
Conference on Disarmament

10 February 2011

English

Final record of the one thousand two hundred and fourth plenary meeting

Held at the Palais des Nations, Geneva, on Thursday, 10 February 2011, at 10.15 a.m.

President: Mr. Marius Grinius (Canada)

The President: I declare open the 1204th plenary meeting of the Conference on Disarmament. According to our indicative timetable, today we will focus on the fourth core issue on the agenda of the Conference, namely effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, known as negative security assurances. If we have time after our exchange on negative security assurances, I would like to discuss with you what we ought to do next week – the last week of the Canadian presidency before we hand over the presidency to our colleagues from Chile. I would ask you to be prepared to meet this afternoon, because the speakers' list has grown to over 30 speakers on this issue. If anybody else wants to bring up other issues, as always, they are more than welcome to do so.

However, before I even announce the first five speakers on our list, I would like to turn to the secretariat for one clarification concerning the speakers' list. The matter came up last Tuesday and I want to make sure that we all know what the rules of the game of the Conference on Disarmament are, since they are sometimes slightly different from the rules of the game of other United Nations bodies.

Mr. Sareva (Deputy Secretary-General of the Conference): Mr. President, as you probably all know, in the General Assembly and in most other United Nations forums, the practice with regard to members and non-members speaking is that non-members tend to be given the floor after members have spoken. This is certainly the practice in the General Assembly, and General Assembly rules are often used *mutatis mutandis* in other forums. The Conference on Disarmament rules state that observers can speak if there is agreement, and that, of course, refers to agreement among the members. Now, the *de facto* practice followed in the Conference over the years has been for speakers to be given the floor in the order in which they, both members and non-members, have asked to be inscribed on the list. In other words, the General Assembly rule or the General Assembly practice has not been followed. The speakers' list has been followed in the order in which there has been a request for the floor, without a distinction between members and non-members.

I just wanted to make this clarification so as to let everybody know where we have stood so far. The secretariat remains at members' disposal when it comes to advice on procedural and other matters.

Mr. Lauber (Switzerland) (*spoke in French*): Mr. President, Switzerland has long maintained that non-nuclear-weapon States should receive negative security assurances, whereby nuclear-weapon States undertake to refrain from the use or threat of use of such weapons against them. Such a demand seems more than justified. Countries that have renounced nuclear weapons by becoming parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) ought not to be exposed to the possible use of such a weapon against them.

Switzerland welcomes the positive developments in this area that have resulted from a shift in the "nuclear postures" of the United States of America and the United Kingdom. It also welcomes the declared intention of the United States to begin the process of ratifying the protocols to the treaties of Pelindaba and Rarotonga concerning negative security assurances. Ratification of these protocols by the United States would be seen as a welcome step forward by many countries.

Switzerland duly takes note of these positive developments but considers that they are insufficient. Negative security assurances provided unilaterally by the nuclear-weapon States do not amount to an appropriate response to all of the demands of non-nuclear-weapon States. They can be modified unilaterally by the countries that make them and thus offer only relative assurance. Furthermore, legally binding assurances provided under nuclear-weapon-free zone treaties are unavailable to many non-nuclear-weapon States for

the simple reason that they are located in regions in which the establishment of such zones is at present not possible.

The only way to overcome these shortcomings is to draft legally binding security assurances based on a global international treaty. The establishment of a binding instrument on negative security assurances would benefit the entire international community in several respects.

First and foremost, such an instrument would strengthen the nuclear non-proliferation regime as a whole. It would thus render the status of non-nuclear-weapon State in the framework of the NPT more attractive. States that withdrew from such a regime would lose their security assurances, making it all the more worthwhile for them to remain parties to this instrument.

The development of such an instrument would also enable the closer involvement of all States in efforts to achieve nuclear disarmament. It would enable the building of links with States that are not yet parties to the NPT, given that negotiations on such a matter would have to include both States parties to the NPT and nuclear Powers outside this regime.

Finally, the development of such an instrument would represent a significant step towards a general prohibition on the use of nuclear weapons, as well as helping to strip them of any legitimacy. Such an instrument would also constitute an essential move on the road to full nuclear disarmament and the negotiation of a convention on nuclear weapons.

Action 7 in the Final Document of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons declares that all the States parties agree that the Conference on Disarmament should immediately begin substantive discussion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, not excluding an internationally legally binding instrument.

The need for the Conference on Disarmament to move forward on this matter and its legitimate right to do so are clear. The importance of getting discussions on the matter under way stems also from the fact that numerous substantive issues have yet to be clarified. That is just as true of negative security assurances as it is with regard to developing a fissile material cut-off treaty and the prevention of an arms race in outer space.

The key components of any instrument, such as its scope and possible structure, should therefore be studied in depth. Careful attention must also be paid to the question of definitions, including how to define nuclear-weapon States and non-nuclear-weapon States in this context.

A dialogue would also enable discussion of how such an instrument would fit in with the NPT. This is necessary because all nuclear Powers, not just nuclear-weapon States as defined under the NPT, would have to provide negative security assurances. The issue of reservations and conditions, or lack thereof, would clearly also have to be studied.

As far as possible, such discussions should be based on concrete proposals. Malaysia circulated a draft text some time ago in the framework of the Conference on Disarmament that could prove useful. Any additional input would also be welcome.

In conclusion, I would like to reiterate what I said the other day. Matters connected with the prevention of an arms race in outer space, as well as those related to negative security assurances, should be addressed by the Conference on Disarmament in a formal manner after the adoption of a programme of work. In the meantime, my delegation considers that the process that some members of the Conference are initiating to establish

definitions for a fissile material cut-off treaty could provide a useful model for the issue of negative security assurances. Switzerland will support any proposal to this end and participate fully in any dialogue on this subject.

Mr. Akram (Pakistan): Mr. President, at the outset, let me welcome the discussions in today's plenary on a critical issue on the Conference agenda, second in importance only to the issue of nuclear disarmament. For many years, the Conference on Disarmament has been discussing the need and urgency for concluding legally binding and effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, commonly known as negative security assurances. Pakistan has traditionally played a leading role in this context.

The demand for such security assurances has been on the international arms control and disarmament agenda since the 1960s. This demand was reinforced in the first special session of the General Assembly devoted to disarmament in 1978. The responses of the nuclear-weapon States reflected in Security Council resolution 255 in 1968, and the declarations of four of the five nuclear-weapon States at the first special session of the General Assembly devoted to disarmament in 1978 and later in Security Council resolution 984 in 1995, however, remain insufficient, qualified and partial. These responses can, at best, be characterized as political declarations and cannot substitute the need for a credible and legally binding international instrument on negative security assurances.

The General Assembly adopts a resolution every year tabled by Pakistan and co-sponsored by a large number of countries calling for effective, credible and legally binding assurances for non-nuclear States against the use or threat of use of nuclear weapons. Last year, General Assembly resolution 65/43 once again recommended that the Conference on Disarmament should "actively continue intensive negotiations with a view to reaching early agreement and concluding effective international agreements" on negative security assurances. The same resolution recognized not only the need to safeguard the independence and sovereignty of the non-nuclear States by providing these assurances, but also the fact that such assurances can "contribute positively to the prevention of the spread of nuclear weapons".

Allow me to explain the rationale for why which we support negotiations on negative security assurances. Firstly, the principle of the non-use of force or the threat to use force, as enshrined in the Charter of the United Nations, extends to the use of nuclear weapons as well. It is therefore our obligation to create conditions in which non-nuclear-weapon States should feel secure against the use or threat of use of nuclear weapons.

Secondly, while it is regrettable that complete nuclear disarmament, as called for in the first session devoted to disarmament, remains elusive, this gap can be bridged through an international legally binding agreement on negative security assurances, especially relevant for those countries that are not part of any military alliance and have the benefit of extended nuclear deterrence to ensure their security in a nuclear weaponized world.

Thirdly, negative security assurances are in fact cost-free for the nuclear-weapon States, since they do not entail any additional burden on them in terms of nuclear disarmament or nuclear arms reductions.

Lastly, new doctrines envisaging the development of tactical nuclear weapons and their possible use erode the confidence of the non-nuclear-weapon States – a concern rightly highlighted by the Movement of Non-Aligned Countries too.

The option of using nuclear weapons against non-nuclear-weapon States is not only strategically untenable but also morally reprehensible. While nuclear deterrence through mutual assured destruction between nuclear-weapon States may be justifiable, the use of

nuclear weapons against non-nuclear-weapon States can be compared only to the most hideous form of genocide.

Moreover, in the absence of negative security assurances, the option of using nuclear weapons against non-nuclear-weapon States can create an incentive for such States to acquire nuclear weapons capability as the only eventual guarantee of their national security. Accordingly, negative security assurances can actually make a significant contribution towards strengthening the international non-proliferation regime.

Negative security assurances would also constitute a major confidence-building measure between the non-nuclear-weapon States and the nuclear-weapon States by easing the threats that emanate from the modernization of nuclear arsenals and new doctrines of use for nuclear weapons. This, in turn, would have a positive impact on non-proliferation and can facilitate negotiations on other matters relating to nuclear disarmament and non-proliferation. Most importantly, it can lay the foundation for negotiations by the Conference on Disarmament on one of the items on its agenda, thus meeting the demands of all members to revitalize and rejuvenate the Conference.

As we have explained on numerous occasions, our nuclear programme is driven by its security compulsions and not considerations of prestige and status. Even though Pakistan is now a nuclear-weapon State, it takes its responsibilities as such very seriously. Our strategic doctrine is based on maintaining credible minimum deterrence. In keeping with our long-standing position in favour of negative security assurances, we have given our unconditional pledge not to use or threaten to use nuclear weapons against States not possessing nuclear weapons. We are ready to translate this pledge into a legally binding international instrument.

Let me also remind the Conference that the Group of 21 (G-21), which represents a majority of member States of the Conference, in its common position on the issue of negative security assurances, reflected in document CD/1892, has repeatedly called for negotiations on negative security assurances. The conclusion of an instrument in this regard would be an important step towards achieving the objectives of arms control, nuclear disarmament and non-proliferation in all its aspects.

There are two draft texts for instruments on negative security assurances in the Conference on Disarmament. One is the draft international convention to assure non-nuclear-weapon States against the use of nuclear weapons, presented by Pakistan on 27 March 1979, contained in document CD/10. The other one is a G-21 joint working paper on a draft international convention on the strengthening of guarantees of the security of non-nuclear States presented to the Conference on Disarmament on 21 June 1979, contained in document CD/23. The Conference can commence negotiations based on these drafts by refining their contents based on contemporary realities.

It is important for the Conference on Disarmament members to reflect on why the Conference has not been able to make progress on commencing negotiations on negative security assurances. We also need to ask why it is that only one issue is presented as ripe for negotiations, while the issue of negative security assurances is portrayed as not ripe for negotiations, despite the overwhelming support for it in the Conference on Disarmament and in the General Assembly.

Our delegation, therefore, strongly advocates that the Conference should establish a subsidiary body on the issue of negative security assurances, with a negotiating mandate, as soon as possible.

Mr. Garcia (Philippines): Mr. President, as this is the first time that my delegation is taking the floor, kindly allow me to express our appreciation to you for the transparent and inclusive leadership of your presidency. May I also at the outset state that the

Philippines fully associates itself with the statement of the Conference on Disarmament informal group of observer States that was delivered by the representative of Serbia at the opening of the session. The Philippines feels that the issue of Conference on Disarmament membership enlargement is important and merits fair consideration.

On the subject of negative security assurances, allow me first to recall that the final document of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons called on this body to undertake certain concrete actions under action 7. This action includes “discussion of effective international arrangements to assure non-nuclear States against the use or threat of use of nuclear weapons, to discuss substantively, without limitation ... all aspects of this issue, not excluding an internationally binding instrument”.

We feel that this body should focus on this as a matter of priority, taking into consideration the extensive support that the matter has already enjoyed within this body and in the larger context of the United Nations system and disarmament architecture. For example, General Assembly resolution 2153 (XXI) A of 1966 stated that “nuclear-weapons Powers should give an assurance that they will not use, or threaten to use, nuclear weapons against non-nuclear-weapon States without nuclear weapons on their territories”.

Negative security assurances are indeed a vital element of the overall global disarmament and non-proliferation regime; in particular, nuclear-weapon-free zones are an important manifestation of the negative security assurance concept. The aforementioned Review Conference called for the concrete advancement of the process leading, for example, to a nuclear-weapon-free zone in the Middle East. The zones are the concrete building blocks for what ultimately will be the realization of a world free from nuclear weapons, namely our vision of Global Zero.

