

**A Study of the UN Special Session
On Disarmament, 1978 and 1982**

VIVEK MISRA

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ORGANISATION AND DISARMAMENT
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A STUDY OF THE UN SPECIAL SESSION ON
DISARMAMENT, 1978 AND 1982

*Dedicated To
Mummy and
Dada*

Centre for International Politics,
Organization, and Disarmament,
School of International Studies

Telephones : 652282
661444
661351

New Delhi-110 067

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CERTIFICATE

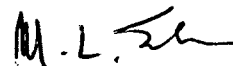
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We recommend that this dissertation be placed before the examiners for evaluation.



T. T. POULOSE
(Supervisor)

Professor
Centre for International Politics,
Organization and Disarmament
School of International Studies
Jawaharlal Nehru University
New Delhi-110067



M. L. SONDHI
(Chairman)

Professor M. L. Sondhi
Chairman
Centre for International Politics
Organization and Disarmament
School of International Studies
Jawaharlal Nehru University
New Delhi-110067

CONTENTS

Preface		1 - iii
CHAPTER I	A STRUGGLE FOR DISARMAMENT	1 - 19
CHAPTER II	SPECIAL ISSUES AT THE TWO SESSIONS	20 - 72
	(a) CESSATION OF NUCLEAR WEAPON TESTS (pp. 22 - 34)	
	(b) NUCLEAR PROLIFERATION (pp. 35 - 58)	
	(c) NUCLEAR WEAPON FREE ZONE (pp. 59 - 72)	
CHAPTER III	AN ASSESSMENT OF THE TWO SPECIAL SESSIONS	73 - 92
SELECT BIBLIOGRAPHY		93 - 106

PREFACE

One of the very important developments of modern science and technology is the enormous growth of warfare techniques. Nuclear weapons have assumed a very important indicator of international dominance over various nations. As a matter of fact increasing militarisation and extensive increase in the nuclear capabilities have become tools of neo-colonialism. In other words, it is wrong to assume nuclear power as simply a strategy of self-defence. It has important socio-political dimensions. In a sense the political strength is also expressed in military terms. This development is indeed frightening for humanity as a whole. The ultimate path is of agony, frustration and destruction of mankind. It is because of the potential threats of extreme nuclearisation that several nations have raised their voices against it. Public opinion towards disarmament has been generated through several peace loving bodies and international institutions. The United Nations has given highest priority to this problem. It organized two special sessions entirely devoted to the cause of disarmament in 1978 and 1982.

The present work is an attempt to examine various issues and problems raised and discussed during these two sessions.

The study has been divided into three chapters. The first chapter deals with the very basic problem of "Struggle for Disarmament". An attempt has been made to understand the genesis of the problem of disarmament, the development of the movement at various platform and various agreements reached through multilateral and bilateral negotiations and unilateral initiatives.

The second chapter deals with some important issues involved at the two special sessions. Although these sessions covered a wide range of issues, it is not possible to discuss all these issues. However, an attempt has been made to examine three important issues : (1) Cessation of nuclear weapon tests; (2) Nuclear Proliferation; and (3) Nuclear weapon freezone . The debates varying in nature reflecting the standpoint of both nuclear weapon States on the one hand, and the non-nuclear weapon States on the other, have been closely studied.

The third and final chapter is a critical assessment of the two special sessions.

This work is based essentially on primary source materials, though secondary source materials have not been neglected.

It is impossible to acknowledge my indebtedness to all the persons and institutions without whose help the present work could not have been completed. However, I must record my gratitude and thanks to Dr T.T. Foulse, who not only taught disarmament to me, but also very kindly consented to guide me in the pursuit of this research. Dr Foulse patiently read through my earlier drafts and gave detailed suggestions for improvement.

My friends and colleagues of Disarmament Studies Division bestowed their trust and encouragement and were generous with time and advice during the present research.

Thanks also are due to the staff of various libraries that I have consulted, especially the Social Science Library of JNU; the IDSA Library and the Indian Council of World Affairs Library.

I reserve my feelings for my family to myself.

All the merits of this dissertations are duly attributed to my teachers, colleagues and friends, anyhow, any mistakes which slipped their scrutiny, are totally mine.

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VIVEK MISRA

CHAPTER I

A STRUGGLE FOR DISARMAMENT

The international political system has witnessed vast and important changes since the Second World War. These changes continue to take place. The elimination of colonialism, the fight to eradicate neo-colonialism, efforts at strengthening the political independence and sovereignty of newly independent States and the efforts to ensure their economic development and growth have been a worldwide concern. Against this background, we are made to believe that national security and international security are being equated with military superiority. This particular concept has given a new dimension to the nuclear arms race between the super powers, which has been a dominant and disturbing feature of the present international relations. In addition to this there has been the conventional arms race and transfer of arms to smaller nations. The establishment of armament industries in the regions where there were none before has gathered momentum. Such developments have aggravated tension and created instability and insecurity leading to increasing arming and armed confrontations. These forces of destruction challenge the very foundations; fortunes and future of mankind.

Even after witnessing the horrifying and disastrous consequences of the Hiroshima-Nagasaki explosions, mankind has

been compelled to live amidst nuclear weapons, with a continuous increase in their number with each passing year. These bombs were built as "Weapons" for "War". But their significance greatly transeends war and all its causes and outcomes. "They grew out of history, yet they threaten to end history. They were made by men, yet they threaten to annihilate man".¹

Over the last four decades, the nuclear arms race has imposed its culture on large sections of mankind. The nuclear arms race was triggered off by the attempt to freeze the international hierarchial power structure. The very first use of the atom bomb was a clear demonstration of the nuclear weapon as the new symbol and currency of international power. Hiroshima and Nagasaki were destroyed: not only to impress the world but also to frighten the Soviet Union. Thus the United States had emerged as the foremost power of the world.

The Soviet Union was not far behind and within a few years (in 1949) the Soviet Union also developed a nuclear capability, followed later by U.K. (1952), France (1960), and China (1964). Since then super powers intensified their

1 Jonathan Schell, The Fate of the Earth (London, 1982), p. 3.

arms race. New Weapons were added to the arsenals, military budgets skyrocketed and confrontation replaced the spirit of detente. Gradually the world became a far more dangerous place to live in. It was not only the quantitative sphere but also the qualitative aspect of weaponry which strongly affected the character of the arms race.

The momentum of the arms race has increased rapidly. New generations of strategic, theatre and tactical weaponry are replacing the earlier generations. In the U.S. arsenal, the Mx missile is to replace the Titan missile; the Trident-C4 and D-5 missiles are to replace the Poseidon and Polaris submarine-borne missiles; air-launched cruise missiles are to improve the utility of the B-52 bombers, which are themselves due for replacement by a new bomber. The Soviet Union has developed and deployed SS-20 missiles; SS-21, SS-22 and SS-23 missiles are reported to be under development to replace the vintage SS-4s and SS-5s. The United States has developed Pershing II and ground-launched cruise missiles as theatre weapons.² Britain and France have undertaken similar modernisation programmes. The United States also has a major modernisation programme. Neutron weapons and nuclear

2 Bradley Hahn, "PRC's Nuclear Power", Strategic Digest, June 1983.

shells for the use of artillery are also being added to the arsenals. The U.S. is to produce in the next few years something like 14,000 additional nuclear warheads of various explosive yields. The U.S.S.R. also may not be lagging behind.

Western^N Europe had lived with the Soviet SS-4 and SS-5 missiles for well over 20 years, but the new SS-20 missile was deemed to pose a more serious threat. The new missile would seriously affect the strategic balance in Europe and subject it to a process of 'Finlandisation', it was said. Hence, NATO decided to have 572 theatre missiles - 462 ground-launched cruise missiles and 108 Pershing II ballistic missiles - installed in Western Europe. But this brings Moscow under an asymmetric threat of a theatre missile with flight time of only five minutes which President Brezhnev had warned the Soviet Union will not accept and will counter by bringing the U.S. under an analogous threat.

The Soviet Union stands by the concept of equal security. It will not allow the U.S. to regain strategic superiority and will strive to maintain the parity established in SALT I and SALT II. The Soviet Union, besides, has three other nuclear adversaries -- Britain, France and China. The first two are modernising their nuclear forces, which will give

them a capability to pose a significant and independent threat to the Soviet Union; hence their arsenal can no longer be left out of count. The Chinese have attained intercontinental missile capability and are steadily adding to their nuclear arsenal.

New generations of weaponry are coming in at the conventional level also. Even nuclear-weapon powers devote more than 80-85 per cent of their military budgets to conventional arms. New F-14, F-15, F-16 and F-18 aircraft are replacing the earlier-generation F-4s, A-4s, A-6s in the West; the Tornado and Mirage 2000 are being introduced by Western Europe. On the Soviet side MiG-27s, 29s and new Sukhoi aircraft are replacing the MiG-21s and earlier Sukhois. The British Challenger, the German Leopard II, the US XM-I and the Soviet T-72 and T-80 are the new generation tanks. New anti-tank, air-to-air and air defence missiles are also being introduced. Both the superpowers' naval build-up also is growing spectacularly. The Soviet Union is reported to be building nuclear-powered aircraft carriers and the U.S. Defence Secretary has declared the United States' intention to re-establish its naval supremacy. This equivalence of the super powers, with matching nuclear and conventional capability and powerful global navies is historically unprecedented.

In other times, this would have led to a war to settle who was superior. But now, the super powers are, in Robert Oppenheimer's words, like 'two scorpions in a bottle' and, to quote Dr Kissinger, are 'doomed to coexist'.

Major technological developments leading to the manufacture of neutron weapons, chemical warfare agents; laser - based anti-ballistic missile system, nuclear-missile submarines, have all led to a stage of no return.

This maddening course of arms race has not been confined to the superpowers only. It has acquired a universal impact. Developing countries are not kept out of it. Arms supplies are made to the developing countries because of significant strategic locations, supply of vital raw materials or the need to attract and retain political support. Even non-aligned nations are not left behind in this game. The worst comes when the neighbours of such countries are subsequently compelled to acquire matching weaponry from the same or alternate sources, thus making a secondary arms race.

These developments in the course of nuclear arms race have divided the global nuclear stratarchy into three distinct worlds. The United States and other industrialized countries associated with it constitute the first world. Whereas the two Socialist nuclear-weapon powers i.e. the U.S.S.R. and

China, along with their associated countries and allies from the second world, the third world mostly consists of non-nuclear weapon nations including the non-aligned countries. Of these the first two worlds rely entirely on nuclear weapons and nuclear weapon doctrines so as to ensure their national security, and both of them share the belief in nuclear theology. But the third world does neither accept nor recognize such doctrines. The refusal of some of the Third World countries to sign the NPT or to accept full scope safeguards without their being accepted by the nuclear weapon States; clearly indicates their refusal to be subjected to a nuclear weapon culture from which the first two worlds cannot think to break out. It has been found that the non-aligned and the developing countries are the ones which have been taking vigorous attempts to counter such nuclear weapon culture.

The continuing arms race among the developed and industrialized countries also saw the development of the question of disarmament and the regulation of armaments, growing in equal pace and strength.

