga without any reservations. It also stated that, in the event of a nuclear-weapon-free zone being created in the Balkans, it would be ready to provide all necessary guarantees to the States parties to the zone. These delegations reaffirmed their readiness to participate in the search for a solution to the "negative security assurances" problem, which would arrive at a "common formula" to be included in an international legally binding document. They were of the view that the military doctrines of military alliances, particularly of the nuclear-weapon States parties to those alliances, had a most direct bearing on the security assurances to non-nuclear-weapon States. These delegations rejected the doctrine of nuclear deterrence and pointed to the need for a fresh political and military approach to urgent security issues, many of which relate to the security of non-nuclear-weapon States as well. They supported the view that Article 51 of the United Nations Charter could not be invoked to justify the use or threat of use of nuclear weapons in the exercise of the right of self-defence in the case of armed attack not involving the use of nuclear weapons, since nuclear war would threaten the very survival of mankind. In a broad perspective, these delegations strongly favoured the adoption of a comprehensive system of international peace and security, which they believed would lead to a world free of nuclear weapons and a non-violent world. They again drew attention to the proposal in the Berlin document of

29 May 1987, entitled "On the Military Doctrine of the States Parties to the Warsaw Treaty" (CD/755) calling for consultations at expert level between the WTO and NATO "in order to compare the military doctrines of the two alliances, analyse their nature and jointly discuss the patterns of their future development". These delegations reaffirmed the position of their States, as expressed in that document, that (i) they will never under any circumstances initiate military action against any State or alliance of States unless they are themselves the target of an armed attack, and that (ii) they will never be the first to employ nuclear weapons, which, together with other provisions of the document, underlined, in their view, the defensive character of their military doctrine.

16. A number of delegations, including three nuclear-weapon States, while reasserting the importance they attached to the question, underlined that for the discussions on the subject to be successful they needed to be placed squarely in the framework of the agreed mandate and should be marked by a spirit of realism. These delegations continued to believe in the fundamental importance of adherence by member States to the commitment contained in Article 2 of the Charter to refrain from the use or threat of use of force against the territorial integrity or political independence of any State. They also stressed again that Article 51 of the United Nations Charter states that nothing shall impair the inherent right of individual or collective self-defence if an armed attack occurred against a member. They reaffirmed the position of their States as expressed in the Bonn Declaration of June 1982 that none of their weapons would ever be used except in response to attack. These delegations stressed, at the same time, that it was justified that the States renouncing the possession of nuclear weapons should receive in return the assurance that these weapons would not be used against them. They held that such an assurance, however, should remain qualified by a provision of non-attack in alliance or in association with a nuclear-weapon State. These delegations underlined the fact that the assurances given by the three nuclear-weapon States among them took this point into account and were valid for all non-nuclear-weapon States, irrespective of their formal adherence to an alliance or of their non-aligned status. They stated that the condition that the guarantee lapses in the event of an attack covers all contingencies and indeed strengthens the credibility of the assurances. They asserted that the unilateral assurances given by the three Western nuclear-weapon States were firm, credible and reliable commitments and that they constituted effective security measures for non-nuclear-weapon States. These delegations stated that the insistence of some States on referring to non-first-use of nuclear weapons was not relevant to the topic addressed by the Committee, viz., assurances to non-nuclear-weapon States. These delegations reaffirmed their readiness to continue to participate in the search for a "common formula" acceptable to all, but pointed again to the difficulty in reaching this goal, given the diversity of positions and interests. They suggested that the existing unilateral assurances reflected different concerns linked to specific security policies and that a "common formula" should probably allow for the expression of these concerns. They reaffirmed the validity of proposals for General Assembly or Security Council resolutions taking stock of the declarations of the nuclear-weapon States.

17. A number of delegations drew attention to the Second Protocol of the South Pacific Nuclear Free Zone Treaty (Treaty of Rarotonga) which contains negative security assurances and expressed the hope that all nuclear-weapon States would adhere to it without reservation.

18. One nuclear-weapon State reasserted its long-held view that it was entirely reasonable and legitimate for non-nuclear-weapon States to demand that nuclear-weapon States undertake not to use or threaten to use nuclear weapons against them. It was of the view that the most effective assurances for the security of non-nuclear-weapon States was the complete prohibition and thorough destruction of nuclear weapons and pending the achievement of that goal, in order to prevent nuclear war and reduce the threat to non-nuclear-weapon States, all nuclear-weapon States should assume obligations not to be the first to use nuclear weapons under any circumstances and undertake unconditionally not to use or threaten to use nuclear weapons against non-nuclear-weapon States and nuclear-weapon-free zones. This was their minimum obligation. It restated that on this basis, an international treaty on the prohibition of the use of nuclear weapons should be concluded, with the participation of all nuclear-weapon States. The same State reiterated its unilateral declaration made in 1964 when it had its first nuclear explosion that at no time and under no circumstances would it be the first to use nuclear weapons and its unconditional guarantee not to use or threaten to use nuclear weapons against non-nuclear-weapon States and nuclear-weapon-free zones. It stated that it was based on this position that it signed the relevant protocols to the Treaty for the Prohibition of Nuclear Weapons in Latin America and the South Pacific Nuclear Free Zone Treaty. At the same time, it hoped that the major nuclear-weapon States would adjust their positions towards the question of assuring the security of non-nuclear-weapon States so as to make it possible for the Ad Hoc Committee to move forward in its work. It expressed its support for the conclusion, through negotiations, of an international convention to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons and its readiness to make further efforts to seek a "common formula" in consonance with the demands of non-nuclear-weapon States. It also welcomed any ideas or specific suggestions aimed at achieving this objective. The same State regretted that difficulties still prevented the Committee from reaching agreement on a "common formula" and hoped that, in light of the favourable climate in the international situation, joint efforts be made to break the deadlock and make progress in the work on this item so as to meet the reasonable demands of the non-nuclear-weapon States.

19. In connection with the topic concerning recent developments, many delegations pointed to the significance of the signature of the INF Treaty of December 1987 and were of the view that it enhanced security on an overall level, and therefore was particularly relevant to the question. Other States, while welcoming the Treaty, questioned its relevance to the subject of negative security assurances.

20. Deliberations on the conclusions that could be drawn from the negotiations during the first part of the 1988 session, including a consideration of the possibilities for interim measures and alternatives for action, once again proved inconclusive. Many delegations expressed again their shared view that the nuclear-weapon States held special responsibility to break the deadlock in which the item has found itself since before the second special session on disarmament.

IV. Conclusions and recommendations

21. 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. Since August 1982, a number of proposals and specific ideas on both the form and on the substance of such effective international arrangements were put forward. Considerable efforts were made to arrive at a common approach on the subject. Work on the substance of the arrangements, however, revealed that specific difficulties relating to differing perceptions of security interests of nuclear-weapon States and non-nuclear-weapon States persisted and that the complex nature of the issues involved continued to prevent agreement on a "common formula". At the same time, the discussion underlined the wide support for continuing the search for such a "common formula" which could be included in an international legally binding instrument to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.