The Philippines wishes to pay tribute to the efforts of the United Nations, our regional organizations and member States in realizing the nuclear-weapon-free zones that we have today under the Treaty for the Prohibition of Nuclear Weapons in Latin American and the Caribbean; the South Pacific Nuclear Free Zone Treaty; the South-East Asia Nuclear-Weapon-Free-Zone Treaty (Bangkok Treaty); the African Nuclear-Weapon-Free-Zone Treaty; the Treaty on a Nuclear-Weapon-Free Zone in Central Asia; and the declaration by Mongolia of its nuclear-weapon-free status. We are heartened to have heard in this very chamber that there is growing and serious interest in further accession to nuclear-weapon-free zones, particularly the Central Asian and South-East Asian nuclear-weapon-free zones.

The Bangkok Treaty established the South-East Asia Nuclear-Weapon-Free Zone in 1995 – a major achievement of the Association of Southeast Asian Nations (ASEAN). A biennial resolution on the nuclear-weapon-free zone was introduced at the sixty-second and sixty-fourth sessions of the General Assembly, with the next to be introduced at the sixty-sixth session. ASEAN attaches high priority to advancing the South-East Asia Nuclear-Weapon-Free Zone and intends to intensify its engagement with the five permanent members of the Security Council, with a view to their joining the Protocol to the Bangkok Treaty.

The Philippines also believes that we can certainly profit from learning more from the best practices and experiences of other nuclear-weapon-free zones. In particular, the Philippines commends the Treaty of Tlatelolco Community for the establishment of an implementing organization, the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean. We would like to call on the Geneva disarmament community — delegations, the Secretariat of the United Nations, the United Nations Institute for Disarmament Research (UNIDIR), academic institutions and civil society — to continue to

enrich our constructive debate on negative security assurances and nuclear-weapon-free zones through dialogue and the organization of events such as workshops and seminars.

The President: Ambassador, I note that you read an abridged version of your statement, but that the full statement will be made available on the Conference on Disarmament website.

Mr. Maimeskul (Ukraine): Mr. President, as I am taking the floor for the first time, let me congratulate you on your assumption of the presidency at this crucial time for the Conference on Disarmament. I would like to assure you of the strong support of my delegation in your endeavours to enable the resumption of the substantive work of the Conference on Disarmament.

Let me recap positive tendencies that have recently occurred in the area of disarmament and non-proliferation and that include the entry into force of the Treaty between the Russian Federation and the United States of America on Measures for the Further Reduction and Limitation of Strategic Offensive Arms (the New START Treaty) and successful results reached at the Nuclear Security Summit and the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

Ukraine considers the New START Treaty to be an important step towards implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), which will contribute to further strengthening of global stability and security. We therefore encourage both the United States and the Russian Federation to properly implement this agreement and to continue negotiations with the aim of further reducing their nuclear arsenals.

At the Nuclear Security Summit, Ukraine once again asserted its leading position in the field of nuclear non-proliferation, announcing an important decision to get rid of all its stocks of highly enriched uranium from nuclear research facilities before the next nuclear security summit, to be held in the Republic of Korea in 2012. I am pleased to note that Ukraine has complied with its commitment, having guaranteed the removal of a substantive part of highly enriched uranium (106 kg) from Sevastopol National University for Nuclear Energy and Industry, the Kharkiv Institute of Physics and Technologies, and the Kyiv Nuclear Research Institute by the end of 2010.

Let me emphasize that the recent initiative of the President of Ukraine, Mr. Yanukovich, to hold a high-level meeting (the Kyiv Summit on Safe and Innovative Use of Nuclear Energy) in April 2012 will serve as an opportunity to share views on the future of peaceful nuclear energy as well as to facilitate wider support for the Nuclear Security Summit commitments.

Thus, my country has proved once again that it remains a consistent and reliable participant in multilateral efforts to strengthen the nuclear non-proliferation regime. Ukraine is convinced that real and effective disarmament and non-proliferation should be pursued simultaneously with the provision and practical implementation of global security assurances.

Considering the geopolitical location of Ukraine and its non-aligned status, this issue is of particular importance to my State. Since Ukraine is not a member of the North Atlantic Treaty Organization or the Collective Security Treaty Organization, our State is forced to seek legally binding security assurances.

Ukraine therefore fully supports the elaboration within the Conference on Disarmament of an international convention to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. Based on the relevant General Assembly resolutions, we consider that it is of vital importance to exert multilateral efforts in the Conference on Disarmament to reach agreement on this international convention as soon as

possible. It is our understanding that security assurances for non-nuclear-weapon States will significantly enhance global peace and security and will therefore promote nuclear disarmament, stability and confidence among all NPT States parties.

Ukraine is supportive of the establishment of nuclear-weapon-free zones, which have an important role to play in strengthening international peace and security. We welcome the continued expansion of nuclear-free zones around the world, as affirmed by the 2010 NPT Review Conference, especially the development of a nuclear-weapon-free zone in the Middle East. We hope that the 2012 Conference on the establishment of a nuclear-weapon-free zone in the Middle East will be successful.

However, the non-use protocols to the various nuclear-weapon-free zones do not secure regional members against the use or threat of use of nuclear weapons by those States that are known or believed to possess nuclear weapons. Such States are not considered nuclear-weapon States according to the definition established under the Treaty on the Non-Proliferation of Nuclear Weapons and are therefore not entitled to sign the non-use protocols to treaties governing nuclear-weapon-free zones. In this regard, we encourage the NPT nuclear Powers to adhere to the above-mentioned protocols.

Ukraine hopes that the Conference on Disarmament will consider the relevant Security Council resolutions and protocols to the treaties on nuclear-weapon-free zones as a point of departure for negotiating a legally binding international instrument on security assurances for non-nuclear-weapon States. We believe that such a document will substantively limit the scope of use or threat of use of nuclear weapons and contribute to their delegitimization.

Ukraine considers that the Conference on Disarmament is a unique multilateral forum in the sphere of disarmament. In our opinion, the current situation in the Conference on Disarmament calls for member States to seek actively possible compromises in order to revitalize the substantive work of the Conference and make a tangible contribution to enhancing the national security of member States.

It is crucially important to achieve consensus on a programme of work as soon as possible. For our part, we are ready to support the efforts of the presidency. Therefore, following the adoption of a programme of work for 2011 and once consensus has been achieved, Ukraine would be ready to chair a working body on negative security assurances. If there is no consensus on a certain agenda item, the Conference should probably move forward to the next one, such as negative security assurances, which could bring positive results and foster further progress on other issues.

In conclusion, let me reiterate that the adoption of a legally binding instrument on negative security assurances will contribute to confidence-building among member States and provide the necessary impetus for future negotiations on other key issues of the Conference on Disarmament.

Mr. Tan (Canada): Mr. President, I would like to address several issues regarding the subject of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons – the fourth core issue of our agenda in the Conference on Disarmament. As was mentioned last week, Canada attaches great importance to our collective goal of achieving a world free of nuclear weapons in a way that ensures undiminished security for all. Part of this pursuit for many delegations is legal assurances against the use or threat of use of nuclear weapons, for those that have pledged not to acquire them. Canada welcomed the Nuclear Posture Review released by the United States in 2010 and in the United Kingdom in 2011, which we see as another step towards providing the desired security assurances to non-nuclear-weapon States. Canada believes that this strengthened assurance is also an important contribution to further strengthening

the nuclear non-proliferation regime, and should convince those who might yet seek to acquire nuclear weapons that doing so would be contrary to their security interests.

Canada believes negative security assurances must be invariably linked to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). Decision 2 adopted at the 1995 NPT Review and Extension Conference stated that “further steps should be considered to assure non-nuclear-weapon States party to the Treaty against the use or threat of use of nuclear weapons”, and, further, that such “steps could take the form of an internationally legally binding instrument”. The 2000 NPT Review Conference confirmed that these assurances would strengthen the nuclear non-proliferation regime, and, at the 2010 NPT Review Conference, States parties agreed that the Conference should “immediately begin discussion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons”.

Another common formulation of these security assurances are the protocols attached to nuclear-weapon-free zones throughout the world. Nuclear-weapon-free zones have been concluded in Latin America and the Caribbean, Africa, the South Pacific, South-East Asia, Central Asia and Mongolia. Canada believes that these zones make a valuable contribution to international security and stability, and we encourage all parties to work together in order to facilitate the early entry into force of their respective protocols.

Canada remains of the view that discussion of legally binding negative security assurances would most logically take place in the context of the Treaty on the Non-Proliferation of Nuclear Weapons, not in the Conference on Disarmament, and that these assurances should be seen as a key benefit of adherence to the Treaty for non-nuclear-weapon States. That being said, Canada supports the action plan on nuclear disarmament of the 2010 NPT Review Conference, including its proposal for this Conference to hold discussions on negative security assurances to non-nuclear-weapon States, and remains flexible regarding the venue of these discussions. Canada believes that negative security assurances will provide yet another incentive for compliance with the non-proliferation obligations of NPT parties and further dissuade concerned States from pursuing nuclear weapons.

Mr. Daryaei (Islamic Republic of Iran): Mr. President, security is the basic need and right of all human beings in different countries regardless of the power and size of the countries. Security is the prerequisite of all nations for development. The gravest threat to security is now the mere existence of thousands of nuclear warheads in the stockpiles of nuclear-weapon States. The threat would be doubled if some of these countries felt free to threaten other countries, including non-nuclear-weapon States, with the use of these illegal, immoral and illegitimate weapons. It is a matter of serious concern that, under false pretexts, two decades after the cold war, the nuclear-weapon States continue to recognize the value of these inhumane, lethal weapons.

Since the first atomic bombs dropped on Hiroshima and Nagasaki in August 1945, the world has witnessed the development of nuclear weapons and the expansion of nuclear arsenals which can destroy many times over the only known living planet. The continued existence of thousands of nuclear weapons in the stockpiles of nuclear-weapon States has kept the fate of civilization and of humanity itself in awe and alarm. We believe that the use of nuclear weapons is a crime against humanity and that the international community should double its efforts to get rid of the threats posed by nuclear weapons once and for all through the total elimination of these weapons.

In the 1960s, non-nuclear-weapon States decided to join the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), mindful of its discriminatory nature, to put an end to the threat of nuclear weapons, hopeful that the spirit and letter of this treaty would serve their purpose. However, to their consternation, subsequent events and the continued

existence of thousands of such weapons in the stockpiles of nuclear Powers and the allocation of billions of dollars to modernize them showed that their confidence was abused by the nuclear-weapon States. Even with the conclusion of the NPT, humankind has continued to live under the shadow of the possible use of the world's most destructive weapons of mass terror. Thus, the question of the unconditional security of non-nuclear-weapon parties to the NPT against the use or threat of use of nuclear-weapons States has been, and still is, an important and vital issue. We totally reject the premise that it is a special privilege for the nuclear-weapon States to seek their security at the cost of the insecurity of others.

In the early 1980s, all five nuclear-weapon States, in response to international demands for a legally binding treaty on negative security assurances against nuclear-weapon States and as a first limited step, accepted some qualified undertakings not to use such weapons against the parties to the NPT and States that renounce the production and acquisition of such weapons. In early April 1995, this pledge was reaffirmed through unilateral declarations by nuclear-weapon States, and in April 1995, just days before the 1995 NPT Review and Extension Conference, Security Council resolution 984 was adopted. It took note of these unilateral declarations and recognized the legitimate interest of non-nuclear-weapon States parties to the NPT to receive security assurances. The Security Council was also very explicit in considering that the resolution constituted a step in that direction.

The unilateral declarations of the nuclear-weapon States and the Security Council resolution were duly taken note of in a package of decisions by the 1995 NPT Review and Extension Conference. Principle 8 of Decision 2 (Principles and objectives for nuclear-non-proliferation and disarmament) stipulated that further steps should be considered to assure non-nuclear-weapon States parties to the NPT against the use or threat of use of nuclear weapons, and that these steps could take the form of an internationally legally binding instrument. As was noted by Security Council resolution 984, such unilateral declarations as political commitments have fallen short of the concerns of non-nuclear-weapon States and thus cannot substitute for a universal, unconditional and legally binding instrument.

It is extremely dangerous that some nuclear-weapon States in their nuclear doctrines envisage the possibility of using nuclear weapons against non-nuclear-weapon States parties to the NPT and are reviewing the development of easy-to-use mini-nukes. A matter of more concern is the recent increase in the number of cases in which some high-ranking officials of certain nuclear-weapon States have threatened non-nuclear-weapon States. All of these vicious developments have put the non-nuclear-weapon States more than ever under the real threat of the possible use of nuclear weapons.

Hundreds of millions of dollars have already been allocated to nuclear-weapon development projects such as Trident, mini-nukes and, recently, the addition of a nuclear-armed ballistic missile submarine to the nuclear arsenals of nuclear-weapon States. The international community should not await the deployment or even threat of use of such weapons to react. Such policies and practices seem to have learned no lesson from the nightmare of Hiroshima and Nagasaki. It is repugnant that threats and the dangerous doctrine of the use of nuclear weapons against non-nuclear-weapon States have been officially proclaimed. Such an approach destroys the confidence surrounding the NPT. It should therefore be condemned and not be repeated anymore.