The question of arms control and disarmament has been discussed at various international forums since the discovery of atomic energy and the first use of atomic weapons.

Since the inception of the United Nations, the combined efforts of Governments, both multilateral and bilateral, have resulted in limited yet significant agreement on various arms limitation and disarmament measures.³

Some of the major multilateral agreements concluded so far either under the auspices of the UN or otherwise⁴ include the Antarctic Treaty 1959; Partial Test ban Treaty 1963; Outer Space Treaty 1967; Treaty of Tlatelolco 1967; Treaty on the Non-Proliferation of Nuclear Weapons 1968; Sea Bed Treaty 1971; Biological Weapons Convention 1972; ENMOD Convention 1977; The Space Treaty 1967; and Convention on Inhuman Weapons 1981.

These arms control agreements simply legitimised the continuing arms race. Instead of checking the growing arms race it invigorated the armaments momentum.

There has been an increased legitimisation of the use and threat of use of nuclear weapons. The so-called NPT

3 The United Nations, The U.N. and Disarmament : 1945-1985 (New York, 1985), p. 10.

4 The United Nations, Status of Multilateral Treaty Making Process (New York, 1985), p. 6-15.

in fact aims at legitimising the nuclear weapons in the hands of nuclear weapon States and compelling non-nuclear weapon nations to acknowledge their legitimacy. The treaty also vested the possession of nuclear weapons with prestige and exempted nuclear-weapon powers from all safeguards. Most of the industrialized nations, claim themselves to be non-nuclear but in fact they all rely on nuclear war doctrines for their security. They also permit nuclear weapons or nuclear-war command and control infrastructure on their soil. That is to say that these nations are nuclear weapon powers except that they have a legal licence to the weapons.⁵

Similarly the nuclear weapon free zone proposals amount to the establishment of a protectorate by the nuclear weapon powers over the non nuclear weapon powers who accept guarantees.

And so is the case with SALT-I - simply misleading the world into a sense of forward movement in arms limitation and thereby compelling the rest of the world into accepting arms legitimisation measures as arms limitation measures.

The newly independent States and non-aligned nations have a greater stake in disarmament. These nations plead

5 Leonard. S. Spector, Nuclear Proliferation Today (Massachusetts, 1984), p. 37.

with heavily armed, industrialised and affluent nations to disarm. They highlight the various risks which are inherent in the continuation of the arms race and also talk about the burdens which the arms race imposes on humanity. The vast and enormous benefits that could be obtained from a less heavily armed international milieu.

But nuclear weapon States are continuing with the spiralling arms race. They have their own reasons in support for it, armaments are used as a "currency of power" which gives them dominance over the international system and also a privileged position in the community of nations. It is not only a confrontation between the East and West but armaments also play a role in the North-South relationship. The link between the dominance of the North over South is not only in terms of economic and political terms, but also in terms of economic and political terms, but also in terms of military balance. Without the latter the former will not be possible. The developing nations' struggle for the New International Economic Order is inextricably linked with the struggle for disarmament.

Gradually the world is being conditioned to accept the legitimacy of the use of nuclear weapons and chemical

weapons. So often it has been emphasized that doctrines of use of nuclear weapons in conflicts involving nuclear weapon power on both sides would hardly make a sense because they would result in mutual annihilation.

Looking in such circumstances the possible nuclear blackmail which the non-nuclear weapon States suffer at the hands of nuclear weapon States is a matter of serious concern.

Almost all the five nuclear weapon powers have made promises which are quite similar to the one which U.S. made in the General Assembly:⁶

"Nuclear weapons against any non-nuclear weapon States party to the NPT or any comparable internationally binding commitment not to acquire nuclear explosive devices; except in the case of an attack on the U.S., its territories or armed forces or its allies by such a State allied and a nuclear-weapon State or associated with a nuclear weapon State in carrying out or sustaining the attack".

The term 'associated with' is quite vague due to which any nation can be charged with being associated with

6 GAOR, 10th Special Session, 1978, A/S-10/PV.2, p. 28.

a nuclear weapon State. That is to say, that the guarantee is not meaningful and allows the U.S. full freedom to use nuclear weapons against a non-nuclear weapon State at any point of time. Nuclear threats and Nuclear weapon doctrines may not seem to be credible between the nuclear weapon States, but do make real sense in the context of threats or use by nuclear weapon powers against a non-nuclear weapon State.

Till recently there has been ^a difference in the approach to the problem of disarmament between the industrialized countries and developing countries. The industrialized countries regarded the 'King Atom' as the preserver of peace and were also able to combine a high defence expenditure with a high growth rate. Wars were generally taking place in the developing countries resulting in intervention by the industrialized countries. The developing nations were threatened by the asymmetric use of nuclear, chemical and other sophisticated weapons; finding their defence expenditure highly burdensome. Due to this the developing States put all their stake in the efforts for disarmament.

Lately this trend has seen a radical change and there has been a popular upsurge in the West against the continuing arms race. There has been a growing demand for a freeze of nuclear

armaments as a first step towards negotiating arms control and arms reduction measures. There have been pressures in many European countries to reduce defence expenditure because it no longer appears feasible to combine high defence expenditure with high growth rate.

Moreover, there has been a growing awareness among the public of the industrialized nations about the dangers of nuclear weapons - which may not be able to preserve peace for all time to come and the new nuclear doctrines may result in the concept of limited nuclear war which would be tried out only in Europe. The so-called impression that nuclear weapons are under effective control of the heads of State and heads of Government of nuclear weapon States is also being challenged.

In the United States, the nuclear weapon freeze campaign is gaining a strong base. Senators Edward Kennedy and Mark Hatfield were leading 139 members of Congress in demanding that President Reagan negotiate an atomic freeze with the Soviets.⁷

⁷ See, K. Subrahmaniam, "The Struggle for Disarmament", Strategic Analysis, Special issue, vol. vi, nos 1-2, April-May 1982, p. 21.

The World Council of Churches held an international public hearing on nuclear weapons and the Church both in Western Europe and the United States - have become the mouth piece of the public opinion.⁸

Medical and scientific communities have held symposiums on the medical consequences of nuclear war in more than 180 campuses.⁹

With the mounting public opinion in Western industrialized world about the dangers of nuclear war and the arms race, the struggle for disarmament has seen a tremendous change. It is in the minds and hearts of the people of industrialized world that the struggle for disarmament can be fought, because arms race is mostly a phenomenon of the industrialized world and it has to be sustained by the transfer of arms from the developed world. If such a campaign is to be a fitting response to the spontaneous upsurge of popular opposition to armaments, it must go beyond the political and geographical frontiers to reach the people everywhere.

All our achievements in the last 40 years are but a measure of achievements to come, of problems to be faced. Disarmament

⁸ Ibid., p. 21.

⁹ Ibid., p. 22.

negotiations up to now have been characterized by the lack of universality in participation. They have been conducted by a few big powers or a group of countries.

But during the past two occasions the entire membership of the United Nations was involved in reflecting the view that disarmament is an issue which is not only vital to all member countries, but also called for the active involvement of all member countries in resolving the problem. These two occasions were the two special sessions of the General Assembly of the United Nations which were entirely devoted to the cause of disarmament, held in 1978 and 1982 respectively.

Since the creation of the United Nations organization in 1945, various actions were taken and efforts made in the field of arm limitation and disarmament - which established the necessary general legal and political framework for the promotion of disarmament.

In 1946, the General Assembly established an Atomic Energy Commission, which was entrusted with the task of formulating plans to ensure that nuclear energy would be used only for peaceful purposes.¹⁰

¹⁰ The United Nations, The UN and Disarmament, 1945-1985. (New York, 1985) p. 1.

Another body for disarmament negotiations was established in 1947 - the Commission for Conventional Armaments.¹¹ Its purpose was to submit proposals to the UN Security Council for general reduction of armaments and armed forces.

But in 1952 these two commissions were consolidated into one single Disarmament Commission. It was composed of the members of the Security Council and Canada with the objective to prepare proposals for the regulation, limitation and balanced reduction by stages of all armed forces and all armaments in a co-oriented, ^{dina} and comprehensive programme.¹²

In 1959, a Ten Nation Committee on Disarmament was established with the East and West represented in equal number. A renewed impetus was given regarding disarmament matters within the bilateral framework. In 1962 eight non-aligned members were added to the ten members of this committee and subsequently it came to be known as the Eighteen Nation Committee on Disarmament. In 1969 once again the membership was increased to 26 nations and then it came to be known as the Conference of the Committee on
¹³
Disarmament.

11 Ibid., p. 2.

12 UN Doc. A/AC.187/67, para 17-24.

13 Ibid., para 28-43.

During this period some important agreements were concluded for the regulation and limitation of armaments. But they were not sufficient to curb the arms race in all its aspects and global expenditures on arms, and armed forces kept on increasing. Realising such a pressing need to slow down and reverse the global arms race, the General Assembly proclaimed the 1970s as the first Disarmament Decade in 1969.¹⁴ The General Assembly called upon Governments to intensify their efforts to achieve effective measures for the cessation of nuclear arms race, to nuclear disarmament and finally to the elimination of nuclear weapons and weapons of mass destruction.

In 1975 the General Assembly established a specific Ad Hoc Committee ^{for} on the review of the role of the United Nations in the field of disarmament in which every State was invited to put forward its views and suggestions on the issue.¹⁵ The committee came out with the following objectives :

- 1 New approaches to achieve more effective procedures for organising work in the field of disarmament in order to enable the United Nations to exercise its full role in multilateral disarmament efforts;

14 The United Nations, The United Nations General Assembly and Disarmament (New York, 1985), p. 22.

15 Ibid., p. 36.

- 2 Ways and means of improving United Nations facilities for the collection, compilation and dissemination of information on disarmament issues in order to keep Governments as well as world public opinion informed on progress in the field;
- 3 And ways and means of enabling the Secretariat to assist, on request, States parties to multilateral agreements in their duty to ensure their effective functioning.

Gradually a feeling of realism dawned in the minds of various States and they came to realise that disarmament could only be sought in stages with greater emphasis on nuclear disarmament.

This view was reaffirmed at the first special session on disarmament in 1978.

The Declaration adopted on 30 June 1978, noted :
"effective measures of nuclear disarmament and the prevention of nuclear war have highest priority".¹⁶ IN UN SSOD-II (1982),

16 UN Doc. A/s-10/4, Sect. III, para 20.

the General Assembly called upon member nations for a binding convention on non-use of nuclear weapons, freeze and stoppage of production and complete disarmament through the United Nations. The second special session did not produce much results, but still they made an important contribution- that of creating awareness among the general public about the dangers inherent in nuclear arms race and stockpiling of nuclear armaments.

The first session proved more successful as it adopted a Final Document by consensus, comprising important guide lines for disarmament, defining areas of priority and affirming the central role of the United Nations in promoting disarmament. But the subsequent failure of Governments to make any progress towards achieving even one goal made the task of the second special session more difficult. The second special session could not even come out with a consensus document.

CHAPTER II

SPECIAL ISSUES AT THE TWO SESSIONS

During the two UN special sessions, devoted to disarmament, leaders from all over the world gathered to discuss ways and means of turning the arms-ridden history of mankind towards disarmament.