We believe that some of the nuclear-weapon States, through their development of new types of easy-to-use nuclear weapons and the recent allocation of billions of dollars to modernize their nuclear arsenal and naming non-nuclear-weapon States as targets of such inhumane weapons, are clearly violating their obligations under the NPT and calling their commitment to their 1995 unilateral statements into serious question. The 1995 unilateral statements and the subsequent Security Council resolution are indivisible parts of the deal

in the 1995 NPT Review and Extension Conference for the indefinite extension of the Treaty. These efforts will seriously erode the very credibility of the Treaty.

The Islamic Republic of Iran considers the total elimination of nuclear weapons to be the only absolute guarantee against the use or threat of use of nuclear weapons. Nuclear weapons should not imply political clout and capability to shape and influence world events or change the decisions of sovereign States. Holding and expanding nuclear arsenals should be condemned rather than condoned or tolerated. As long as such weapons are in the stockpiles of nuclear-weapon States, no one on Earth has any security. It is thus imperative to move now with concerted and firm resolve to stop and reverse this momentum.

Pending the total elimination of these inhumane weapons, efforts for the conclusion of a universal, unconditional and legally binding instrument on security assurances to non-nuclear-weapon States should be pursued, as a matter of priority, by the international community. In our view, the Conference on Disarmament is the most appropriate body to fulfil this responsibility. We therefore call upon the Conference on Disarmament to establish an ad hoc committee to negotiate a legally binding instrument on negative security assurances within a specified time frame to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

Mr. So Se Pyong (Democratic People's Republic of Korea): Mr. President, since this is my first statement, let me also congratulate you on assuming your first presidency of the 2011 session of the Conference on Disarmament and express my appreciation for your great efforts and contribution to the work of the Conference on Disarmament since the beginning of the year. I would also like to take this opportunity to welcome new colleagues who have joined in the work of the Conference on Disarmament. I hope that they will have great success in their efforts to ensure the progress of the work of the Conference on Disarmament.

In building a peaceful and prosperous world, disarmament is the top priority. Regrettably disarmament still faces challenges, although two decades have passed since the end of the cold war. The undisguised advocacy for and practice of hegemony and a strong-arm policy is giving rise to great concern; this policy is frequently followed by a show of force, blackmail and, in the long run, use of war, which once used to be symptoms of the cold war era.

It is in today's world that there is a status quo on nuclear weapons whose numbers are estimated at over 20,000. It is also in today's world that sovereign States are often targeted, threatened or blackmailed by nuclear weapons, while the whole existence of mankind itself is being threatened. In this regard, the delegation of the Democratic People's Republic of Korea believes that due attention should be focused on the following agenda items of the Conference on Disarmament.

Firstly, top priority should be given to nuclear disarmament. As a member of the G21 and the Movement of Non-Aligned Countries, the Democratic People's Republic of Korea attaches the highest priority to nuclear disarmament. Nuclear disarmament is directly linked to the survival of humankind more than world peace and security. Of all the weapons in this world, only nuclear weapons remain out of control with no relevant instrument. The late President Kim Il Sung long ago advanced the idea of building a world free from nuclear weapons. It is the desire of the Korean people to live in a peaceful world without nuclear weapons. The Democratic People's Republic of Korea remains consistent in its support for total and complete elimination of nuclear weapons in the world – a world with Global Zero.

As for today, after the end of the cold war, nuclear disarmament should be multilateral and also verifiable and irreversible in nature. My delegation takes this opportunity to reiterate its readiness to start negotiations on a phased programme for the

complete elimination of nuclear weapons, with a specified time frame, including a nuclear weapons convention.

Secondly, the nuclear-weapon States should refrain from nuclear threats and provide non-nuclear-weapon States with negative security assurances. Nuclear-weapon States should revoke the provision of a nuclear umbrella for their allies and withdraw all nuclear weapons deployed outside their territories in order to push forward nuclear disarmament and prevent the danger of nuclear war.

Negative security assurances are essential to the existence of non-nuclear-weapon States and the promotion of the global process of nuclear disarmament. Non-nuclear-weapon States demand an unconditional and binding assurance by nuclear-weapon States against the use or threat of use of nuclear weapons. Some of the nuclear-weapon States are opposed to forming legally binding international instruments on security assurances for non-nuclear-weapon States. The current international situation which allows a certain country to use nuclear weapons as a means of threatening others should no longer be tolerated.

Thirdly, careful attention should also be directed to initiatives on the prevention of an arms race in outer space (PAROS). The Conference on Disarmament plays the primary role in the negotiation of a multilateral agreement or agreements, as appropriate, on PAROS. In the past, the Conference on Disarmament has made continued efforts to start negotiations on a comprehensive agreement on PAROS, in accordance with the relevant General Assembly resolutions. The delegation of the Democratic People's Republic of Korea supports the proposal to establish an ad hoc committee on PAROS and to start negotiations on the issue.

As the sole multilateral negotiating forum on disarmament, the Conference on Disarmament has a high responsibility to attain the goal of the total elimination of nuclear weapons. It is the view of my delegation that the Conference on Disarmament can and should fulfil its mission. To this end, we will make every effort with patience.

The delegation of the Democratic People's Republic of Korea sincerely hopes that intensive debate on the core issues of our agenda items will contribute to creating an atmosphere conducive to agreement on a programme of work and thus lead to the desired multilateral negotiating process, including on nuclear disarmament.

Mr. Macedo Soares (Brazil): Mr. President, the debate on a treaty on negative security assurances dates back to 1968, after the adoption of Security Council resolution 255 entitled "Questions relating to measures to safeguard non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons".

This resolution, as its title indicates, is aimed at appeasing the non-nuclear-weapon States which were concerned that, by joining the NPT and thus forsaking the development or acquisition of nuclear weapons, they would be more at risk from a nuclear attack. The resolution thus offered positive security assurances. It welcomes the intention expressed by certain States that they will provide or support immediate assistance, in accordance with the Charter of the United Nations, to any non-nuclear-weapon State party to the NPT that is a victim of an act or an object of a threat of aggression in which nuclear weapons are used.

Shortly after, a number of non-nuclear-weapon States started calling for a legally binding international agreement that would grant them negative security assurances, that is, the assurance that nuclear-weapon States would not use or threaten to use nuclear weapons against them.

In 1978, the final document of the first special session of the General Assembly devoted to disarmament stated, in paragraph 32:

All States, in particular nuclear-weapon States, should consider various proposals designed to secure the avoidance of the use of nuclear weapons, and the prevention of nuclear war. In this context, while noting the declarations made by nuclear-weapon States, effective arrangements, as appropriate, to assure non-nuclear-weapon States against the use or the threat of use of nuclear weapons could strengthen the security of those States and international peace and security.

In 1980, the Conference on Disarmament started discussing the topic of negative security assurances every year. From 1983 to 1994 the issue was discussed in the framework of an ad hoc committee established by the Conference. This ad hoc committee was re-established in 1998 to negotiate with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. However, its final report was inconclusive and member States could not arrive at a consensus to reconvene the committee afterwards.

I would also like to recall that, in 2008, the Secretary-General of the United Nations, in his five-point proposal on nuclear disarmament, explicitly referred to negative security assurances and recommended that the permanent members of the Security Council could “unambiguously assure non-nuclear-weapon States that they will not be the subject of use or threat of use of nuclear weapons”.

As of today, there is no universal legally binding treaty containing negative security assurances. The most recent multilateral document addressing the subject is General Assembly resolution 65/43, which follows a long succession of similar resolutions dating from at least 1990. One has to admit that, although adopted, that resolution was voted with a high number of abstentions. Some of the abstaining delegations, in my view, are not interested in the matter because they feel assured by means of their participation in military alliances based on nuclear weapons. Other abstaining delegations, in spite of their interest in security assurances, perhaps wanted to imply that the matter should be confined to the framework of the NPT.

In the view of my delegation, the principle of “non-use” of nuclear weapons is connected with the objective of disarmament. States possessing nuclear weapons, regardless of their situation, while they do not eliminate their arsenal, should provide legally binding guarantees to non-nuclear-weapon States. Ambassador Lauber of Switzerland made a very clear point about the competence of the Conference on Disarmament in the matter. Moreover, as Ambassador Maimeskul of Ukraine mentioned, this question has to be addressed in the context of nuclear weapons.

It is also relevant to recall the final document of the 2010 NPT Review Conference. In action 7 of the action plan adopted by consensus, we read:

All States agree that the Conference on Disarmament should, within the context of an agreed, comprehensive and balanced Programme of Work, immediately begin discussion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, to discuss substantively, without limitation, with a view to elaborating recommendations dealing with all aspects of this issue, not excluding an internationally legally binding instrument.

Brazil expects the Conference on Disarmament to adopt its programme of work as soon as possible, with the inclusion of a working group on negative security assurances, in accordance with the mandates contained either in document CD/1864 or in document CD/1889. My delegation would support an initiative by the presidency to establish such a working group.

The resistance of nuclear-weapon States to embark on negotiations of a universal legally binding treaty granting non-nuclear-weapon States negative security assurances

undermines the security of States that have renounced nuclear weapons. It is an indication that nuclear-weapon States might actually consider using those weapons, even if only in “extreme cases”. Additionally, it reinforces the misconception that the possession of, and the actual possible use of, nuclear weapons will deter aggression and increase security.

We all know the declarations made by nuclear-weapon States after the adoption of Security Council resolution 984 of 1995. Besides being unilateral political gestures, their own engagement was bound by conditions. Except for one, the other nuclear-weapon States stated that, in the case of an invasion or any other attack carried out or sustained by a non-nuclear-weapon State in association or alliance with a nuclear-weapon State, the assurances would not apply. The motivation behind those declarations in 1995 was to influence the 1995 NPT Review and Extension Conference to extend the Treaty indefinitely.

The International Court of Justice, in its 1996 advisory opinion on *Legality of the Threat or Use of Nuclear Weapons*, affirmed: “There is in neither customary nor conventional international law any specific authorization of the threat or use of nuclear weapons.” It also concluded: “A threat or use of force by means of nuclear weapons that is contrary to Article 2, paragraph 4, of the United Nations Charter, and that fails to meet all the requirements of article 51, is unlawful.”

The concept of “nuclear deterrence”, in the second decade of the twenty-first century, is outdated, impractical and unacceptable. Nuclear weapons are not needed to deter non-nuclear-weapon States, even less non-State actors. The logical conclusion can only be that “deterrence” and its collateral doctrines could apply only to nuclear-weapon States among themselves. It is regrettable that some non-nuclear-weapon States continue to feel the need to base their security on the nuclear arsenals of a protector State. There I would slightly differ from my colleague, Ambassador Akram of Pakistan, in the sense that negative security assurances are not cost-free, since they would, at least in part, reduce the power of intimidation of nuclear-weapon States.

A universal legally binding instrument on negative security assurances would reinforce the notion that international security must be based on the rule of law, rather than on the use of force. An agreement on negative security assurances, although not constituting a disarmament measure per se, would radically change the configuration of the debate on disarmament.

Whenever the question of negative security assurances is discussed, the issue of nuclear-weapon-free zones comes up. This is brought to our attention because the States which belong to such zones have renounced the possession of nuclear weapons by a legally binding international instrument. It is fair that those countries expect to be especially reassured that they will neither be attacked by nuclear weapons nor threatened with the use of such weapons.

The truth is that States belonging to a nuclear-weapon-free zone are by this very fact legally bound not to acquire nuclear weapons. In other words, those who do not possess nuclear weapons grant guarantees, whereas those who do possess them are reluctant to accept, without reservations, the protocols to treaties establishing nuclear-weapon-free zones. Nuclear-weapon-free zones are part of a strategy to circumscribe nuclear weapons in spatial terms, as the Comprehensive Nuclear-Test-Ban Treaty and a fissile material treaty would undercut their development.

Since it remains highly important to strengthen existing nuclear-weapon-free zones, it is also urgent to promote the establishment of new ones. In this sense, Brazil believes that one of the important achievements of the 2010 NPT Review Conference was the endorsement of the resolution on the Middle East adopted by the 1995 Review and Extension Conference, as well as the decision to convene a conference in 2012 on the establishment of a zone in the Middle East free of nuclear weapons and all other weapons

of mass destruction. We are interested in seeing the first steps for the preparation of the Conference taken as soon as possible.

To conclude, I would like to reiterate Brazil's deep conviction that the complete elimination of nuclear weapons is the only and most effective assurance against the use or threat of use of nuclear weapons. Pending the complete and effective elimination of nuclear weapons, it is imperative that non-nuclear-weapon States be given assurances that they will not be attacked or threatened with those weapons. It should be recalled, however, that the objective of achieving negative security assurances is not an end in itself, but only a transient measure to be upheld pending the total elimination of nuclear weapons.