It was widely acknowledged that the two special sessions met to discuss the most important of all questions. Yet they reaffirmed one of the most puzzling facts about contemporary arms build-up : that it is virtually out of control. Even with the best of intentions, political leaders did not seem to be in a position to stop the arms race. Their style and oratorical presentation, their discrepancy between intention and action, words and deeds, had marginal effects on military realities.

During the general debates at the two sessions there were a host of disarmament issues which were discussed and debated at large. These issues can be broadly categorized under three heads : Nuclear Disarmament, Prohibition of other weapons of Mass destruction and other comprehensive approaches to disarmament. Of these, the problem of Nuclear proliferation, establishment of nuclear-weapon free-zones and the cessation of

nuclear weapon tests were regarded as the foremost and primary objectives which should be urgently realized, so as to bring about some fruitful results in the field of nuclear disarmament.

I will be dealing these issues separately, with an emphasis on their debates at the two sessions, also bringing out the various stands and positions offered by nuclear weapon States and non-nuclear weapon States over these issues.



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a) Cessation of Nuclear Weapon Tests

The nuclear arms race started by the West created a danger of thermonuclear war. Not only this - such developments in the nuclear field also brought in the grave hazard of contaminating human beings with the radio-active fallout from the numerous nuclear tests. Such a danger became evident after the very first experimental explosion carried out by the United States, while testing the megaton bomb, in the Bikini Atoll area.

It was on March 1, 1954 when the crew of the Japanese vessel Fukuryu-Maru were affected by the fallout from the testing of an H. Bomb.¹ This instantly aroused widespread indignation among the world public and also in governmental quarters of several countries.

The spread of radioactive nuclides of strontium-90 caesium 137 and iodine - 131 and of the mechanisms transferring these substances to body tissues through the food chain alarmed the world community and voices were raised through various platforms suggesting for an agreement to ban the testing of nuclear weapons.²

1 A.Y. Yefremov, Nuclear Disarmament (Moscow, 1979), p. 77.

2 The United Nations, The U.N. and Disarmament, 1945-1985 (New York, 1985), p. 59.

Since then a number of partial control measures have been affected but the ultimate objective - the cessation of all nuclear weapon tests - has yet to be realized.

Although the question of the cessation of nuclear weapon tests, independent of agreement on other disarmament measures, was considered by the General Assembly as early 1954, but it was in 1963, after long discussions and negotiations, when the U.S.S.R., the U.K. and U.S.A. signed a "Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under water". The treaty is also known as partial test-ban treaty and it entered into force on 10 October 1963.³

But this was a limited achievement because the treaty did not cover underground tests. Subsequently the General Assembly passed a resolution⁴ calling upon states to become parties to the treaty. Uptill now some 110 states have become party to the treaty, but they do not include two nuclear states i.e. China and France,

The General Assembly also stressed upon the C.C.D. to continue further negotiations to achieve a comprehensive

3 The United Nations, U.N. Treaty Series (New York), vol. 480, no. 6964, p. 43.

4 GAOR, 1963, no. A/1910 (SVIII).

process

test ban. In which two bilateral treaties were concluded between Soviet Union and the United States of America.

They are the 'Treaty on the Limitation of underground Nuclear Weapon Tests' which was signed on 3rd July 1974.⁵ This treaty is also known as the threshold test-ban treaty. Under this treaty the size of nuclear tests was limited to a yield of 150 kilotons and both the parties undertook to limit its number of underground tests to a minimum. The second was the 'Treaty on underground Nuclear Explosions for Peaceful purposes'; which was signed on 28th May 1976 between the U.S. and U.S.S.R.⁶ This treaty agreed.

- a) Not to carry out any individual nuclear explosions having a yield exceeding 150 kilotons.
- b) Not to carry out any group explosion having an aggregate yield exceeding 1,500 kilotons; and
- c) Not to carry out any group explosion having an aggregate yield exceeding 150 kilotons unless the individual explosions in the group could be identified and measured by agreed verification procedures.

5 GAOR, session 29, Supp. 27, A/9627, annex 11.

6 UN Doc. A/31/125, annex.

Then trilateral negotiations between the U.S.S.R., U.K. and the U.S. began in 1977, with a view to formulate a comprehensive nuclear weapon test ban treaty and protocol covering peaceful nuclear explosions.⁷

There were continuous, repeated resolutions related to nuclear weapon testing, which were passed in the General Assembly. Such resolution were adopted by a very large number of States. But inspite of these moves nuclear weapon testing continued unabated during the years. There was a world-wide concern over this issue which was emphatically raised during the two special sessions.

During the debated at the first special session, it was generally agreed that a comprehensive test ban was a question of highest priority on disarmament agenda. Many non-nuclear weapon States stressed the inadequacy of the partial test ban treaty.⁸ They were of the view that PTBT was a treaty which could reduce the danger of radioactive contamination in the atmosphere. The treaty did not represent a movement towards reduction of the arms race, even less it could lead to disarmament.

7 The United Nations, Review of the Multilateral Treaty-making Process (New York, 1985), p. 23.

8 GAOR, Tenth Special Session, Supplement, no. 2 and corrigendum (A/S-10/2 and Corr. I).

There was a general regret expressed by non-nuclear weapon States regarding the state of trilateral negotiations; which had not produced a draft treaty on the total prohibition of nuclear weapon tests.

But the three concerned states i.e. the U.S.A., the U.K. and the U.S.S.R., seemed to be quite hopeful in their assessment. They were expecting successful completion of the efforts to bring about a complete and general prohibition of tests.

The U.K., while addressing the first special session, on behalf of the parties to the trilateral negotiations, stated that it had been agreed that the treaty should establish a ban on any nuclear weapon test, explosion in any environment.⁹ The provisions of a protocol, which would be an integral part of the treaty, would apply to nuclear explosions for peaceful purposes. The three states were making efforts to achieve an agreement which would attract the widest possible international adherence.

The delegation added that reaching agreement on effective measure of verification was a complex process involving

9 U.N. Doc. A/S-10/PV.14, p. 31.

many technical issues. It considered that all parties to the treaty should have the right to participate in the international exchange of seismic data and to receive such data whether or not they contributed seismic stations to the global network.

There were several offers made for cooperation in the field of seismic data.

Australia representative declared at the special session that in view of its geographical position and expertise it would be well placed to participate in monitoring such a treaty by seismic means.¹⁰

The Federal Republic of Germany indicated its readiness to participate in the seismological verification of a comprehensive test ban and to make its institutions available for that purpose.¹¹

Similar cooperative offers were made by the representatives of India, Norway, Denmark etc.

The delegation of United States stated that an early suspension of all nuclear weapon tests was a goal it could fully

10 UN Doc., A/S-10/PV.16, p. 37.

11 UN Doc., A/S-10/PV.5, p. 71.

share.¹² However it felt that an immediate moratorium on nuclear testing was not a good idea, because a comprehensive test ban, in order to promote stability and mutual confidence among its participants; ~~had to be based on adequate measures of verification;~~ had to be based on adequate measures of verification. An immediate cessation of nuclear testing could, in its view, seriously complicate efforts to elaborate verification measures.

On the other hand China questioned the value and priority accorded by the super powers to a nuclear test ban.¹³ She said that both the U.S.S.R. and the U.S.A. had conducted hundreds of nuclear tests. These tests were conducted both in the atmosphere and underground and constituted about 90% of all the nuclear explosions carried out in the world. In such a situation a complete ban would not touch in the least in their arsenals or in any way restrict their continuing the production, development or stockpiling of nuclear weapons.

In spite of such differences the special session regarded the cessation of nuclear weapon tests as the most important measure for disarmament which was reflected in the Programme of Action of the Final Document of 1978.¹⁴

12 UN Doc., A/S-10/PV.2, p. 21.

13 UN Doc., A/S-10/PV.7, p. 57.

14 U.N. Doc. A/S-10/4 Sect. III, para 51.

But during the second special session in 1982 there were conflicting developments in the quest for the cessation of nuclear weapon tests.

During the S.S.O.D.II, The Committee of Disarmament was able to establish an Ad Hoc working Group under the item of its agenda entitled "Nuclear Test Ban".¹⁵ The mandate called for the Working Group to discuss and define, through substantive examination, issues relating to verification and compliance with a view to making further progress towards a nuclear test ban. But immense disappointment was seen when both China and France stated that they would not be participating in the proceedings of the working group, and disputes among delegation concerning the mandate led to a stalemate, with the result that consensus could not be reached concerning the Working Group programme of work.

In line with it the United States also announced at S.S.O.D.II its decision not to resume trilateral negotiations and not to ratify the threshold test ban and peaceful nuclear explosions treaties.¹⁶

15 U.N. Doc., A/S-12/PV.1, p. 22.

16 U.N. Doc., A/S-12/PV.16, p. 14.

At the 1985 Review Conference of NPT, all the nations represented, except two, expressed deep regret that a C.T.B.T. had not been concluded (the two exceptions were the United States and the United Kingdom).¹⁷

The Presidents or Prime Minister of 6 nations (Argentina, Greece, India, Mexico, Sweden, and Tanzania) have also made this proposal a priority, and also offered the services of seismological stations on their territory to strengthen guarantees against cheating.¹⁸

The Soviet Union, responding in part to suggestions put to it inter alia the United States Centre for Defence Information, declared a moratorium on testing from 6 August, 1985 to 1st January 1986 which was extended to 1st April, 1986.¹⁹ It urged the United States to join in the moratorium and to resume negotiations on a comprehensive test ban.

In December 1985, the U.S.S.R. indicated that if the United States joined the moratorium, it would allow foreign inspectors at its nuclear test sites to ensure that the moratorium was being observed.

17 SIPRI, Preventing Nuclear Weapon Proliferation: An Approach to NPT Review Conferences (Stockholm, 1985), p. 63.

18 M.K. Dhar, "The Six Nation Summit on Nuclear Disarmament". India and Foreign Review, vol. 22, no. 8, 75 FEB, 1985, pp. 4-6.

19 SIPRI, Yearbook of World Armament and Disarmament, (Stockholm, 1986), p. 46.

The treaties -- P.T.B.T., T.T.B.T., P.N.E.T., have not put any significant constraint on the number of tests nor on the development of new types of nuclear weapons.

Since the conclusion of P.T.B.T., the annual number of weapon tests have been higher than before the treaty, for both the United States and the U.S.S.R. The majority of the ^Stests were held in connection with the development of new nuclear weapons. Development in weapon technology, such as new material or new components create in themselves for new and better weapons, new safety regulation, delivery systems and doctrines of their battlefield use. The general advances in a nuclear States arsenals, corresponding to the demand of the nuclear arms race, are continually creating new demands for other nuclear weapon designs. This observation can be explained by an examination of the history of weapon development. The rise in the number of tests in the U.S.A. just after PTBT was connected with the development of the ABM system. When this field of activity was foreclosed by the SALT ABM Treaty, there were new demands to incorporate the then available multiple independently targetable re-entry vehicle (MIRV) technology into the United States arsenal. MIRV's required special geometry of the weapons, different materials and different protection for the missiles carrying them. All this necessitated new

testing. After that the interest were directed towards Trident MK 4 and Minuteman MK 12A warheads, both of which required testing. At present the Star Wars programme requires an intense experiment which would involve a lot of testing.

Apart from the programmes devoted to strategic weapons, there is a visible growth of activity in the field of tactical nuclear weapons.²⁰ The modernisation guidelines in this respect call for :

- a) enhanced survivability of nuclear weapons under nuclear attack;
- b) enhanced responsiveness of tactical nuclear weapons in comparison with that of strategic forces.
- c) Increased employment flexibility.
- d) Greater control over collateral damage and reduced undesired damage to friendly territories; and
- e) A significant advantage in weapon employment over conventional alternatives.

²⁰ SIPRI, Yearbook of World Armaments - Disarmament (Stockholm, 1978), p. 322.

Special categories of tactical nuclear weapons are demanded such as enhanced radiation weapon; suppressed radiation weapon and induced radiation weapons.

Having such a high strategic and political importance, the two super powers feel handicapped enough to move ahead on the question of cessation of nuclear weapon tests, because the conclusion of a universal and binding test ban would impose a restraint on the further spread of their advanced counter weapons.

It is particularly on the part of the Americans who have been slow to embrace this idea, because they believed that a ban on test explosions would deprive them in the development of nuclear weapons which they wished to consolidate through further tests. If the Americans had accepted the Soviet proposal for a ban on test in 1956, when the Russians first suggested it, they would have retained a considerable technical superiority in the field of thermonuclear weapons.²¹ Till that time the U.S. had tested about six different types of H-Bomb. While the Soviets had tested only one. But the Americans rejected

21 Helmut Schmidt, Defence or Retaliation (London, n.d.), p.85.

the Soviet proposal of an agreed end to tests. This gave ample of reasons for the Russians to carry out tests on their part. Since then the action -- reaction phenomena has led both the countries to carry out extensive programmes so as to have a lead in the weapons development.

Nuclear weapon tests are just a small fraction of the general arms race. Since they are not the main driving force of this arms race, their prohibition would be helpful, but not decisive, in restraining the qualitative advances of nuclear arsenals. To achieve more substantial progress in strategic arms control and disarmament, much more is required than to stop the tests. However, a C.T.B.T. would be an important beginning.

b) Nuclear Proliferation

The concept of nuclear proliferation is as old as the atomic bomb. The countries, the U.S.A., U.K. and Canada, which had participated and cooperated in the development of the atomic bomb were also the first ones who openly recognized the problem of proliferation shortly after the end of the world war.

In a joint agreed declaration the three countries recognized that, "the discovery of atomic energy has placed at the disposal of mankind means of destruction hitherto unknown, in the employment of which no single nation can in fact have a monopoly". *

As the knowledge of nuclear technology became widespread, a number of states began to render extensive technical assistance in the field of uses of atomic energy. In the beginning only U.S. had the technology to produce nuclear weapons. But it was not far behind when the Soviet Union (in 1949), U.K. (in 1952); France (in 1960) and China (in 1964) also came to acquire the nuclear technology.

Since a number of states acquired their indigenous technology in nuclear field, slowly and steadily there grew a sense of competition amongst them in the nuclear field.

*Michael Krepon, "Decontrolling the Arms Race : The US and the Soviets Fumble the Compliance Issues", Arms Control Today, vol. 14, no. 3, March/April 1984, p. 12.

This was largely due to the mis-judgements and miscalculations on all sides. At each step there seemed to be good arguments for new weapons. Leaders were advised that prudence required them to keep expanding^a the nuclear armoury, seldom that more and better could increase the danger.

As the means of destruction got overwhelmingly accumulated, and so came the International scene being dominated by the search for security. More nations acquiring nuclear triggers can only create more problems for survival in the nuclear age. As such, halting and reversing the arms race and preventing further nuclear proliferation became preconditions of security of nation states. This resulted in various proposals which were put forward to halt the spread of nuclear weapons.

The first proposal dealing directly with the spread of nuclear weapons was advanced by the Soviet Union in 1956.²² The Soviet Union proposed "a zone of limitation and inspection of armaments in Central Europe and a ban on the stationing of atomic military formations and deployment of atomic and hydrogen weapons of any kind in that zone".

22 GAOR, Session 11, No. A/PV.589, 22 November 1956, p. 3.

United States was the second to come up with a package of partial disarmament proposals, which included a commitment by each nuclear weapon state party -- "not to transfer out of its control any nuclear weapon or to accept transfer to it of such weapons" except in cases where they would be used in self defence an armed attack.²³

From the very beginning the development of different approaches with respect to the modalities of preventing the spread of nuclear weapons was quite distinct. The Soviet Union believed in the creation of nuclear weapon free zones, while on the other hand France, U.K. and the U.S. wanted the conclusion of a treaty which would ban the dissemination of nuclear weapons by the nuclear powers and the acquisition of nuclear weapons by States not possessing them.

In 1959 Ireland submitted a draft resolution to the General Assembly, suggesting that the Ten Nation Committee on Disarmament could consider appropriate means, whereby the nuclear-weapon States would refrain from manufacturing or otherwise acquiring them.²⁴

23 GAOR, session 14, No. A/PV.653, 14 February 1957, para 21.

24 GAOR, session 16, No. A/PV-805, 23 September 1959, para 60.

Since the views expressed by member States on this draft resolution were quite different from each other, no consensus could be brought about in this field.

The problem of non-proliferation became a dominant issue in the discussions of the ENDC in 1965. A number of proposals and ideas were advanced by the non-aligned members for the solution to the problem of non-proliferation. Most of the non-aligned countries believed that a non-proliferation treaty should not be considered an end in itself, it should either become a part of a wider disarmament programme or be followed by an early halt in the production of nuclear weapons. The non-aligned countries declared their determination not to acquire nuclear weapons irrespective of their suggestions as to the form and scope of a non-proliferation treaty.

In 1965, the U.S. submitted a draft treaty which would basically prohibit the nuclear powers :²⁵

- a) from transferring nuclear weapons to the national control of any non-nuclear State either directly or indirectly through a military alliance; and
- b) from assisting any non-nuclear State in the manufacture of nuclear weapons.

25 GAOR, session 19, No. A/PV.1323, 26 January 1965, p. 12.

In response the Soviet Union also submitted a similar draft treaty to the General Assembly which would bar nuclear powers from transferring "nuclear weapons, or control over them or their emplacement or use".²⁶

States not possessing such weapons would undertake not to create, manufacture or prepare to manufacture them in any way.

Further discussions regarding non-proliferation centred mostly on these two draft treaties. Negotiations and amendments followed from both sides, but despite strong disagreements on the issue of collective defence arrangements, it was apparent that both sides recognized the desirability of an agreement on non-proliferation.

A number of non-nuclear weapons States also shared the same concern, and urged for a priority attention for non-proliferation.

After years of arduous discussions and negotiations in the General Assembly, the Treaty on the Non Proliferation of Nuclear Weapons was opened for signature in 1968 and it entered into force on 5th March 1970.²⁷

26 Ibid., p. 22, para 207.

27 "Treaty on the Non Proliferation of Nuclear Weapons" (UN office of Public Information, New York, 1969), p. 4.

In the course of negotiations leading to the conclusion of Non-proliferation Treaty, much of the debate had revolved around the following three matters :²⁸

- a) Nuclear disarmament;
- b) The Security of the Non-nuclear-weapon states against the use or threat of use of nuclear weapons; and
- c) the peaceful uses of atomic energy.

There were renewed attempts to promote the adoption and implementation of these and other measures which were advanced prior to the conclusion of non-proliferation treaty. These issues received particular attention during the two special sessions.

Among the various provisions of the NPT the most intense debate was on the implementation of Article VI of NPT concerning nuclear disarmament.²⁹

During the first special session in 1978, an overwhelming majority of countries variously emphasised the primacy

28 "The U.N. and Disarmament" (U.N. Department for Disarmament Affairs, New York, 1985), p. 61.

29 William Epstein, The Last Chance : Nuclear Proliferation and Arms Control (New York, 1976), pp. 94-95.

of the task of halting the nuclear arms race and moving towards nuclear disarmament. According to them, the primary responsibility for arresting the nuclear arms race and initiating the process of nuclear disarmament lay with the nuclear weapons states.

While addressing the first special session, Prime Minister Trudeau of Canada suggested a "strategy of Suffocation", which would be the best way of arresting the momentum of nuclear arms race. ³⁰ The strategy was to be effected by a combination of four measures:

- a) An agreement to stop the flight testing of all new strategic delivery vehicle;
- b) A comprehensive ban to impede the further development of nuclear explosive devices;
- c) An agreement to prohibit all production of fissionable material for weapon purposes;
- d) And an agreement to limit and then progressively to reduce military spending on new strategic nuclear-weapon systems of the strategy.

30 U.N. Doc. A/S-10/PV.6, p. 14.

The ultimate aim was to halt the arms race in the laboratory, which would have a real and progressive impact on the development of new strategic weapons systems.

On the occasion of the first special session the Soviet Union called for a complete cessation of any further qualitative and quantitative build up of arms and armed forces.³¹ It considered that a start should be made in that area because the main danger stemmed from the accelerating nuclear weapons race by nuclear weapon States, and proposed that the negotiations should take place with the participation of all nuclear weapon powers.

The Soviet Union also proposed the General Assembly to adopt a decision on principle on the need to start negotiations on nuclear disarmament and on the non-use of force.

In case of non-proliferation of nuclear weapons a great deal depend upon the nuclear weapon powers - especially taking into account the means at their disposal for exerting political influence through allied and other channels. A major step could be taken if they assumed a clear obligation not to station nuclear weapons in those countries which did not have nuclear weapons.

31 U.N. Doc. A/S-10/PV.5, p. 29.

The Soviet Union was ready to assume such an obligation and called upon all the other nuclear weapon powers to follow suit.

All these deliberations were marked by a sense of increasing urgency about the need to halt and reverse the nuclear arms race.

Apart from it, the problem of preventing the spread of nuclear weapons and the urgency of achieving universal adherence to the non-proliferation treaty was reflected in the draft final document of the special session.³²

The States, which are not party to the NPT - e.g., Algeria, Argentina, China, India, etc., reiterated their long standing objections to the non-proliferation treaty. The general criticism was that the treaty was inherently discriminatory and it had accentuated the inequality between nuclear-weapon States and non-nuclear weapon States. The nuclear weapon States continued their qualitative and quantitative development of nuclear weapons, whereas the non-nuclear weapon States were facing restrictions on the development of the peaceful uses of nuclear energy. The focus on the link between vertical and horizontal proliferation was also focussed.

32 U.N. Doc. A/S-10/4..Sect. III.

By the very virtue of the treaty, the States had been divided into two categories : a minority of States which were granted the right to possess nuclear weapons. These states derived important political and military advantages using nuclear weapons as "currency of power". On the other hand there were all the remaining states which had renounced their right to possess nuclear weapons. Such discriminatory measures were contrary to the principle of the equality of all states.