Mr. Khvostov (Belarus) (*spoke in Russian*): Mr. President, Belarus attaches special significance to providing assurances to non-nuclear-weapon States against the use or threat of use of nuclear weapons. This issue is inextricably linked to the topic of nuclear disarmament and non-proliferation and has been under active discussion for several decades, not just in the Conference on Disarmament but also in such forums as the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and the First Committee of the United Nations General Assembly.

The legitimate requests by States that, in accordance with the NPT, have renounced their nuclear ambitions, to receive such assurances are unfortunately yet to be satisfied. Non-nuclear-weapon States continue to feel vulnerable in comparison to States with nuclear capabilities, and they are obliged to seek ways to fill the security vacuum by other means.

Belarus, the first post-Soviet State to voluntarily renounce the right to possess nuclear weapons, is no exception to this. At the fifty-third session of the United Nations General Assembly we put forward an initiative to establish a nuclear-weapon-free zone in Central and Eastern Europe. This initiative was discussed and endorsed in the Conference on Disarmament ad hoc committee on negative security assurances in 1998, and in December of that year, the General Assembly adopted resolution 53/77 on that very subject. Unfortunately, the geopolitical context in the region at the time meant, and still means, that this initiative could not be put into practice, and we were forced to meet our security needs collectively by joining a military and political alliance.

The lack of progress in this area has caused a whole range of problems for nuclear non-proliferation and undermined the principles and foundations of the NPT. The assurances contained in the text of the United Nations Security Council resolutions adopted in 1968 and 1995 are mere political declarations. Furthermore, these resolutions contain a number of clauses that essentially disavow the declarations and only serve to enhance the prestige and significance of nuclear weapons. We need to ask ourselves why the appeal voiced at the tenth special session of the United Nations General Assembly on disarmament in 1978 for nuclear States to take urgent measures and, where appropriate, to conclude effective agreements containing assurances that they renounce the use or the threat of use of nuclear weapons continues to fall on deaf ears. In our view a call for further action was implied by the advisory opinion of the International Court of Justice in 1996 stating that "the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict".

It is high time to develop a global legally binding treaty providing non-nuclear-weapon States with unambiguous and unconditional security assurances. We believe that these assurances should be provided to States parties to the NPT that do not possess nuclear weapons. We would like to see the re-establishment in the Conference on Disarmament of an ad hoc committee or working group to discuss and subsequently draw up international arrangements on security assurances to non-nuclear-weapon States, and we support the statement of Ukraine about being ready to coordinate work in this field.

On 5 February, we saw the entry into force of the new Treaty between the Russian Federation and the United States of America on Measures for the Further Reduction and Limitation of Strategic Offensive Arms. We sincerely welcome this important milestone towards nuclear disarmament and a safe world. In the preamble to that treaty, high praise is given to the contribution of Belarus as a State not possessing nuclear weapons, in terms of nuclear disarmament and strengthening international peace and security, and it is recognized for its role in implementing the START I treaty in 1991. Following our participation in this treaty, the obligations undertaken by the United Kingdom, the Russian Federation and the United States of America, as set out in the Budapest Memorandum on security assurances of 1994, were of increased importance to us in the context of the accession of Belarus to the NPT as a non-nuclear-weapon State. In our view the Budapest Memorandum is a legally binding international instrument and should be understood as such and complied with unswervingly. The document is available under symbol CD/1287.

We also note that according to action 8 of the Conference on Disarmament action plan for nuclear disarmament, unanimously adopted at the NPT Review Conference in May 2010, all nuclear-weapon States must fully respect their existing commitments with regard to security assurances to non-nuclear-weapon States. Furthermore, this action plan mandates the immediate undertaking of discussions of effective international instruments containing assurances for non-nuclear-weapon States by nuclear-weapon States. One of the recommendations developed during these discussions and reflected in the document is to conclude an international legally binding treaty. We believe that such a treaty could be achieved, provided that nuclear-weapon States show enough political will.

Mr. Vasiliev (Russian Federation) (*spoke in Russian*): Mr. President, I am ready to speak, but I believe you gave me the floor because the representative of Hungary, representing the European Union, was not present in the room. I don't object to going back to my initial position on the list and giving him the floor. It is up to you.

Mr. Iliopoulos (Hungary): Mr. President, I have the honour to speak on behalf of the European Union. The candidate countries Turkey, Croatia, Iceland, Montenegro and the former Yugoslav Republic of Macedonia, and the countries of the stabilization and association process and potential candidates Albania, Bosnia and Herzegovina, and Serbia, as well as Armenia and Georgia, the Republic of Moldova and Ukraine, align themselves with this declaration.

Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons are mentioned in the decision contained in CD/1864 as one of the issues on the Conference on Disarmament agenda eligible for substantive discussion. Mr. President, as we already indicated in our opening statement, the European Union values your initiative, in continuation of previous thematic debates within the Conference on Disarmament, to further the consideration of this issue and is ready for substantive discussion.

The European Union, contributing to the global efforts to seek a safer world for all and to achieve the peace and security of a world without nuclear weapons, in accordance with the objectives of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), recognizes the legitimate interest of non-nuclear-weapon States in receiving unequivocal and legally binding security assurances from nuclear-weapon States. As is stated in the European Union Strategy against Proliferation of Weapons of Mass Destruction, adopted by the European Union Council in December 2003; in Security Council resolution 1887 on nuclear non-proliferation and disarmament, adopted in September 2009; and again in the European Union Common Position for the 2010 NPT Review Conference, positive and negative security assurances strengthen the nuclear non-proliferation regime and can play an important role: they can serve both as an incentive to forgo the acquisition of weapons of

mass destruction and as a deterrent. The European Union will promote further consideration of security assurances to non-nuclear-weapon States parties to the NPT.

The European Union reaffirms the value of existing legally binding security assurances to non-nuclear-weapon States parties to the NPT on the use of or threat of use of nuclear weapons, provided for by the protocols to the treaties establishing nuclear-weapon-free zones. It also reaffirms the importance of the unilateral statements by each of the five nuclear-weapon States, in which they gave security assurances on the use of nuclear weapons to non-nuclear-weapon States parties to the NPT, recognizing that such security assurances, in response to the legitimate interest of non-nuclear-weapon States, would strengthen the nuclear non-proliferation regime, as is noted in Security Council resolution 984 of 1995.

With regard to non-proliferation and disarmament, the European Union continues to attach great importance to the development of internationally recognized nuclear-weapon-free zones. Established on the basis of arrangements freely arrived at among States of the regions concerned, as recommended in the guidelines adopted by the United Nations Disarmament Commission at its substantive session of 1999, nuclear-weapon-free zones enhance regional and global peace and security and are a means to promote nuclear disarmament, stability and confidence.

The European Union calls on nuclear-weapon States to reaffirm, in the appropriate forums, existing security assurances mentioned in Security Council resolution 984 of 1995, and to sign and ratify the relevant protocols on nuclear-weapon-free zones drawn up following the requisite consultations in accordance with the above-mentioned guidelines, recognizing that treaty-based security assurances are available to such zones.

The European Union reiterates its commitment to a Korean peninsula free of nuclear weapons. The European Union regards the establishment of a zone free of nuclear weapons as well as other weapons of mass destruction and means of delivery in the Middle East as a way of enhancing security and stability in the region. Thus, the European Union welcomes the reaffirmation by the 2010 NPT Review Conference of the 1995 NPT Review and Extension Conference resolution on the Middle East and the endorsement of practical steps leading to the full implementation of that resolution. The European Union attaches particular importance to the convening in 2012 of a conference on the establishment of a Middle East zone free of nuclear weapons and other weapons of mass destruction. As was mentioned last week already, in support of this process and as a follow-up to the European Union seminar held in June 2008, the European Union is preparing to host a seminar in 2011 with the participation of all relevant countries.

Mr. Jazairi (Algeria) (*spoke in French*): Negative security assurances are an essential component of protecting non-nuclear-weapon States against the use or threat of use of nuclear weapons.

The most effective assurance against the use of such weapons is clearly their complete and total elimination through genuine disarmament measures in accordance with article IV of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT).

The question of negative security assurances dates back to when the process of concluding a treaty on the non-proliferation of nuclear weapons was launched. In resolution 2153 of November 1966, the General Assembly urged States to conclude a treaty on the non-proliferation of nuclear weapons and requested the Eighteen-Nation Committee on Disarmament to “consider urgently the proposal that the nuclear-weapon Powers should give an assurance that they will not use, or threaten to use, nuclear weapons against non-nuclear-weapon States without nuclear weapons on their territories”.

This issue has been on the agenda of the Conference on Disarmament since its inception in 1978. In the Final Document of the first special session on disarmament in 1978, nuclear-weapon States were urged to pursue efforts to conclude, as appropriate, effective arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

Since then, efforts have been made to achieve that goal in the framework of the NPT and the Conference on Disarmament. However, as you can see, the results of those efforts have been extremely limited.

By signing the NPT, non-nuclear-weapon States such as Algeria undertook not to acquire nuclear weapons. They are therefore well within their rights to demand credible security assurances that protect them from the use, or threat of use, of such weapons. Such assurances would go some way to compensating for the security imbalance between nuclear-weapon States and non-nuclear-weapon States, which is inherent in the NPT itself, in line with the principle of undiminished security for all.

Such multilateral and irrevocable assurances would boost confidence in the nuclear non-proliferation regime and thus its credibility, encourage nuclear disarmament, and consolidate international peace and stability. As has already been underlined in past thematic discussions here on the issue, if the NPT is the subject of tensions, it is precisely because it is unable to provide the sense of security required by non-nuclear-weapon States.

Any proposed measures should be aimed at reducing the role of nuclear weapons in security policy, with a view to the eventual prohibition of their use. It is quite incomprehensible that a weapon which is irreconcilable with the principles of humanitarian law should retain even a thread of legitimacy. The General Assembly stated in resolution 1653 of 1961 that the use of nuclear weapons was contrary to the spirit, letter and goals of the Charter of the United Nations. The International Court of Justice concluded, in its advisory opinion of July 1996, that the use or the threat of use of nuclear weapons was, in general terms, incompatible with the rules of international law applicable in armed conflict, and in particular with the rules of international humanitarian law.

For its part, the Security Council states in resolution 984 of 1995 that, in accordance with the relevant provisions of the Charter of the United Nations, any aggression with the use of nuclear weapons would endanger international peace and security.

Security assurances were provided in the framework of Security Council resolution 255 of 1968, unilateral declarations of 1978 and 1982, and Security Council resolution 984. Furthermore, other measures are provided for in protocols to the treaties establishing nuclear-weapon-free zones.

As I have said previously here, Algeria welcomes the positive developments of the past few years and, in particular, the new “nuclear posture” of the United States of America. However, we continue to believe that the present regime does not adequately meet the security needs of non-nuclear-weapon States. Indeed, unilateral declarations that are, furthermore, subject to conditions do not constitute legally binding instruments.

Assurances provided in the framework of nuclear-weapon-free zones are also conditional. Moreover, that status does not, unfortunately, cover all regions, particularly those where tensions are highest.

The Middle East is an example. In spite of repeated calls by the international community, United Nations resolutions and the conclusions of NPT review conferences, such a zone still has not been established there. The root cause lies with the only country in the region that has become a de facto nuclear power with the tacit acquiescence or even active cooperation of those who rail against the risks of nuclear proliferation elsewhere in the same region.

Some nuclear-weapon States pursue programmes to modernize their nuclear arsenals in order to maintain a so-called credible nuclear deterrent. Far from being reduced, the role of such weapons is thus being enhanced in order to protect “vital interests”, deal with worst-case scenarios or react to attacks made with other weapons of mass destruction. These nuclear doctrines therefore go beyond the traditional doctrines of deterrence. They broaden the spectrum of situations that could potentially justify the use of nuclear weapons, even against non-nuclear-weapon States, at times calling into question earlier commitments made with regard to assurances.

Article 51 of the Charter of the United Nations on the right of self-defence cannot be invoked to justify the use or the threat of use of nuclear weapons against non-nuclear-weapon States. Such a stance can only be adopted by disregarding the basic tenets of humanitarian law, including proportionality and the distinction between civilians and combatants.

The disturbing change in doctrines of deterrence further underlines the merits of our demand for effective security assurances, which, in order to be credible, must be codified in a legally binding multilateral instrument.

In that regard, it is worth recalling decision 2 of the 1995 NPT Review and Extension Conference concerning the principles and objectives for nuclear non-proliferation and disarmament. That decision considers the possibility of further steps to assure non-nuclear-weapon States parties to the Treaty against the use or threat or use of nuclear weapons. Those steps could take the form of an internationally legally binding instrument.

In this context, Algeria recalls the appeal made by the Non-Aligned Movement at its summit in Sharm el-Sheikh in July 2009 for the conclusion of a universal and legally binding instrument providing unconditional security assurances to non-nuclear-weapon States.