All the nuclear weapon States have been emphasising on the danger of horizontal proliferation. They are very much apprehensive of any other state going nuclear. To them real issue of proliferation is confined to check the further growth of ^N ~~the~~ nuclear weapon State.

The US while referring to the efforts being made in the negotiations with the Soviet Union on a comprehensive test-ban treaty, ³³ recognized that the pace of nuclear arms control had been painfully slow and asserted that every effort must be made to accelerate the movement towards sound and effective measures to limit nuclear arms. The risk to world peace and to human survival created by the existence of five nuclear-weapon States could not be diminished if more such weapons were acquired by additional States.

33 U.N. Doc. A/S-10/PV.2, p. 29.

The Soviet Union reiterated its commitment to the elimination of nuclear weapons and called for talks among all the nuclear weapon States and a certain number of non-nuclear weapon States with a view to the elaboration and implementation of measures to end the production of nuclear weapons.³⁴

Article IV of the NPT intends to assure non-nuclear weapon States party to the treaty, that they will not be prevented from benefitting from the use of nuclear technology and materials for the production of nuclear power.³⁵ The question of peaceful uses of nuclear energy has given rise to certain differences between countries which are suppliers of nuclear technology, and recipient countries whose economic development could benefit from the peaceful uses of nuclear energy.

In the General Assembly there were two different approaches which had developed through the years :

Western and Eastern European countries emphasised the need for the application of full-scope safeguards to the peaceful nuclear activities of non-nuclear weapon States. It dwelt on the

³⁴ U.N. Doc., A/S-10/PV.5, p. 39.

³⁵ William Epstein, The Last Chance : Nuclear Proliferation and Arms Control (New York, 1976), p. 93.

responsibilities of nuclear suppliers to ensure that the transfer of nuclear materials, equipment and technology does not contribute to the risk of nuclear-weapon proliferation.

Whereas on the other hand the developing countries stressed upon the significance of peaceful nuclear technology, equipment and materials for social and economic development. They maintained that international cooperation should be promoted with a view to permitting all countries to share equally in the benefits of the peaceful uses of nuclear energy. The restrictions applied by the nuclear suppliers were increasingly rigid and were not conducive to stimulating such cooperation.

The U.S. while addressing the special session in 1978 referred to the NPT Act and said that legislation provided a framework for making the U.S. a reliable nuclear supplier by bringing about more stability and predictability into the nuclear export licensing process.³⁶ The U.S. was ready to discharge its obligations in pursuance of article IV of the treaty to facilitate peaceful nuclear cooperation with due consideration for the developing countries.

³⁶ U.N. Doc. A/S-10/PV.2, p. 23.

The U.S. also made clear of its intentions to expand its assistance to other countries through a number of specific programmes designed to strengthen the NPT by enhancing the role of I.A.E.A. in peaceful nuclear cooperation and to provide incentives to minimize the export of weapons grade uranium for use in research reactors.

In spite of such assurance a number of Western countries -- namely Australia, Belgium, Canada and the U.K. -- believed that the question of non-proliferation of nuclear weapons was not treated satisfactorily in the Final Document of the first special session. The general criticism was that the document did not adequately reflect the significance of the NPT and the importance of universal adherence to it.

During the first special session the question of security assurances to non-nuclear weapon States was mostly dealt with statements on the question of nuclear weapons and of nuclear weapon free zones.

The Soviet Union, while addressing the first special session, declared that it would never use nuclear weapons against those countries where there were no such weapons at present.

It also called upon other States to do the same.³⁷ The Soviet representative recalled that President L.I. Brezhnev had recently declared that : "We are against the use of nuclear weapons, only extraordinary circumstances -- aggression against our country or its allies by another nuclear power -- could compel us to resort to this extreme means of self-defence".

The United Kingdom also formally assured the non-nuclear weapon States with similar assurances.³⁸

The United States recalled President Carters declaration which elaborated the U.S. position to encourage support for non-proliferation, increase security, and create a more positive environment for the special session.³⁹

The question of guarantees of the security of non-nuclear weapon States and the conclusion of an international convention on the strengthening of guarantees of the security of non-nuclear States evoked great interest at the special session.. The discussions revealed that continued and broad

37 U.N. Doc. A/S-10/PV.5, p. 12.

38 U.N. Doc. A/S-10/PV.14, p. 34.

39 U.N. Doc. A/S-10/PV.2, p. 25.

support of the majority of the non-nuclear weapon States for measures aimed at strengthening the guarantees of their security. Some non-nuclear weapon States continued to express their doubt concerning the effectiveness of negative security assurances which could divert attention of States from nuclear disarmament negotiations and create only an illusion of security. Security guarantee should be a part of the treaty and there should be collective assurance on the part of the nuclear weapon States to provide security against nuclear attack. But the assurances given by nuclear weapon States were quite vague and unreliable. Some nuclear weapon States continued to believe in the effectiveness of unilateral declarations on security arrangements for non-nuclear weapon States.

However the adoption by the General Assembly of two resolutions (relating to paragraph 32 and 59 of the final document of special session)⁴⁰ indicates a degree of understanding between nuclear and non-nuclear weapon States on the need for further consideration of the question and further negotiations.

But contrary to all hopes there was no substantive progress achieved, during the General Assembly's second special

40 U.N. Doc. A/S-10/4, Sect. III.

session on disarmament in 1982, on the question of effective international assurances for non-nuclear weapon States against the use or threat of use of nuclear weapons.

According to many non-nuclear weapon States, the existing impasse in the negotiations was caused mainly due to the differing perceptions of the security interests of some nuclear weapon States on the one hand and non-nuclear weapon States on the other.

During the second special session there was little progress towards an international consensus on non-proliferation and economic and social development considerations as they relate to the international exchange of nuclear materials, technology and support for the peaceful uses of nuclear energy.

There was a general acceptance of the principle that there should be non-discriminatory access to potential benefits from nuclear science in peaceful pursuits.

One major achievement of the second special session was that U.S.S.R. declared that she was prepared to open part of its peaceful nuclear installations to international inspection.⁴¹

41 U.N. Doc. A/S-12/PV.12, p. 54.

Apart from this there was a general dichotomy between supplier and recipient countries as to whether the emphasis should be on non-proliferation or technological dissemination, which continued.

Dissemination of nuclear technology and nuclear proliferation are two different issues altogether. Nuclear weapon States are of the view that atom has only one purpose. If one gets nuclear technology he is bound to go nuclear. But non-nuclear weapon States have rejected this view and maintained that non-proliferation and dissemination of nuclear-technology are quite different issues. Making nuclear-weapons is entirely a political decision of the concerned States. There are many countries Canada, West Germany, Japan who have not gone nuclear despite having all potentiality to make nuclear weapons. So instead of transferring nuclear technology to the third world countries for peaceful purposes, the nuclear weapon States have adopted the policy of technical fixes.

The second session failed to achieve any concrete and meaningful results in the area of nuclear weapons and related issues. In the absence of any specific recommendations evolving from the special session, the General Assembly had to limit itself to express its grave concern about the continuing

arms race, particularly in its nuclear aspect and its profound pre-occupation over the danger of war, in particular nuclear war.

It is significant that in 1982 none of the total 22 resolutions, primarily on nuclear issues, was adopted without a vote, except the resolution for the establishment of a nuclear weapon free zone in the Middle East. Such developments illustrate the complexity of the international situation from which the United Nations cannot isolate itself.

N.P.T. Review Conferences

Article VIII of N.P.T. provides for a conference of its parties to be held in Geneva, five years after its entry into force to review its operations. The treaty also provides for a review conference every five years ⁴² of the majority of the States wish so.

In this view there have been three review conferences of N.P.T. in 1975, 1980 and 1985 respectively, to review and ensure that the purposes of the preamble and the provisions of the treaty are being realised and carried out.

42 The United Nations, Treaty on the Non Proliferation of Nuclear Weapons (New York, 1969), p. 7.

In the First Review Conference, while reviewing the operation of the treaty, article by article, finally adopted a Final Declaration in which the common interests of the parties in averting the future proliferation of nuclear weapons were reaffirmed.⁴³

Regarding article VI of the treaty there was an extensive debate. This article concerns the obligations of nuclear-weapon States to pursue negotiations on nuclear disarmament. The nuclear weapon States felt that the treaty, as an arms limitation agreement designed to constrain the further spread of nuclear weapons had on the whole fulfilled its purposes. Whereas the non-nuclear weapon States felt that there was a great emphasis on the obligations of non-nuclear weapon States compared to the rights and obligations of nuclear weapon States.

Most of the participation[^] agreed that article I and II of the treaty had been faithfully observed by the parties. But the provisions on the peaceful uses of nuclear-energy and nuclear disarmament and related questions of security guarantees to non-nuclear weapon States had not come upto the expectations. This dissatisfaction was reflected in the Final Declaration of the Conference.

⁴³ SIPRI, Yearbook of World Armaments and Disarmament (Stockholm, 1976), p. 8.

In the second Review Conference held from 11th August to 7th September 1980, there was a considerable satisfaction with the increase in the number of States parties to the treaty within the five years period.⁴⁴

But once again the debate was directed towards the implementation of article VI of N.P.T. Non-nuclear weapon States held nuclear weapon States for the sole responsibility of not adequately fulfilling their obligations to negotiate effective measures to halt the nuclear arms race and achieve nuclear disarmament.

There was some satisfaction^s with the I.A.E.A. safeguards procedures for existing facilities, but a need was felt for its continued improvement. But there was a growing dissatisfaction with the restrictive export policy on the part of suppliers of nuclear equipment and technology for peaceful purposes towards developing countries parties to N.P.T.

which
States/were suppliers and parties to the treaty had continued to engage in nuclear trade and cooperation with non-parties, often permitting less stringent safeguards. Overall the conference failed to produce by consensus a substantive

44 SIPRI, Yearbook of World Armaments and Disarmament, (Stockholm, 1981), p. 12.

final declaration on the operation and implementation of the treaty since 1975 and ^ono measures to be taken in future.

The Third Review Conference held from 27th August to 21st September 1985, emphasized the importance of NWFZ arrangements for the cause of achieving a world free of nuclear weapons.⁴⁵ There was much attention given to the question of an armed attack on a safeguard nuclear ^{facility +} considerations ^s should be given to all appropriate measures to be taken by the U.N. Security Council, which provides for sanctions.

The continuing development and deployment of nuclear weapons system was noted with regret. The conference called upon the nuclear weapon parties to intensify their efforts to reach agreements on measures relating to the cessation of the arms race and on nuclear disarmament.

The conference deeply regretted that a comprehensive nuclear test ban treaty had not been concluded. It called upon the nuclear weapon States to the N.P.T. to resume unilateral negotiations in 1985 and called on all nuclear weapon States to participate in multilateral negotiations. The conclusion of such a treaty was considered as a matter of the highest priority.

⁴⁵ SIPRI, Yearbook of World Armament and Disarmament (Stockholm, 1986), p. 215.

Conclusion :

Though there are a number of inequality of rights and obligations inherent in the concept of non-proliferation, yet N.P.T. has attracted about 3/4 of the independent States of the world.

This Treaty is not of a permanent duration. In 1995, i.e., 25 years after its entry into force; a conference is to be convened to determine its future. The parties will decide whether the treaty should continue in force indefinitely, or be extended for an additional period or periods of time. Then it may become a time of survival for the treaty.

One measure which is generally considered to be a long overdue one, in the direction of qualitative arms race is a comprehensive nuclear test ban - The development of new designs of nuclear weapons by the nuclear weapon States would be rendered impossible without tests. The modification of existing weapon designs would be also seriously constrained. The importance of such a ban for non-proliferation would also lie in the practical obstacles it would create for would-be proliferators.

Another arms control measure directly connected to non-proliferation would be cessation of the production of fissionable material for weapon purposes. Such a cut-off would contribute in curbing the vertical proliferation of nuclear weapons possessed by nuclear weapon States and would also impede the horizontal spread of these weapons to other States.

The separation of civil and military nuclear sectors in nuclear weapon countries and placing them under I.A.E.A. safeguards, all installations and material in the civil nuclear fuel cycles, of these countries would help to prepare the ground for verifying the implementation of a cut off.

Further the authority of the I.A.E.A. must be strengthened to improve the further functioning of non-proliferation regime.

The agency's board of Governors should develop rapid-action responses to act in defiance of safeguards agreements. Better material accountancy and reporting from safeguarding countries are needed and the designation of I.A.E.A. inspectors must be free from political constraints imposed by a number of states.

To minimise the risks of nuclear exports, no nuclear material or equipment should be supplied to those non-nuclear weapons States who refuse to accept full-scope I.A.E.A. safeguards.

Above all, it is only by deemphasising the role of nuclear weapons in foreign policy through a sustained process of dismantling the nuclear arsenals, that the imperative of non-proliferation can become entrenched among the norms of International behaviour.

c) Nuclear Weapon Free Zone

The nuclear weapon free zone idea has its emergence in the context of the danger which is posed by the nuclear weapons to the world peace and security. Nuclear weapon free-zone means that the countries of a particular region, where there are no existing nuclear weapons, should agree not to acquire or manufacture nuclear weapons. Thus not resorting to nuclear proliferation and these countries should also declare their regions free from nuclear weapons. But due to the existence of nuclear weapons in the nearby regions they are in constant fear for their security for which they are guaranteed against non-resort to nuclear weapons from the nuclear weapon States.

Such zones are considered as one of the practical means of preventing horizontal proliferation of nuclear weapons by the nuclear weapon states.

In 1950s the idea of establishing nuclear weapon free zones began to attract the attention of the International community - for which there were various proposals made at various forums.

To this effect Poland made the first formal proposal in the General Assembly in 1957 calling for the permanent

absence of nuclear weapons from the territories of several states in Central Europe.⁴⁶ Since then various proposals to this effect have been made.

The first agreement to be reached was the Antartica Treaty which concluded in December 1959 - establishing that Antartica was to be used for peaceful purposes only, and was not intended to solve the problem of different territorial claims.⁴⁷

Then came the Treaty, of Principles Governing the Activities of States in the Exploration and use of Outer Space, including the moon and other celestial bodies which was concluded in 1967.⁴⁸

In 1967 the States of Latin American region concluded a treaty creating a nuclear weapon free zone in their continent and called the treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco).⁴⁹ This was the first treaty to be concluded in a densely populated area. Of the various

46 GAOR, session 30, supp no. 27, No. A/10027/Add I.

47 SIPRI, Arms Control : A Survey and Appraisal of Multilateral Agreement (Stockholm, 1978), p. 11.

48 Ibid., p. 14.

49 Ibid., p. 16.

proposals put forward to keep regions free of nuclear weapons, only this treaty has been concluded to date. The basic obligations of the States party to the treaty is to use exclusively for peaceful purposes the nuclear material and facilities under their jurisdiction and to prohibit and prevent in their respective territories the presence of nuclear weapons for any other purpose.

In 1975 the C.C.D. established an ad hoc group of governmental experts to study the question of nuclear weapon free zone. The study was entitled the "Comprehensive Study of the Question of Nuclear Weapon Free Zones in all its Aspects". After carefully examining the study the General Assembly adopted a resolution which was sponsored by seven non aligned countries. The resolution defined the concept as follows :⁵⁰

"A nuclear weapon free zone shall, as a general rule be deemed to be any zone recognized as such by the General Assembly of the U.N. which any group of States, in the free exercise of their sovereignty, has established by virtue of a treaty or convention whereby :

- a) The statute of total absence of nuclear weapons to such zone shall be subject, including the procedure for the delimitation^t of the zone, is defined :

50 The United Nations, Comprehensive Study of the Question of Nuclear Weapon Free Zones in all its Aspects : Special Report, (New York, 1976), p. 33.

- b) An international system of verification and control is established to guarantee compliance with the obligations deriving from that statute".

The resolution also put forward some principal obligations of nuclear weapon States towards such zones and the States they would include in such zones. It stated that in every case of a nuclear weapon free zones recognized as such by the General Assembly, all nuclear weapon States should undertake or reaffirm to the following obligations :

- a) To respect in all its parts the statute of total absence of nuclear weapons;
- b) To refrain from contributing in any way to the performance in the territories forming part of the zone of acts involving a violation of the treaty or convention; and
- c) To refrain from using or threatening to use nuclear weapons against the States included in the zone.

However there was a divergence of positions particularly with regard to the definitions of the zones and the obligations of nuclear weapon States. For instance the Soviet Union indicated that it was not in a position to give consent to obligations with regard to a nuclear weapon free zone contained in a treaty on the creation of zone.

The U.S. had objections to the implications of the draft resolution.¹ It thought that the General Assembly could contribute to the establishment of a zone by providing a forum for consultations and encouraging States to work towards specific arrangements.

During the first special session in 1978 the General Assembly received further impetus in this field. The final documents of first session considered the establishment of such zones as a desirable over all objective and an important disarmament measure. The General Assembly received proposals for the establishments of such zones in Africa, the Middle East and South Asia.⁵¹

The nuclear weapon States supported the idea of nuclear weapon free zones during the general debate in the plenary meetings of the first special session.⁵² These countries favoured such a concept as an aspect of their support of the regional approach to disarmament. Nuclear weapon States considered that the creation of such zones can be ^areasonable channel through which guarantees by nuclear powers to non-nuclear States could be obtained.

51 GAOR, Special session 10, Ad hoc. Cttee, mtg 3-16.

52 GAOR, Special session 10, plen. mtgs, 1-25 and 27.

While addressing the first special session, the Soviet Foreign Minister A.A. Gromyko said that : "the nuclear weapons could trigger an all-out nuclear conflagration should they fall into the hands of States in conflict with their neighbours", and expressed their desire that "should see certain geographical areas free of nuclear weapons".⁵³

Prime Minister Callaghan of U.K. expressed his country's readiness to participate in granting assurances to the non-nuclear weapon States, supporting the establishment of nuclear weapon free zones. He also recalled that the U.K. was the first nuclear weapon State to adhere to the Protocols of the Treaty of Tlateloleo.⁵⁴

President Giscard d'Estaing of France while addressing the first special session held that, in terms of the security of the States in a nuclear weapon States to refrain from seeking a military advantage from that situation. He further stressed that - "Nuclear weapon States should in particular preclude any use or threat of the use of nuclear weapons against States that were part of a nuclear weapon free zone."⁵⁵

53 U.N. Doc.A/S-10/PV.5, p. 31.

54 U.N. Doc.A/S-10/PV.3, p. 17.

55 U.N. Doc.A/S-10/PV.2, p. 20.

The U.S. also went ahead and referred to the Treaty of Tlateloleo as Latin America's bold initiative and called for expansion of the regions of the earth where nuclear weapons would be banned.⁵⁶

Most of the nuclear weapon States spokesmen while referring to the concept of establishing nuclear weapon free zone stressed that it would be an effective means of progressing towards disarmament in general and nuclear disarmament in particular.

But quite unlike the above statements the representative of India, Prime Minister Morarji Desai, while addressing the special session remarked that "it was an idle talk of regional nuclear weapon free zones if there were still zones which could continue to be endangered by nuclear weapons. The countries which had such weapons lost nothing if some distant areas was declared non-nuclear. The nations without nuclear capacity which imagined that their inclusion in such zones afforded them security were under delusion".⁵⁷

He further stressed that - "there could be no limited approach to the question of freedom from nuclear threats and

56 U.N. Doc. A/S-10/PV.14, p. 31.

57 U.N. Doc. A/S-10/PV.24, p. 12.

dangers; the whole world should be declared a nuclear free zone".

It was implicit that the creation of such zones would not make the danger of war a distant thing. The fact that the imperialist super powers expressed their support for or even encouraged the establishment of such zones showed that it intended to misguide the peoples vigilance. Apart from the conceptual consideration of nuclear weapon free zones in the plenary debates as well as in the ad hoc Committee, The first special session also considered the various proposals which had been under the consideration before the General Assembly at previous sessions. In the final document of the first special session the establishment of nuclear weapon free zones as an effective disarmament measure was clearly defined.⁵⁸

There was a positive development regarding the Treaty of Tlateloleo. The Soviet Union signed and ratified Additional Protocol II of the Treaty.

The demuclearization of Africa remained the object of widespread support, because some African and other States pointed out the dangers of nuclear developments in South Africa.

58. U.N. Doc., A/S-10/4, Sect III, para 51

Regarding Middle East, it was suggested that the Security Council might be the recipient of declarations by States of the region. The States should declare that they would not acquire, possess or manufacture nuclear weapons pending the establishment of a nuclear weapon free zone in the region with the consent and participation of all States concerned.

In South Asia, a similar approach was suggested. But the negative vote of India on the draft resolution proposed by Pakistan, pointed towards the difficulties which must be overcome before a zone in that area could come about.

Pakistan stressed that the conditions now existed for the creation of such a zone, as each South Asian State had unilaterally pledged not to produce or acquire nuclear weapons.⁵⁹ Pakistan believed that the South Asia region was a large enough geographical area to qualify for the status of a nuclear weapon free zone. They believed that nuclear weapon powers, whether near or far from the region, would be prepared to respect the nuclear free status of a South Asian Zone once it was established. Pakistan was ready to consider entering into a joint declaration, with the Governments

59 U.N. Doc. A/S-10/PV.7, p. 31.

of South Asian States, renouncing the production or acquisition otherwise of nuclear weapons.

India's position was totally different. Prime Minister Morarji Desai while addressing the special session in 1978 said that : "the total nuclear disarmament could be achieved only by keeping in view the whole of the globe and not the regions. As a matter of political convenience or strategy, some countries sought to compartmentalise the world ... there cannot be a limited approach to the question of freedom from nuclear danger, but that the whole world should be declared a nuclear free zone".⁶⁰

India was opposed to it because a proposal for a nuclear weapon free zone in an appropriate region, taking into account the special features and geographical extent of that region, might be initiated by the States of that region, and that their participation should be voluntary and based on arrangements freely arrived at by them. India was opposed to it because it did not regard the region of South Asia as either appropriate or adequate for that purpose; and believed that it was incorrect to equate South Asia with Latin America, Africa or the Middle East, as the circumstances prevailing in

60 Morarji Desai's Address to the UN Special Session on Disarmament - Text in Strategic Digest (IDSA - New Delhi) vol. 8, no. 7 & 8. July-August 1978, p. 15.

those regions and the situations of the countries within them were different. India also made it clear that it had solemnly pledged not to manufacture or acquire nuclear weapons but that did not mean that it would either join a nuclear weapon free zone or accept full scope safeguards. Precisely due to these reasons India voted against the resolution on establishing a nuclear weapon free zone in South Asia.