Algeria supports General Assembly resolution 65/43 on this issue and favours the establishment of a subsidiary body, in the framework of a comprehensive and balanced programme of work of the Conference on Disarmament, to negotiate a legally binding international instrument to prohibit in a clear and credible manner the use or the threat of use of nuclear weapons against non-nuclear-weapon States.

We understand the difficulties and differences in viewpoints regarding the framework in which negotiations on this issue should take place. Some parties would prefer to see an agreement reached in the framework of the NPT while others favour the Conference on Disarmament.

The delegation of Algeria is of the view that the Conference on Disarmament is the appropriate framework in which to address these matters. The mandate in decision CD/1864, enshrined in action 7 of the Final Document of the 2010 NPT Review Conference, is flexible enough to address the concerns of all.

Given that other parts of the programme of work could be held up, and bearing in mind the broad support enjoyed by the issue of negative security assurances, I share the view expressed by the representatives of Pakistan and Ukraine that the issue is ripe for debate without further delay in the framework of a working group of the Conference on Disarmament. Such a move could foster the confidence needed to allow the Conference to tackle the other key issues of its mandate.

Mr. Manfredi (Italy): Mr. President, the topic we are discussing today, negative security assurances, is central to any serious endeavour towards a world free of nuclear weapons. May I recall that security assurances are explicitly mentioned in paragraphs 7 and 8 of the Conclusions of the 2010 NPT Review Conference. In fact, together with the fissile

material cut-off treaty (FMCT) and the establishment of a zone free of weapons of mass destruction in the Middle East, security assurances are one of the three priority goals contained in these Conclusions, and this is no accident.

May I also recall the United States Nuclear Posture Review of April 2010, which explicitly and significantly extended such assurances unilaterally to virtually all non-nuclear-weapon States that are party to the Treaty on the Non-Proliferation of Nuclear Weapons and in compliance with their obligations. Of course, although the United States commitment is unilateral, it does, in spite of everything, emanate from the holder of the world's largest nuclear arsenal. Similar declarations made unilaterally by other nuclear-weapon States parties to the NPT further reinforce this positive trend.

The rationale behind the renewed interest in negative security assurances is that they are one of the two instruments necessary to render nuclear arsenals progressively more marginal in the national defence equations of nuclear-weapon States, in line with our common ambition of a world free of nuclear weapons.

In order to exist and to justify its existence militarily, a nuclear arsenal needs the raw material to manufacture its warheads and the potential targets at which these warheads are aimed. Doctrine of use and its relevant technological means are secondary to the need to own or have access to fissile material and to have formulated a list of potential adversaries worthy of being deterred by nuclear means. The goal of an effective FMCT is to choke off the supply of raw material for the warheads and, arguably, also to monitor and scale down the existing stockpiles of this material.

The goal of negative security assurances is to reduce the number of potential targets for the warheads. If, on the one hand, we prevent the expansion of nuclear arsenals by denying, through an international legally binding instrument, further production of their key ingredient, and, on the other hand, we encourage their drawdown by reducing the number of targets, we are in effect intent on marginalizing the scope and relevance of doctrines of nuclear deterrence in national defence strategies.

When discussing these ideas, an objection I have often heard is that any treaty on negative security assurances is inherently unverifiable and, thus, no better than a political statement of principle. However, the United States statement in the 2010 Nuclear Posture Review is also a political statement, and so are all the existing treaties establishing nuclear-weapon-free zones.

In our opinion, to reject out of hand a possible disarmament treaty on the grounds that it is unverifiable is not logical. Of course, usually disarmament and non-proliferation agreements deal with hardware, physical objects, and thus contain things susceptible to being counted and verified – which is why, for instance, my country has always insisted that an FMCT should contain verification provisions.

Negative security assurances, instead, are an exception. They deal with intangibles, with human intent, which, by its very nature, is not quantifiable and therefore not verifiable. However, this is no reason to reject them. A treaty on negative security assurances may not contain verification clauses, but nothing prevents it from having provisions on sanctions in case of violations. It is also unconvincing to argue that sanctions would be pointless once a nuclear device has been used. Negative security assurances serve to ban both the use and the threat of use of nuclear weapons, and sanctions against threats are a valid solution.

Nuclear deterrence and nuclear guarantees are a delicate area; they involve national interests of the highest priority for some of us and cannot be addressed lightly. Therefore any path that we might consider to achieve a nuclear-free world must take this into account. There is no magic solution and no instant formula to rid our planet of nuclear arsenals. We must gradually work towards this end by chipping away at the fundamentals of nuclear

arsenals and strategies, their ingredients and their targets, by thoroughly thinking through our reasoning each step of the way, using a steady diet of cost-benefit analysis.

This is what the aspiration of a world free of nuclear weapons is all about. While it is very unlikely and unfortunately not achievable in our lifetime, politically, we must arrive at some point where general conviction starts to emerge that the process is real and irreversible.

Mr. Peláez (Argentina) (*spoke in Spanish*): Like the majority of those delegations that took the floor before me, my delegation would like to address agenda item 4 on negative security assurances. This issue, as has been noted in recent years, requires an assessment of the present regime and the need to strengthen and/or supplement it.

As far as the present regime is concerned, Argentina shares the opinion of the majority of member States that Security Council resolution 984, of 11 April 1995, the nuclear-weapon-free zone treaties and their respective additional protocols, and the interpretative declarations made by the nuclear-weapon States form the basis of understandings with regard to restrictions on the potential use of nuclear weapons against non-nuclear-weapon States.

Argentina recognizes the value of the various approaches to this subject, including the importance of the nuclear-weapon-free zones in the provision of such assurances, which serve as a form of immediate recognition of the efforts made by some regions in the areas of disarmament and nuclear non-proliferation.

For this reason, strengthening nuclear-weapon-free zones and establishing new ones, for example, in the Middle East, will represent a major contribution to the reassurance that non-nuclear-weapon States have traditionally sought. The States parties to the Treaty of Tlatelolco, whose implementation throughout the region means that Latin America and the Caribbean now constitute the biggest such zone in terms of area covered and population, are constantly endeavouring to ensure full compliance with their obligations, as was confirmed at the two conferences on nuclear-weapon-free zones held in 2009 and 2010. The endorsement by the NPT Review Conference of the decision to convene a conference in 2012 on the establishment of a nuclear-weapon-free zone in the Middle East is equally encouraging.

However, and in spite of the efforts that we may make in the area of nuclear-weapon-free zones, the present regime is not perfect. On the one hand, not all nuclear-weapon States have acceded to the additional protocols to existing nuclear-weapon-free zone treaties and, on the other, those that have done so maintain interpretative declarations made when they ratified those instruments and which show up inadequacies in the present system.

The conditionality of those declarations undermines the assurances made to States that have forgone use of the nuclear option for military purposes.

In this context and bearing in mind the limited geographical nature of the nuclear-weapon-free zones, Argentina has traditionally supported the conclusion of an international legally binding instrument in the framework of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). This position has taken into account the current membership of the Treaty as well as calls on non-member States to accede without delay as non-nuclear-weapon States.

Nevertheless, we acknowledge progress made on the issue, including the conclusions of the 2010 NPT Review Conference. In particular, in the final document, the Conference on Disarmament is identified as the appropriate setting for work on recommendations regarding international agreements aimed at ensuring that nuclear

weapons are not used against non-nuclear-weapon States, without excluding the possibility of a legally binding agreement on the matter.

Just as member States of the Conference on Disarmament agreed on such an approach in May 2009, with the adoption of decision CD/1864, the States parties to the NPT must now sustain efforts to fulfil commitments made in the framework of this treaty so that this Conference might again become the stage for substantive work on agenda item 4.

We welcome changes in the posture of some nuclear-weapon States that are firmly committed to bringing about a world free of nuclear weapons. We hope that this will lead to the adoption of a “no first use” policy by all nuclear-weapon States, including those still outside the NPT.

Regrettably, and despite recent positive developments, the undertakings entered into by nuclear-weapon States are unilateral and the possibility of revoking them at any time underlines the fragility of the present regime. The arbitrary nature of their possible implementation means that assurances provided to non-nuclear-weapon States continue to be conditional and to foster an atmosphere of uncertainty over the potential use or threat of use of nuclear weapons among those countries that have forgone the possession of nuclear weapons.

The total elimination of nuclear weapons is the only assurance that they will not be used, but we frequently hear calls by the nuclear-weapon States for a realistic, pragmatic and step-by-step approach to the question of general and complete disarmament. We consider the prohibition of their use to be a prerequisite for any disarmament process and a concrete step forward in that direction.

On that basis, various elements of a global instrument could be tested, the common denominator of which would be a mechanism to facilitate the provision and acceptance of assurances by and for all parties.

Restarting substantive work on agenda item 4 in the Conference on Disarmament, without excluding the possibility of concluding an international instrument to regulate the use of nuclear arms, in conjunction with the prohibition of fissile materials for use in nuclear weapons through a fissile material cut-off treaty, would demonstrate what we consider a progressive approach to the ultimate goal of bringing about a world free of nuclear weapons.

The President: The Deputy Secretary-General of the Conference has an announcement to make.

Mr. Sareva (Deputy Secretary-General of the Conference): Mr. President, this announcement actually has to do with another meeting that is taking place this afternoon. We have a very long list of speakers remaining for this morning and the list will spill over to the afternoon. The secretariat expects that the Conference on Disarmament will continue meeting for an hour to an hour and a half this afternoon. Since many of the Conference on Disarmament delegates also take part in other important disarmament meetings, I have been asked by the Chairman-Designate of the Fourth Review Conference of the High Contracting Parties to the Convention on Certain Conventional Weapons (CCW) and by the Chairperson of the Group of Governmental Experts to announce that the informal open-ended consultations in preparation for the CCW Group of Governmental Experts, which were scheduled to start this afternoon at 3 p.m. in room 24, will start after the adjournment of this Conference on Disarmament plenary meeting. There will be a short interval between the conclusion of this meeting and the start of the Group of Governmental Experts preparatory meeting so as to allow delegates to move from here to room 24.

Mr. Suda (Japan): Mr. President, I will be very brief. In 1970, on signing the Treaty on the Non-Proliferation of Nuclear Weapons, Japan, as a non-nuclear-weapon State, emphasized in its official statement that the nuclear-weapon States must not have recourse to the use of nuclear weapons or threaten to use such weapons against non-nuclear-weapon States. This position remains unchanged, and Japan lends its basic support to the concept of negative security assurances.

In order to be assured of this and to advance nuclear disarmament, it is fundamentally important that all States possessing nuclear weapons should reduce the role of nuclear weapons in their national security strategies. It should be noted that this is one of the steps that the nuclear-weapon States are called upon to engage in under action 5 of the action plan in the final document of the 2010 NPT Review Conference.

In this connection, we must recognize that negative security assurances can make a significant contribution to reducing the role of nuclear weapons. Negative security assurances are indeed the legitimate interest of non-nuclear-weapon States. Nuclear-weapon States should make their existing negative security assurance pledges credible to the rest of the world and should provide stronger negative security assurances to non-nuclear-weapon States that comply with the NPT. In addition, nuclear-weapon-free zones, once established upon ratification of protocols by nuclear-weapon States, can provide a legally binding assurance to parties to such agreements.

Negative security assurances have long been on our agenda, and the Conference on Disarmament should further undertake practical and substantive discussions to enhance their credibility and effectiveness.

In this respect, I appreciate the President's initiative to invite us to engage in wide-ranging discussions on all the important items in this plenary meeting. At the same time, as the Ambassador of Algeria and other colleagues have suggested, we should continue our efforts to establish a mandate to start substantive work on all four items, including the negotiations on a fissile material cut-off treaty, as soon as possible.

Mr. Li Chijiang (China) (*spoke in Chinese*): I would like to discuss a few points of principle regarding negative security assurances.

First of all, the request by non-nuclear-weapon States not to be threatened by nuclear weapons and to have such security guarantees recognized in a legally binding form is entirely reasonable. This helps to uphold and strengthen the Treaty on the Non-Proliferation of Nuclear Weapons as the cornerstone of the international nuclear non-proliferation mechanism.

Secondly, the comprehensive prohibition and thorough destruction of nuclear weapons are the fundamental means of resolving the issue of negative security assurances. In order to achieve this goal, all nuclear-weapon States must unequivocally commit to no first use of nuclear weapons at any time or under any circumstances and must unconditionally agree not to use or threaten to use nuclear weapons against non-nuclear-weapon States or nuclear-weapon-free zones. The international community should conclude an agreement as soon as possible on a universal, unconditional, legally binding international legal instrument on negative security assurances.

Thirdly, China supports the plan of action for negative security assurances contained in the final document of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and the resolutions that the United Nations General Assembly has passed on negative security assurances over the course of many years. China is of the view that, on the basis of an adopted programme of work, the Conference on Disarmament should begin substantive work as soon as possible on negative security assurances.