During the second special session, in 1982 the idea of establishing further nuclear weapon free zone in various regions; along the lines of that set up in Latin America, continued to receive support from a very large number of delegations.

But practically it seemed unlikely that a new nuclear weapon free zone would soon emerge in any of the regions for which proposals were put before the session, namely, Africa, the Middle East and South Asia.

It was stressed that such zones be effectively established only if all the countries in the region concerned were to agree to the concept. The reluctance of certain countries to enter into direct negotiations and unconfirmed reports of possession of nuclear weapons by certain countries, were considered as the major stumbling blocs hindering the creation of new nuclear weapon free zone's.

An analysis of the above proposals made by the nuclear weapon States brings out that these states have certain deeper motivations while proposing the concept of nuclear weapon free zone. Nuclear weapon States are basically interested in retaining their monopoly over nuclear weapons. Their main objective is to prevent the expansion of the nuclear club - which is perceived by them as a threat in the preservation and furtherance of their nuclear hegemony. The idea of nuclear weapon free zone denies, to the signatory countries, the right to manufacture or station nuclear weapons on their territories. Thus making these signatory countries dependent on nuclear weapon powers as guarantors of their security from nuclear threats. Thereby legitimising nuclear weapons in the hands of a few nuclear weapon powers.

K. Subrahmanyam, while referring to the aspect of security dependence of signatory countries, in the nuclear weapon free zone plans on the nuclear weapon States - compares the creation of such zones to the subsidiary alliance which prevailed during the East India Company.

He says that : "The nuclear weapon free zone concept is somewhat analogous to Lord Wellesley's subsidiary alliance system during the days of the East India Company. The Indian princess were told that they could leave their security in the

hands of the British and reduce their forces ... the nuclear weapon free zone, similarly envisages leaving nuclear security in the hands of nuclear powers in exchange for accepting safeguards and a pledge of non-nuclear status".⁶¹

Apart from the self interests involved of the nuclear weapon States in establishing nuclear weapon free zone, there are certain points in the U.N. study on nuclear weapon free zone which makes it non-feasible to bring up the nuclear weapon free zone concept.

The third point of the study says : "The initiative for the creation of a nuclear weapon free zone should come from States within the region concerned".⁶² In its fifth point it further stresses that : "the zone arrangement must contain an effective system of verification to ensure compliance with the agreed obligations".⁶³

According to the third principle it presupposes that there will be a possible consensus among the countries

61 K. Subrahmanyam, Super Power Behaviour (New Delhi), p. 12.

62 The United Nations, "U.N. Study on Nuclear Weapon Free Zones" (New York, 1976), p. 32.

63 Ibid.

of a region and that these countries will agree to convert their region into a nuclear weapon free zone. But such sort of a consensus is difficult to arrive at, in almost all the regions of the world.

The fifth principle concerning the verification part is also quite dubious. Because according to it nuclear weapon free zone will mean verification of only those facilities which are registered with I.A.E.A. But if a country has a separate nuclear programme in a foreign land in collaboration with a country, which does not come in its nuclear weapon free zone, and starts building nuclear weapons, then nuclear weapon free zone proposals will not be able to prevent it. Thus a country signatory to some nuclear weapon free zone can have its own nuclear arsenals too thereby defying the very goals of nuclear weapon free zone.

The successful acceptance of nuclear weapon free zone proposals depends a lot on the degree of success achieved by the nuclear weapon States in controlling the arms race among themselves.

CHAPTER III

AN ASSESSMENT OF THE TWO SPECIAL SESSIONS

Since the formation of the United Nations at San Francisco, in the summer of 1945, the General Assembly of the United Nations has held two special sessions on disarmament - in 1978 and again in 1982. The two special sessions sought to find ways of bringing about a more peaceful and stable world order, through a balanced and verifiable reduction of arms race. Although different views have been expressed about the achievements of the two sessions, but at the same time it cannot be denied that the special sessions have generated strong pressure for arms reductions, both in the nuclear and conventional fields.

Nation States have never been more security conscious than they are today, and yet their life is increasingly dominated by a sense of insecurity. The main reason for this situation is that some nations are over-armed and yet unable to stop seeking security through the possession of ever more destruction^{ve} and deadly weapons.

At the opening meeting of the second special session on disarmament, on 7th June 1982, the Security General of the U.N., Javier Pe'rez de Cueller, put the problem in these terms :¹

1 GAOR, Special Session 12, A/S-12/PV.1, pp. 16-17 and 32.

"The strength for security through strength is as old and as deeply rooted in life of nations as the desire to live in peace. But what puts the present arms race in an altogether different and still more dangerous category are two of its basic characters : first, it derives its momentum, not so much from well-considered security goals as from the inexorable advance of military technology and secondly, it is a pursuit whose consequences do not accord with its assured aims. This holds true, in one degree or another, in the fields of both nuclear and conventional weapons". ... "unless it is restrained by political decisions backed by a moral will, the advance of military technology is a progress that, by its very nature, can never exhaust itself. At present, it is always creating new possibilities, new breakthrough and leading to new applications, strategies and doctrines, paving the way to the point of no return".

The advance of military technology has gone so far that it must be restrained, if sensible and realistic security policies are to prevail. The alternative is a world dominated more and more by the arms race, with all the horrible consequences that it can entail.

The First Special Session

The first special session on disarmament was held

from 23rd May to 30th June 1978 at New York. It was the largest most representative meeting of nations ever gathered to consider the question of disarmament. 126 member States presented their views and suggestions for specific disarmament measures. The speakers included 19 heads of State or Governments and 51 foreign ministers. The assembly also gave the floor to 25 NGO's and 6 research institutes.

It was for the first time in the history of disarmament negotiations that the international community achieved a consensus agreement on a comprehensive strategy for disarmament. The General Assembly provided an answer to the quest of the international community for the means to stop the arms race. It laid the foundations of an effective process of arms reduction and ultimate disarmament in the interest of both national and international security. This was done by the adoption of the final document at the end of the session.

The 129 paragraph of final document² outlines the measures to be taken in the near future. It carefully brings out the steps to be taken to prepare the way for later negotiations within the United Nations framework and related disarmament

² GAOR, Special Session 10, 1978, supp. 4.

pursuits in the coming years. The final document is composed of four sections - Introduction, Declaration, Programme of Action and Machinery. It lays out the goals, principles and priorities in the field of disarmament.

The final document in the "Introduction" states that - "the accumulation of weapon particularly nuclear weapons, today constitute much more a threat than a protection for the future of mankind". "The time has therefore come to put an end to this situation, to abandon the use of force in international relations and to seek security in disarmament; that is to say, through gradual but effective process beginning with a reduction in the present level of armaments".³

The introduction also states that "while the final objective of the efforts of all states should continue to be general and complete disarmament under effective international control, the immediate goal is that of the elimination of the danger of a nuclear war and the implementation of measures to halt and reverse the arms race and clear the path towards lasting peace".⁴

The Declaration part brings out that : "the genuine and lasting peace can only be created through the effective

3 U.N. Doc. A/S-10/4 Sect.III, para 1.

4 U.N. Doc.A/S-10/4 Sect. III, para 8.

implementation of the security system provided for in the charter of the U.N. and the speedy and substantial reduction of arms and armed forces, by international agreements and mutual example".⁵

It declares that "the adoption of disarmament measures should take place in such a equitable and balanced manner as to ensure that no individual state or group of States may obtain advantage over others at any stage. At each stage the objective should be undiminished security at the lowest possible level of armaments and military forces".⁶

The declaration clearly states that; "disarmament and arms limitation agreements should provide for adequate measures of verification. Satisfactory to all parties concerned in order to create the necessary confidence and ensure that they are being observed by all parties". It stresses on - "removing the threat of World War - a nuclear war - which is the most acute and urgent task of the present day. Mankind is confronted with a choice. We must halt the arms race and proceed for disarmament or face annihilation".⁷

5 U.N. Doc. A/S-10/4, Sect III, para 13.

6 U.N. Doc. A/S-10/4, Sect III, para 29.

7 U.N. Doc. A/S-10/4, Sect III, para 31.

The third part of the final document contains the "programme of action" which brings out that : "priorities in disarmament negotiations shall be nuclear weapons, and other weapons of mass destruction, including any which may be deemed to be excessively injurious or to have indiscriminate effects, and reduction of armed forces".

The programme of action further states that the - "most effective guarantee against the danger of nuclear war and use of nuclear weapons is nuclear disarmament and the complete elimination of nuclear weapons".⁸ This section of the final document layed great responsibilities on the nuclear weapon States who should undertake measures aimed at preventing the out-break of nuclear war and the use of force in international relations.

While stressing the need for negotiations on nuclear disarmament measures the session also pursued for the limitation and gradual reduction of armed forces and conventional weapons within the framework of progress towards general and complete disarmament.

One of the main achievements of the special session was its agreements on ways to give new impetus to negotiations and deliberations on disarmament. This agreement was set

⁸ U.N. Doc. A/S-10/4, Sect III, para 56.

forth in the fourth and the last section of the final document - machinery. Adequate results had not been produced with the previous machinery and therefore there was an urgent need to revitalise the existing disarmament machinery and forums to be appropriately constituted for disarmament deliberations and negotiations. Such a new form of set-up should have better representative character. All member states should be represented on the deliberative bodies and the negotiating body should have relatively small membership.

The final document has been described as an historic document, and so it was. It remains a bold and imaginative effort to take a firm step towards the ultimate goal of general and complete disarmament under effective international control.

The final document marks some progress in certain respects, mainly in that it deals with conventional disarmament and arms transfers in parallel with nuclear disarmament (the latter being rightly accorded the highest priority). It attaches due importance to security guarantees for non nuclear weapon States.

Regarding the essential problems of the arms race, the special session did not live upto expectations. The U.S.A. and the U.S.S.R. were unable to reach an agreement on the further limitation of their strategic armaments. The expected treaty

on the cessation of all nuclear weapon tests did not materialise. Neither there was any progress in banning chemical weapons.

The Final Document was weaker than many UN resolutions adopted in previous years regarding the question of non-proliferation of nuclear weapons. The basic differences of approach of individual States and political blocs remained almost intact.

A serious deficiency of the final document is that it continues to deal with disarmament in a piecemeal manner. The programme of action is no more than a loose catalogue of measures, not necessarily related to each other.

The session did not succeed in working out a coherent strategy for disarmament. At the most it laid down a foundation for such a strategy. The final document should be viewed as an enlarged frame of reference for the negotiations. This may be of some importance, considering that the reform of the disarmament negotiating machinery, which has now become more representative and better structured, may give a fresh impetus to the process of negotiations.