Fourthly, China's position on the issue of negative security assurances has always been consistent and clear. Ever since it acquired nuclear weapons, China has been solemnly committed to the concept of no first use of nuclear weapons at any time or under any circumstances and has committed not to use or threaten to use nuclear weapons against non-nuclear-weapon States or nuclear-weapon-free zones. We therefore call on nuclear-weapon States to conclude an international legal instrument as soon as possible. China has also signed and ratified all nuclear-weapon-free zone treaties opened for signature and their related protocols.

China will carefully study the many views and recommendations on negative security assurances just put forward by the concerned parties and will make further observations at the appropriate time.

Mr. Combrink (South Africa): Mr. President, allow me to thank you once again for your continued efforts aimed at finding consensus on a programme of work for the 2011 session of the Conference on Disarmament. The rich debate that we have witnessed during the last two weeks of plenary meetings has again illustrated the commitment of the vast majority of members to ending the current stalemate and resuming substantive negotiations in this important negotiating forum.

At the outset, I wish to place on record that the issue of security assurances remains of importance to South Africa. Since becoming a State party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) in 1991, South Africa has always argued that genuine security cannot be achieved by the non-nuclear-weapon States abandoning the nuclear weapons option alone. In this context, the Heads of State and Government of the Movement of Non-Aligned Countries and the members of the New Agenda Coalition have also consistently reaffirmed that the total elimination of nuclear weapons remains the only absolute guarantee against the use or threat of use of such weapons. They also agree that, pending the total elimination of all nuclear weapons, efforts aimed at the conclusion of a universal, unconditional and legally binding instrument on security assurances to non-nuclear-weapon States should be pursued as a matter of priority.

During the Preparatory Committee for the 2003 NPT Review Conference and the 2005 NPT Review and Extension Conference, South Africa together with its partners in the New Agenda Coalition submitted a working paper on the issue of negative security assurances, together with elements for a draft treaty. My delegation believes that the key concepts of that working paper remain valid, as does the continued need for the provision of negative security assurances to non-nuclear-weapon States to address their legitimate concerns, pending the total elimination of all nuclear weapons. The New Agenda Coalition working paper makes reference to the 1996 advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons* that Ambassador Macedo Soares and other ambassadors have referred to and that I will not repeat for the sake of brevity.

South Africa regards the provision of security assurances as a key element of the NPT, which remains the primary nuclear non-proliferation and nuclear disarmament agreement. All States parties to the NPT are bound by the grand bargain of the Treaty, whereby the five nuclear-weapon States agreed to legally binding commitments to pursue nuclear disarmament based on which the non-nuclear-weapon States have forgone the nuclear weapons option. Since the legally binding undertaking by non-nuclear-weapon States not to develop nuclear weapons has been given in the NPT context, it follows logically that security assurances should be granted under the NPT umbrella.

Regrettably, despite some progress in the reduction of the overall number of nuclear arms, there has been little substantive progress on nuclear disarmament. Continued reliance on nuclear weapons in security doctrines, the development of new types of nuclear weapons

and qualitative improvements to existing arsenals have led to increased insecurity among non-nuclear-weapon States. For States that have renounced the nuclear weapons option, the provision of security assurances in a codified manner would serve as a measure of confidence as we work towards the achievement of a world without nuclear weapons.

It is sometimes claimed that the nuclear-weapon States have already granted security assurances to non-nuclear-weapon States, either by way of resolutions or in the context of nuclear-weapon-free zone treaties. If there is indeed such a commitment, there should be no objection to codifying such assurances in a universal, legally binding instrument. Legally binding security assurances will not only contribute to international confidence and security but also facilitate the process of the elimination of nuclear weapons.

Since becoming a member of the Conference on Disarmament, my delegation has consistently stated that it remains unconvinced that the Conference on Disarmament is the most appropriate venue for concluding a legally binding instrument to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. However, despite our concerns about the possible difficulties associated with the negotiation of such a treaty in a body that consists of both States parties and States not parties to the NPT, we have never blocked consensus on any programme of work that included the consideration of this important issue.

In this regard, we recall that the 2010 NPT Review Conference, without prejudice to efforts within the NPT, called on the Conference on Disarmament to agree to immediately begin discussion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, to discuss substantively without limitation, with a view to elaborating recommendations dealing with all aspects of this issue, not excluding an international legally binding instrument.

Some of the key questions that my delegation believes would need to be addressed include the identification of the States providing the security assurances; the identification of the beneficiaries of such security assurances; the nature and scope of the security assurances being provided; elements that would need to be included in a legally binding instrument on security assurances; and the format in which such security assurances would be provided. We are also aware of a number of interesting options that are being explored by some delegations on alternative approaches to the issue of negative security assurances.

While some proponents of a nuclear-weapon-free world have started questioning whether the issue of negative security assurances is not perhaps part of the old cold war thinking, my delegation remains convinced about the necessity of a legally binding framework that would provide credible assurances to non-nuclear-weapon States against the use or threat of use of nuclear weapons until we achieve our goal of the total elimination of all nuclear weapons. As long as these weapons exist, they will pose a threat to humanity. In order to address this threat, my delegation believes that a further step towards the complete elimination of all nuclear weapons could also include a legally binding instrument banning the use or threat of use of nuclear weapons. Such an instrument would be consistent with the 1996 International Court of Justice advisory opinion on the *Legality of the Threat or Use of Nuclear Weapons* and could serve as a useful interim step towards the eventual total elimination of nuclear weapons. We look forward to continued engagement on these important matters.

Mr. Demiralp (Turkey): Mr. President, I would like to underline two points. Firstly, Turkey supports the elaboration of legally binding international instruments that will ensure the non-use of nuclear weapons by nuclear-weapon States against non-nuclear-weapon States. As a matter of fact, not only Turkey but also several other members of the Conference have, over the years, called repeatedly for legally binding security assurances by nuclear-weapon States to non-nuclear-weapon States parties to the NPT. Such

assurances would without a doubt help to strengthen the non-proliferation regime. In our view, the issue of negative security assurances is firmly anchored in the NPT regime. The 1995 and 2000 NPT Review Conferences not only endorsed the unanimously adopted Security Council resolution 984 of 1995 on unilateral security assurances of each of the nuclear-weapon States, but also called for the consideration of additional measures including international and legally binding instruments. The final document of the 2010 NPT Review Conference also made specific references to negative security assurances. In this regard, it is incumbent upon all of us to implement the relevant parts of the action plan contained in the final document, namely actions 7, 8 and 9.

Secondly, Turkey is of the opinion that nuclear-weapon-free zones play a significant role in enhancing regional and consequently global peace. They are important tools in generating security and mutual confidence. Such initiatives in Latin America and the Caribbean, the South Pacific, Africa, South Asia and Central Asia are pioneers for further zones. This being said, we are looking forward to the international conference to be held next year on the Middle East, in accordance with the action plan. Being one of the most, let's say, dynamic regions in the world, Turkey believes that the Middle East deserves particular attention in this regard. Turkey would very much like to see a Middle East free of all weapons of mass destruction and their delivery means. To this end, we hope to see fruitful discussions in the run-up towards this conference and a successful result at the earliest convenience.

In recent years, extensive and in-depth discussions which took place within the Conference on Disarmament enabled the members to be further acquainted with each other's views and positions. Turkey believes that there is ample ground to have further and even more fruitful discussions on this agenda item in the Conference.

Mr. Corr (Ireland): Mr. President, my delegation referred briefly to the issue of negative security assurances in our statement on nuclear disarmament on Tuesday, 1 February. Today I would like to address the subject in a little more detail, adding to the remarks already made in the statement on behalf of the European Union.

First of all, I would like to place our views on this issue in context. It is a fact widely recognized, including by the States parties to the Treaty on the Non-Proliferation of Nuclear Weapons at their review conference in May 2010, that the only absolute guarantee against the use or threat of use of nuclear weapons is their total elimination. As was mentioned in my delegation's statement of 1 February, Ireland attaches the highest priority to the complete and verifiable elimination of all nuclear weapons. Negative security assurances are an important but interim measure pending the achievement of a world without nuclear weapons.

Those States like my own which have taken on a legal obligation never to acquire nuclear weapons should have a guarantee that such weapons will never be used against them. We see this as a logical corollary of the decision of the non-nuclear-weapon States to make the binding commitment never to acquire nuclear weapons – a decision which, in our view, enhances the security of all, including the nuclear-weapon States. The legitimate interest of the non-nuclear-weapon States parties to the NPT in receiving security assurances was recognized in Security Council resolution 984, which noted the unilateral security assurances contained in the statements by the five nuclear-weapon States.

The outcomes of the NPT review conferences of 1995, 2000 and 2010 all contain language on security assurances. While these documents refer to the issue in different ways, one thing which they have in common is that they all refer to legally binding security assurances. In view of the widely acknowledged legitimate interest of non-nuclear-weapon States in receiving unequivocal and legally binding security assurances, the absence of a

treaty on negative security assurances, and of any sign of the beginning of negotiations on one, is difficult to understand.

We sometimes hear it argued that unilateral declarations of the kind noted by Security Council resolution 984 are sufficient to meet the needs of non-nuclear-weapon States, or that the most appropriate way of providing security assurances is by means of the protocols to treaties establishing nuclear-weapon-free zones. Ireland does not accept either of these arguments.

First, unilateral declarations are just that: unilateral policy statements, which are in no way legally binding and are capable of being changed or abandoned at any moment. In addition, most of the 1995 declarations contain caveats which are open to interpretation and therefore unclear, such as the vague term “security commitment” and references to actions being “carried out or sustained” by one State “in association or alliance” with another State. We acknowledge and appreciate the fact that some nuclear-weapon States have recently strengthened their declaratory policies with regard to security assurances. However, I would repeat that, in our view, such declarations are insufficient due to their non-legally binding nature.

Secondly, while acknowledging the value of nuclear-weapon-free zones and of the security assurances contained in the protocols to the treaties establishing them, we note that in several cases the signature or ratification of such protocols by nuclear-weapon States has been accompanied by unilateral declarations or reservations aimed at retaining the possibility of using nuclear weapons in certain circumstances. Further, there are areas of the world, such as our own, in which it is difficult to envisage nuclear-weapon-free zones being established, because of the presence in them of nuclear weapons and/or of States covered by nuclear umbrellas. It seems illogical to us that the possibility of any non-nuclear-weapon State receiving legally binding negative security assurances should be negated by the sovereign decisions of its neighbours, based on their own perceptions of their national security.

It is sometimes said, including by States which are among the strongest advocates of a multilateral legally binding instrument on negative security assurances, that it would be difficult to negotiate such an instrument within the Conference on Disarmament without being seen somehow to condone the possession of nuclear weapons by States not parties to the NPT.

While my delegation is of the firm opinion that the recipients of negative security assurances should be non-nuclear-weapon States parties to the NPT, we have an open mind on the forum in which a treaty on negative security assurances might be negotiated. We do not think that the negotiation of a treaty in the Conference on Disarmament need necessarily oblige any State to condone the possession of nuclear weapons by States not parties to the NPT. A treaty could take the form of a general prohibition on the use or threat of use of nuclear weapons against non-nuclear-weapon States parties to the NPT. Such a treaty could be open for universal adherence. It would not add anything to the already existing obligations of the non-nuclear-weapon States parties to the NPT, or confer any particular status on any other State.

Such a treaty could, therefore, almost be written in one sentence, which would read: “Each of the parties to this Treaty undertakes never, under any circumstances, to use, or threaten the use of, nuclear weapons against a non-nuclear-weapon State party to the Treaty on the Non-Proliferation of Nuclear Weapons.” I suspect that there are some who would wish to add another few words at the end of the sentence, and we would with pleasure discuss such matters in the course of negotiations.

I would take this opportunity, as did the representative of South Africa, to recall the work that has been done by the New Agenda Coalition on the subject of negative security

assurances. This work included the submission to the 2005 NPT Review and Extension Conference (NPT/CONF.2005/WP.61) of a working paper containing a draft for a possible protocol or agreement. The working paper reviewed the background to the question of security assurances, including the nature and scope of the assurances provided, and contained elements that could be included in a legally binding instrument and proposed a format for such an instrument.

Mr. President, my delegation thanks you once again for this opportunity to address the important topic of negative security assurances and looks forward to further consideration within the Conference on Disarmament and elsewhere, in the hope that we will finally see some progress towards the realization of the interim measure which the non-nuclear-weapon States have been awaiting so long.

Ms. Adamson (United Kingdom): Mr. President, the United Kingdom remains committed to enhancing international peace and security and to the long-term objective of a world without nuclear weapons. We have a strong record of fulfilling our disarmament commitments and meeting our international obligations under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT).

The United Kingdom's Strategic and Defence Security Review, published in October 2010, confirmed its commitment to a submarine-launched minimum continuous-at-sea nuclear deterrent based on the Trident missile delivery system. The Review concluded that the United Kingdom can provide a minimum nuclear deterrent with a reduced weapons capability, thereby cutting the number of warheads and missiles and making a tangible step towards our long-term goal of a world without nuclear weapons.