The Special Session may be complimented for inducing many governments to develop and articulate their disarmament policies.

It also enhanced the role of the non-aligned and other smaller States in dealing with world affairs. One of its achievements was that it helped NGO's to mobilize public opinion for the cause of disarmament. For the first time in UN history, representatives from these NGO's as well as research institutions could address the General Assembly on issues of universal importance.

Overall, the Special Session was a worthwhile exercise. It highlighted the dangers and the wastefulness of armaments. It sharpened the sense of urgency with regard to disarmament. As stated in the final document, it can mark the "beginning of a new phase of the efforts⁹ of the U.N. in the field of disarmament."

After the session in 1978, there was a sense of accomplishment and certain feelings of hope and perhaps even of optimism for further progress in the years to follow.

Second Special Session :

The second special session of the General Assembly devoted to disarmament was held from 7th June to 10th June 1982.

9. U.N. Doc., A/S-10/4, Sect. III, para 28.

It was held at New York, with a view to invigorate the disarmament process. During the general debate the Assembly was addressed by 18 heads of States or Government and 44 Foreign Ministers. In all there were 140 States which took part in it. Each one of them put forward their positions on questions of disarmament, peace and security and expressed their concern over the lack of progress in those matters.

There were more than 60 proposals and position papers by members States. They were circulated as documents of the session. Many of them dealt with the question of nuclear disarmament and prevention of war. Others concerned the banning of chemical weapons, and some dealt with various aspects of the verification of disarmament agreements. Some papers dealt with the issues, such as the relationship between disarmament and development, the international machinery dealing with disarmament and the dissemination of information to the public on disarmament matters.

Though not enjoying the success of 1978 special session, the assembly unanimously reaffirmed in its 1982 concluding document, the validity of the earlier 1978 final document.

The General Assembly stressed its pre-occupation over the danger of war, in particular nuclear war, the prevention

of which remained the most acute and urgent task of the present day. It urged all the member States to consider as soon as possible, relevant proposals designed to secure the avoidance of nuclear war, thus ensuring that the survival of mankind is not in danger.

There were five draft resolutions which were proposed to the Assembly. They contained proposals for a nuclear arms freeze, the prevention of nuclear war, a convention on the prohibition on the use of nuclear weapons and urgent measures for the prevention of nuclear war and for nuclear disarmament. But none of the draft resolutions was adopted by consensus and none was pressed to a vote during the second^{special} session.

S At the second special session, the General Assembly launched a World Disarmament Campaign to be carried out under the direction of the Secretary-General of the U.N. This step reflected the situation of 1982 as : "a growing and increasingly organized and assertive public movement against the arms race, a world movement that cuts across the entire political spectrum".¹⁰

In the concluding document, the assembly stressed the need for strengthening the role of the U.N. in the field of disarmament and the implementation of security system provided for in the charter of the U.N.

10 U.N. Doc. A/S-12/32, Annex. V.

In addition the assembly also agreed to increase the number of U.N. programme of fellowships on disarmament from 20-25.

✓ The second session was unable to complete the drafting of a comprehensive programme of disarmament, whose elaboration had been under way for three years, pursuant to a decision contained in the 1978 final document. The special session was also unable to come to grips with a number of proposals including some on prevention of nuclear war and on a nuclear arms freeze. These were also deferred for consideration at subsequent regular sessions of the General Assembly.

The fact that so many world leaders chose to address the Assembly was a clear indication of the increasing worldwide concern about the fear and danger of universal annihilation.

While addressing the General Assembly on 17th June 1982 President Reagan accused the Soviet Union of forging ahead in both the nuclear and conventional fields. He further stated that during the previous seven months he had proposed four major points as an agenda for peace : They were :

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11 GAOR, Special Session 12, 1982, A/S-12/PV.13, pp. 2-13.

- a) elimination of land based intermediate range missile;
- b) a one-third reduction in strategic ballistic missile warhead;
- c) a substantial reduction in NATO and Warsaw Pact ground and air forces;
- d) new safeguards to reduce the risk of accidental war.

President Reagan reaffirmed to these proposals and also proposed an international conference on military expenditure "to build on the work of the U.N. in developing a common system for accounting and reporting of those expenditures".

President Brezhnev of U.S.S.R. sent a message to the General Assembly at its second Special Session.¹² It was read out by Foreign Minister Gromyko on 15 June 1982. In the message the President had stated that the U.S.S.R. assumed an obligation which would become effective immediately, at the moment it was made public from the rostrum of General Assembly - not to be the first to use nuclear weapons. While denying the charge that the Soviet Union had gained an edge in armaments, he totally disapproved both the facts and figures about the argument. He emphasized that the existing parity, in the field of nuclear arms race was

12 U.N. Doc. A/S-12/P.V.12, pp. 21-30.

was determined by the totality of the arms possessed by the U.S.S.R. and the U.S., rather than by the quantities of some of the individual types.

The talks between the U.S.S.R. and the U.S. can succeed only when an actual pursuance on the objectivity of limiting and reducing strategic arms rather than to serve as a cover for upsetting the existing parity. It was essential to block all channels for the continuation of the strategic arms race in any form.

On the other hand China held that the Soviet Union and the U.S. should stop testing, improving or manufacturing nuclear weapons. They should reduce by 50% of all types of their nuclear weapons and means of delivery system. Only after that, all other nuclear weapon States should stop testing, improving or manufacturing nuclear weapons. Once again China made it clear that at no time and under no circumstances would it be the first to use nuclear weapons and that too against non-nuclear weapon States. China also held that "only a combination of measures for both nuclear and conventional disarmament can help reduce the danger of war".¹³

Prime Minister Margret Thatcher, while speaking on behalf

¹³ U.N. Doc. A/S-12/PV.8, pp. 31-45.

of the U.K. recognized that nuclear weapons had been a major concern at the 1978 special session and they must necessarily remain so at the 1982 session.¹⁴ She believed that a balanced reduction in ^c conventional weapons could create greater stability provided there was the will and good sense. Deterrence could also be maintained at substantially reduced levels of nuclear weapons.

India while addressing the General Assembly viewed the doctrines of nuclear deterrence as falling "into the category of esoteric and grim scenarios of a nuclear cult totally unrelated to the real world".¹⁵ India called the attention to the fact that, although theories dealing with nuclear war were 'fantasies', they were capable of "leading to the reality of an all out nuclear war". In any case; reliance on the "terror of obliteration" could not fail to have a deep and unwhole-some impact on individuals and societies".

Observers at the second session felt that the current reason for the continuation and escalation of the arms race lies primarily on the shoulders of U.S.A. and U.S.S.R. But the continued tension between them made any new thrust for negotiating substantive issues impossible, including a comprehensive test ban treaty, no use or no first use treaty and a nuclear freeze treaty.

14 U.N. Doc. A/S-12/PV.24, pp. 2-11.

15 U.N. Doc. A/S-12/PV.9, pp. 76-95.

The Message

Since four decades no subject has received more continuous or such growing attention at the U.N. as has disarmament. There has been some progress on arms regulation and limitation but the arms race has none the less spiralled upwards.

The U.N. helps to give disarmament the necessary prominence on the international agenda, but the state of affairs on the international scene profoundly affects the opportunity for a meaningful result in this result.

Prime Minister Giovanni Spadolini of Italy recalled in his address at the 1982 session,¹⁶ that the U.N. is the "direct outcome of the great movement of the 18th century which blossomed in the enlightenment. The convening of the General Assembly's two special sessions on disarmament were extremely significant events because they sought to redirect world attention to an objective of absolute priority for the civilized and peaceful growth of mankind and, indeed, for its very survival."

The main purpose of the two special sessions was disarmament or the starting of a gradual process of the reduction of arms

16 U.N. Doc. A/S-12, pp.2-21.

leading eventually to their elimination. The two sessions occasionally considered measures for the regulation of armaments, but even when they did so the intention was to create favourable conditions for the subsequent adoption of measures of real disarmament.

The final document of the first special session stresses that the process of disarmament affects the vital security interests of all states, as such they must all be actively concerned with and contribute to the measures of disarmament and arms limitation. This was an essential part to be played ⁱⁿ maintaining and strengthening international security.

One of the merits of the two sessions was that of contributing to bring back the true meaning of disarmament that is, the reduction and ultimately, the elimination of armaments.¹⁷

In addition to the deliberating and negotiating activities of the U.N. in the field of disarmament, the sessions also played a major role in generating world public support in favour of disarmament. This can be brought about by information and education. A global constituency of well informed, realistic

17 The Charter of the U.N., Articles 11 and 44 draws a distinction between Disarmament and regulation of armaments, in Article 26 There is reference only to "a system for the regulation of armaments".

and constructive public opinion can contribute to the improvement of the prospects of halting and finally reversing the arms race.

By launching the World Disarmament Campaign the General Assembly recognized the deep concern of the world public to the continuing competitive accumulation of weapons. It also recognized that there was a universal concern for disarmament ^{tt} curring across ideological and political boundaries. The States should be bound by a mutual concern of human survival.

After the second world war peoples of the world decided to unite their strength to maintain international peace and security. It was thought to make the U.N. a centre for harmonizing the actions of nations in the attainment of their common ends.

During all this time the U.N. has never been given sufficient authority, also the means to implement the system of international legal order and security, as provided for in the charter.

Prime Minister F'a'lladin of Sweden stated that "a determined will to get a new course not to seek to acquire the strongest possible war machine but to put to good use all human knowledge and material resources in the interest of peace and the improvement of living conditions throughout the world".¹⁸

18 U.N. Doc. A/S-12/PV.2, p. 37

He further said that "the two super powers hold the fate of this earth of mankind in their hands and bear a primary responsibility for ensuring that a change of course takes place".

The overall achievements of the international community in its struggle to make this world a safer place to live in are still far from the goals that had been set forth in the charter of U.N.

U.N. cannot achieve its objectives in the field of disarmament without the political will of member States and their determined collective efforts. Therefore, it becomes fundamental that in the search for meaningful measures of disarmament, the legitimate security interests of each and every sovereign State be fully respected and taken care of. In the nuclear age security can be associated only with less arms and not with increasing levels of nuclear and conventional forces. These forces should be reduced in a balanced and verifiable way.

The extent to which U.N. can be used to good effect of mankind depends entirely on the member States.

The message of the two sessions is that human choice is not between war and peace, but between life on the planet

and extinction. It is only through complete disarmament and the establishment of a non-violent international order by which the fate of the earth can become secure. The humanity has the means available to achieve this salvation.

In his book "The fate of the Earth", Jonathen Schell puts in his choice as - "One day and it is hard to believe that it will not be soon - we will make our choice. Either we will sink into the final coma and end it all or, as trust and believe, we will be awoken to the truth of our peril, a truth as great as life itself, and like a person who has swallowed lethal poison but shakes off his stupor at the last moment and vomits the poison up, we will break through the layers of our denials, put aside our faint-hearted excuses, and rise up to cleanse the earth of nuclear weapons".¹⁹

19 Jonathan Schell, The Fate of the Earth (London, 1982), p. 231.

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