As part of the Strategic Defence Security Review, we also reviewed our nuclear declaratory policy to ensure that it is appropriate to the political and security context of 2010 and beyond. We have long been clear that we would only consider using our nuclear weapons in extreme circumstances of self-defence, including the defence of our North Atlantic Treaty Organization allies, and we remain deliberately ambiguous about precisely when, how and on what scale we would contemplate their use.

The Review gave a new, stronger assurance that the United Kingdom will not use or threaten to use nuclear weapons against non-nuclear-weapon States parties to the NPT. In giving this assurance, the United Kingdom emphasized the need for universal adherence to and compliance with the NPT, and noted that this assurance would not apply to any State in material breach of those non-proliferation obligations.

The Review also noted that, while there is currently no direct threat to the United Kingdom or its vital interests from States developing capabilities in other weapons of mass destruction — for example, chemical and biological — the United Kingdom reserves the right to review this assurance if the future threat, development and proliferation of these weapons should make it necessary.

In addition to the unilateral security assurance statements given by the nuclear-weapon States, the protocols to treaties establishing nuclear-weapons-free zones have provided legally binding security assurances to non-nuclear-weapon States parties to the NPT on the use or threat of use of nuclear weapons. The United Kingdom has signed and ratified negative security assurance protocols to the Tlatelolco, Rarotonga and Pelindaba treaties, and testing protocols to the Rarotonga and Pelindaba treaties, which has provided 100 individual States with such assurances.

In this connection, I wish to recall what our colleague from the Philippines said earlier in talking about the Bangkok Treaty. We remain very keen to have discussions, as permanent members of the Security Council, with countries where there are outstanding concerns about certain treaties. The United Kingdom has long supported a zone free of

weapons of mass destruction in the Middle East, including nuclear weapons. We are committed to the solution set out in the final document of the 2010 NPT Review Conference. We will work hard with our United States and Russian colleagues towards a conference in 2012, so as to ensure that such a solution will have the widest possible buy-in in the region.

In conclusion, we reiterate our call for the Conference on Disarmament to adopt a balanced programme of work, which will enable us to make further progress both in multilateral disarmament and in controlling proliferation.

Mr. Vasiliev (Russian Federation) (*spoke in Russian*): Mr. President, the Russian Federation would be prepared to start developing global treaties on assurances to non-nuclear-weapon States against the use or threat of use of nuclear weapons, taking into account the provisions of the Russian Federation's military doctrine. Security assurances have a special significance in the context of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). A fundamental task for all parties to the Treaty is to provide and implement these assurances. This is something we stressed at the NPT Review Conference in 2010, namely that the Russian Federation unswervingly supports the desire of non-nuclear-weapon States parties to the NPT to receive such assurances. We consider that achieving this aim would help to universalize the Treaty, strengthen the nuclear non-proliferation regime, build confidence and ensure predictability in relations among States.

It has already been pointed out that in 1995 the Russian Federation and other nuclear Powers co-sponsored United Nations Security Council resolution 984 (1995), which provided positive security assurances and takes note of national statements by nuclear-weapon States about negative assurances. Obligations of nuclear States regarding negative assurances have already become legally binding through the relevant protocols to treaties on the establishment of nuclear-weapon-free zones. The Russian Federation has signed and ratified such protocols to the treaties of Tlatelolco, Rarotonga and Pelindaba. We have also already provided security assurances to Ukraine, Belarus and Kazakhstan, which have renounced nuclear weapons and met their nuclear disarmament obligations as States parties to the NPT and within the framework of START I. As has already been stated here, the preamble to the New START Treaty confirms the Budapest Memorandum on security assurances, and thus, at least in respect of the Russian Federation and the United States of America, obligations to these three States remain legally binding. The Russian Federation has also pledged to respect the nuclear-free status of Mongolia in accordance with a bilateral treaty with this country.

The Russian Federation therefore has legally binding arrangements with more than 120 States worldwide. As new nuclear-weapon-free zones are established the number of such States will certainly increase, and we stand ready to help in that process. We welcome the decision taken by the Central Asian States to establish a nuclear-weapon-free zone in their region, and we support the Treaty on a Nuclear-Weapon-Free Zone in Central Asia, concluded between these countries. We are prepared to regulate the remaining issues on the Treaty on the South-East Asia Nuclear-Weapon-Free Zone through dialogue between the nuclear Powers and countries of the Association of Southeast Asian Nations (ASEAN). The Russian Federation assisted in the adoption of the decision at the NPT Review Conference in 2010 concerning the implementation of the 1995 resolution on the establishment in the Middle East of a zone free of nuclear weapons and other weapons of mass destruction and their means of delivery. The Russian Federation is ready to make its contribution to convening an international conference on this subject in 2012. In our view the Conference on Disarmament does have a mandate to work on the subject of security assurances. In this connection we confirm our support for the decision at the NPT Review Conference in 2010, that the Conference on Disarmament should immediately start discussions on negative assurances, especially because, in the years since the ad hoc committee on security

assurances has been operating, the Conference on Disarmament has accumulated knowledge and expertise on this subject. I would like to end by declaring that if the Conference could escape its deadlock, and if there were real prospects for beginning substantive work, we would not object to the establishment of a working group on this subject with a mandate to explore the issue and, once progress is made, to begin negotiations. Lastly — and this is not a part of my statement — I would like to step up our interactive dialogue and make it slightly more lively, so I will speak in English now. I propose the following to our Irish colleague:

(spoke in English)

Concerning the proposal made by the Ambassador of Ireland, maybe we could add the phrase “and which is not a party to an alliance with a nuclear State”. I understand that, in the event of negotiations, we will be able to fine-tune this phrase further.

Mr. Oyarce (Chile) *(spoke in Spanish)*: This morning’s thoughtful and analytical debate has illustrated to us the many aspects, the progress made and the shortcomings of what I would call a political process begun in 1968 to meet the need of non-nuclear-weapon States for negative security assurances.

Clearly, countries that have forgone nuclear weapons and signed the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) ought to be shielded from the use of such weapons. It is equally clear that such assurances are a temporary and provisional mechanism, that they constitute a matter of high priority in the context of disarmament and non-proliferation, and that they fall within the competence of this Conference.

Thus, we have a body of political statements, resolutions of the Security Council and the General Assembly, which have been quoted here, an NPT action plan, and an advisory opinion of the International Court of Justice that deserves broad interpretation.

The reasons and strategic political rationale behind developments on this issue have also been touched upon. It would be pretentious to insist on those points. The observations made today demonstrate the need to supplement the disarmament and non-proliferation regime — the key point is how to achieve consensus through a universally binding instrument. This is necessary, as has also been reiterated here, first and foremost because unilateral declarations by the nuclear Powers are seen to be inadequate, since they constitute assurances that are conditional and can be reversed.

Secondly, any measures, however comprehensive, that nuclear-weapon States can offer non-nuclear-weapon States to promote transparency and boost confidence, reduce the overall number of weapons, or improve public access to information on arsenals and their verification, will equally have a limited impact and amount to only partial assurances not to use this type of weapon.

Thirdly, assurances covering nuclear-weapon-free zones are positive but confined to certain geographical areas. They may strengthen the non-proliferation regime but they are no substitute for universal and, most importantly, legally binding security assurances, as the Ambassador of Ireland has so rightly pointed out.

Respect for the status of these zones by the nuclear Powers is fundamental, and work to establish new such zones remains a priority political goal. Chile, as a party to the Treaty of Tlatelolco, favours this approach, in particular because nuclear-weapon-free zones demonstrate the added value of establishing geographical limits to proliferation, restricting the potential use of nuclear weapons and promoting confidence within the region. The experience of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL) in this regard is worth studying.

We should therefore give priority not so much to the issue but to finding ways of opening negotiations. It would be interesting to re-examine proposals made by certain countries and experts that could provide a basis for a draft convention and that address aspects that go beyond the need for a clear definition of the scope of application, obligations and rights.

Other proposals have included some sort of framework for a legally binding instrument; a ranking system with regard to compliance; a control and verification mechanism; cooperation; confidence-building measures and consultations; a complaints and conflict-resolution system; compensation measures; and the possibility of sanctions.

That is the reality of the situation. Chile hopes that the Conference will adopt a programme of work as soon as possible and believes that it should include the setting up of a working group on negative security assurances. Otherwise, the efforts of this forum with regard to multilateral disarmament and non-proliferation will continue to be disregarded.

Mr. Amoroso (Cuba) (*spoke in Spanish*): The subject we are addressing in today's session is of the greatest importance for most States.

Humankind cannot live in peace when, more than 40 years after the adoption of the Treaty on the Non-Proliferation of Nuclear Weapons, there still exist an estimated 32,300 nuclear weapons, 12,000 of which are ready to be used immediately, enough to annihilate life on Earth several times over and completely destroy civilization. This situation is all the more alarming in view of the plans to deploy new anti-missile defence systems, the continued refinement of all kinds of weaponry and the ongoing strengthening of military alliances.

With regard to concerns that weapons of mass extermination, including nuclear weapons, could be used in terrorist acts, Cuba reiterates that the best way to combat nuclear terrorism is precisely by eliminating all nuclear arsenals without further unacceptable delays or excuses. Until this objective is reached, priority should go to achieving universal, unconditional and legally binding assurances for all non-nuclear-weapon States against the use or the threat of use of such weapons in the form of an international legal instrument.

Such an instrument should be clear, unambiguous and responsive to the concerns of all parties. The conclusion of such an instrument would represent a very important step on the road to arms control, nuclear disarmament and non-proliferation in all its aspects.

Cuba also considers the establishment of nuclear-weapon-free zones to be an important contribution by States to efforts to achieve nuclear disarmament and non-proliferation. In this regard, we underline the urgent need for the rapid establishment of a nuclear-weapon-free zone in the Middle East and welcome the international conference planned for next year to pave the way for negotiations on such a zone in that region.

Lastly, Cuba reaffirms that a multilateral approach is essential in order to deal with issues related to nuclear proliferation, through the adoption of broad, universal and non-discriminatory mechanisms that are transparent and in which all States may take part.

Mr. Mohamad Bkri (Malaysia): Mr. President, it is fair to describe development in the field of disarmament and international security in the past several years as a combination of slow progress and setbacks. The challenges include the slow pace of disarmament, violations of non-proliferation commitments, threat of terrorism involving weapons of mass destruction, and the increased risk of the use of nuclear weapons.

Given the present global security concern, Malaysia wishes to stress the urgent need for the international community to revive meaningful negotiations on various multilateral and legally binding instruments on disarmament, arms control and non-proliferation, including negative security assurances. We firmly believe that negative security assurances

have now become even more crucial for the safety and security of States, in particular for those that have opted to forgo their nuclear options by joining the NPT as non-nuclear-weapon States.

The idea of negative security assurances is not new to the international community and to the Conference on Disarmament. However, the present arrangement regarding such assurances in the form of unilateral declarations by respective nuclear-weapon States is inadequate to prevent the use or threat of use of nuclear weapons against non-nuclear-weapon States, since they could be withdrawn or changed relatively easily. More importantly, the main weakness of the declarations is the permissibility of the use of nuclear weapons against non-nuclear-weapon States under certain conditions.

Given the weaknesses of those unilateral declarations, Malaysia strongly urges that multilateral, legally binding and unconditional assurances against the use or threats of use of nuclear weapons should be given to non-nuclear-weapon States. Having voluntarily forsworn the nuclear-weapon option under the NPT regime, the non-nuclear-weapon States should be accorded assurances against the use or threats of use of nuclear weapons that are unlimited in scope, application and duration. The Security Council itself, in resolution 984 of 11 April 1995, recognized the right of non-nuclear-weapon States to receive security assurances.

Malaysia firmly believes that effective measures to protect non-nuclear-weapon States against the use or threat of use of nuclear weapons would not only strengthen international peace and security but also positively contribute to the non-proliferation of nuclear weapons. In this regard, it should also be in the interest of the nuclear-weapon States to address the issue of negative security assurances.

Malaysia believes that the best and most practical method of dealing with the issue of negative security assurances would be through the existing treaties on nuclear-weapon-free zones. Malaysia is of the view that the establishment of nuclear-weapon-free zones constituted one of the positive steps towards attaining the objective of global nuclear disarmament and non-proliferation, and we welcome the continued efforts aimed at establishing new nuclear-weapon-free zones in all regions of the world.

Malaysia has always been supportive of the concept of internationally recognized nuclear-weapon-free zones established based on arrangements freely arrived at among States in the regions concerned. We firmly believe that the establishment of nuclear-weapon-free zones is an effective measure of geographical limitation of nuclear proliferation and contributes to the twin goals of non-proliferation and nuclear disarmament. It is in this regard that Malaysia, together with members of the Association of Southeast Asian Nations established the Treaty on the South-East Asia Nuclear-Weapon-Free Zone, known as the Bangkok Treaty, which came into force on 27 March 1997. Malaysia urges the nuclear-weapon States to become parties to the protocol to the Treaty at the earliest opportunity. The accession of nuclear-weapon States to the protocol would effectively accord a negative security assurance to States parties to the Treaty and provide assurance on the peaceful intent of nuclear-weapon States that they will not attack non-nuclear-weapon States with their nuclear arsenal. This is not a concern solely of non-nuclear-weapon States in South-East Asia, but also to all other regions.

Effective international arrangements to protect non-nuclear-weapon States against the use or threat of use of nuclear weapons, such as through nuclear-weapon-free zones, would not only strengthen international peace and security but also contribute positively to the non-proliferation of nuclear weapons. We remain convinced that the possession of nuclear weapons by some States only serves to fuel the desire in other States to acquire and possess such weapons themselves. This is a reaction towards the perception of threats posed by nuclear weapons.

Malaysia wishes to underline that, against the present backdrop of the international security environment, where security and stability continue to be challenged by the proliferation of weapons of mass destruction, it is vital for non-nuclear-weapon States to demonstrate their full commitment to nuclear disarmament in order to prevent the potential decline of international confidence in the NPT regime. In this connection, Malaysia looks forward to working with members of the Conference on Disarmament to continue to explore all available avenues for a balanced and comprehensive programme of work in order to commence substantive work in the Conference.

In conclusion, Mr. President, humanity has long called for the total elimination of nuclear weapons. It is our task to heed this challenge, to take care of our collective concerns and to remove our fears of the use or threat of use of nuclear weapons once and for all.

The President: At this point I will suspend the meeting and reconvene at 3 p.m. We still have 10 speakers on the list, beginning with India.

The meeting was suspended at 1.05 p.m. and resumed at 3.05 p.m.

The President: I hereby reconvene the 1204th plenary meeting of the Conference on Disarmament. We still have 10 speakers on the list, and maybe more will be added. At the end of the speakers' list, I would like to take a few minutes to talk a little bit about what we should do at the meetings next Tuesday and Thursday, the last week of the Canadian presidency before we hand the presidency over to Chile. However, right now I give the floor to India.

Mr. Rao (India): Mr. President, my delegation thanks you for this opportunity to discuss the issue of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons or negative security assurances in a Conference on Disarmament plenary meeting. We would like to reiterate the importance that we attach to the early adoption of the programme of work for commencement of substantive work, including negotiations, in the Conference on Disarmament.

India has been consistent in its support for global, complete and verifiable nuclear disarmament leading to a nuclear-weapon-free world. We believe that nuclear weapons pose the greatest danger to humankind and that the best assurance against their use or threat of use is their complete elimination.

We believe that non-nuclear-weapon States have a legitimate right to be assured against the use or threat of use of nuclear weapons. The Final Document of the first special session of the General Assembly devoted to disarmament underscored the need for such arrangements. As part of the G-21 and the Movement of Non-Aligned Countries, India has supported the conclusion of a universal, unconditional and legally binding instrument on security assurances to non-nuclear-weapon States as a matter of priority. Negative security assurances have been on the agenda of the Conference since 1979. Working groups on negative security assurances were established until 1983 and ad hoc committees between 1984 and 1994 and again in 1998. Unfortunately, despite all this, the goal of a universal and unconditional legally binding instrument on negative security assurances has remained elusive.

We believe that progressive steps for the delegitimization of nuclear weapons are essential to achieving the goal of their complete elimination. Reducing the role of nuclear weapons in security doctrines, increasing restraints on the use of nuclear weapons, the de-alerting of nuclear weapons and reducing nuclear dangers, including the possibility of the accidental or unintentional use of nuclear weapons, are steps which are gaining increasing international support. India's resolutions in the First Committee elaborated on some of these steps. The two resolutions sponsored by India on a convention on the prohibition of

the use of nuclear weapons and reducing nuclear dangers respectively found support from a large number of countries.

I would also like to recall that, in February 2007, India tabled a working paper (document CD/1816) in the Conference on Disarmament which suggested a number of measures on nuclear disarmament, including specific legal measures, such as a global no-first-use agreement and a convention on the prohibition of the use of nuclear weapons.

As part of its credible minimum nuclear deterrent, India has espoused the policy of no first use against nuclear-weapon States and non-use against non-nuclear-weapon States. We are prepared to convert these undertakings into multilateral legal arrangements.

In conclusion, let me once again underscore India's commitment to work with other members of the Conference to achieve the objective of the establishment of a subsidiary body to negotiate, with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. The negotiation of such an instrument will complement other measures to reduce the salience of nuclear weapons in security doctrines and improve the international climate for promoting nuclear disarmament and non-proliferation in all its aspects.

Mr. Wilson (Australia): Mr. President, Australia supports the provision of negative security assurances by the nuclear-weapon States to non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons. Australia would welcome stronger and more effective assurances from the nuclear-weapon States, with fewer caveats.

Australia is a strong supporter of nuclear-weapon-free zones freely arrived at among the States of the region concerned. Zones such as those established by the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba, as well as Mongolia's nuclear-free status, are an important means by which negative security assurances can be provided to non-nuclear-weapon States parties to the NPT.

Australia was a key proponent of the Treaty of Rarotonga, which established the South Pacific Nuclear Weapon Free Zone in 1985. Some 12 of the 15 Pacific Islands Forum States are parties to this Treaty, which bans the manufacturing, stationing, possession and testing of nuclear weapons within the Zone.

More importantly, all five nuclear-weapon States have signed — and four have ratified — the second and third protocols to the Treaty. These protocols respectively provide negative security assurances and a commitment not to test nuclear weapons within the Zone.

Australia welcomes the announcement by the Secretary of State of the United States, Ms. Hillary Rodham Clinton, at the 2010 NPT Review Conference that the United States would submit the Rarotonga protocols — and, indeed, the Pelindaba protocols — for the advice and consent of the United States Senate.

Australia encourages the development of further zones, including in such regions as the Middle East. Australia welcomed the commitment made at the 2010 NPT Review Conference on the hosting of a conference in 2012 on the establishment of a zone free of all weapons of mass destruction in the Middle East.

Furthermore, Australia recalls the importance given by the NPT membership at the 2010 NPT Review Conference to all States in the region taking relevant steps and confidence-building measures towards the implementation of the resolution on the Middle East adopted at the 1995 NPT Review and Extension Conference.

Action 7 of the 2010 NPT Review Conference consensus-based action plan has placed an important responsibility on the Conference on Disarmament to help create the conditions for a more secure world through negative security assurances. Action 7 does not

exclude the possibility of an internationally legally binding instrument on negative security assurances, and Australia sees value in the further elaboration of concepts in that regard.

For Australia, a key word in action 7 — and our key focus in any substantive work in the Conference on Disarmament on negative security assurances as anticipated in action 7 — is “effective”. An important test of effectiveness is whether the security assurances would strengthen the nuclear non-proliferation regime. This is an area for substantive work in the Conference on Disarmament, and Australia looks forward to further engagement on this issue, including through an agreed programme of work.

Ms. Kennedy (United States of America): Mr. President, to help frame this debate on negative security assurances, I would like to recall the main tenets of our 2010 Nuclear Posture Review on the declaratory policy of the United States. The United States will not use or threaten to use nuclear weapons against non-nuclear States that are party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and in compliance with their nuclear non-proliferation obligations. The United States would only consider the use of nuclear weapons in extreme circumstances to defend the vital interests of allies or partners. The United States will continue to strengthen conventional capabilities and reduce the role of nuclear weapons in deterring non-nuclear attacks and is prepared at the present time to adopt a universal policy that deterrence of a nuclear attack in the United States or against its allies and partners is the sole purpose of nuclear weapons, but will work to establish the conditions under which such a policy could be safely adopted.

This is a comprehensive assurance extending to all corners of the globe. It is in our interest and that of all other nations that our 65-year record of nuclear non-use should be extended forever. We have also long supported properly crafted nuclear-weapon-free zones which, when rigorously implemented under appropriate conditions, can contribute to regional international peace, security and stability. The key conditions for the establishment of a nuclear-weapon-free zone in accordance with United Nations Disarmament Commission guidelines include that the initiative for the creation of a nuclear-weapon-free zone should come from the States in the regions concerned; all States whose participation is deemed important should participate in the zone; the zone arrangement should provide for adequate verification of compliance with the zone’s provisions; the establishment of the zone should not disturb existing security arrangements to the detriment of regional and international security; the zone arrangement should effectively prohibit the parties from developing or otherwise processing any nuclear explosive devices for whatever purpose; the zone arrangement should not seek to impose restrictions on the exercise of rights recognized under international law, particularly the high seas, freedom of navigation and overflight, the right of innocent passage of territorial and archipelagic seas, the right of transit passage of international straits and the right of archipelagic sea lanes passage of archipelagic waters; and the establishment of the zone should not affect the existing rights of its parties under international law to grant or deny transit privileges, including port calls and overflights to other States.

Now, as we all know, nuclear-weapon-free zones are not identical, but all five existing agreements contain prohibitions against the development, possession, stationing, transfer, testing and use of nuclear weapons within the zone. The protocols to each zone also provide for legally binding negative security assurances. As such, these treaties and their protocols provide valuable support to the NPT in the international nuclear non-proliferation regime. The final document of the 2010 NPT Review Conference recognizes the importance of these zones and encourages all concerned States to ratify treaties and protocols and constructively consult to bring about their entry into force.

We are prepared to do our part using this valuable instrument of nuclear-weapon zones. In addition to having signed and ratified the Treaty of Tlatelolco, the United States is preparing to submit to the United States Senate, for advice and consent to ratification, the

protocols to the nuclear-weapon-free zone established for Africa and the South Pacific, following up on the announcement by Secretary of State Hillary Rodham Clinton at the 2010 NPT Review Conference. The Secretary of State also made it clear that the United States was prepared to consult with parties to nuclear-weapon-free zones in Central and South-East Asia in an effort to reach agreement that would allow us to sign the protocols to the treaties. Work has been ongoing since the Review Conference to fulfil these pledges, and we remain ready for constructive dialogue with the parties to the Central and South-East Asia zones. We also welcome Mongolia's declaration of its nuclear-weapon-free status and support the measures taken by Mongolia to consolidate and strengthen this status, reflecting its unique geographic position.

The United States supports the aspiration of a zone in the Middle East free of weapons of mass destruction, but recognizes that, like President Obama's disarmament vision, this is a long-term goal. Conditions will need to be in place, including comprehensive regional peace and full compliance with non-proliferation obligations. We also recognize that the impetus must come from the States in the region and cannot be imposed from outside. The United States Government stands ready to lend its full support to the 2012 conference. The conference should include all States in the region and cover a broad agenda to include regional security. Furthermore, States must be confident that the conference can be carried out in an unbiased and constructive manner. In this regard, we were very disappointed by the decision of some States to pursue the resolution on Israeli nuclear capabilities at the Fifty-Fourth International Atomic Energy Agency General Conference. We are hoping for better – for a return to a consensus-based approach this year.

In conclusion, the United States believes that the most appropriate way of implementing legally binding negative security assurances is through adherence to the protocols establishing nuclear-weapon-free zone treaties. Such treaties can only be negotiated on a regional basis with compliance by all regional parties and under appropriate conditions unique to each region. We are not persuaded that a global convention on negative security assurances is practical or achievable, but are willing to engage in a substantive exchange of views regarding the different national perspectives on negative security assurances.

Mr. Saparbekuly (Kazakhstan): Mr. President, at the outset, let me congratulate on your assumption of the presidency of the Conference and assure you of the full support of my delegation in your work.

Kazakhstan is a firm and consistent supporter of the fundamental goal of non-proliferation and disarmament. We have made and continue to make our contribution to the process of reducing the nuclear threat. The historic decision taken by Kazakhstan, which has shut down its Semipalatinsk nuclear test site and given up one of the largest nuclear arsenals, shows its full and undeniable implementation of disarmament commitments.

As a member of the Conference on Disarmament, Kazakhstan attaches great importance to this forum and views it as one of the most important mechanisms for strengthening international security. There is no doubt that the forum has great potential and is bound to make a meaningful contribution to the disarmament process. Unfortunately, the single multilateral disarmament negotiating forum of the international community is still unable to start substantive work on its very important agenda items. We therefore reiterate our call for the commencement of substantive work in the Conference on Disarmament.

In that connection, we strongly support the idea of nuclear Powers concluding an internationally legally binding instrument on security assurances to non-nuclear States against the use or threat of nuclear weapons. Indeed, the President of Kazakhstan, Mr.

Nursultan Nazarbayev, at the Global Nuclear Security Summit called for the urgent drafting of such a universal document.

Only such assurances can effectively keep in check the aspiration of certain non-nuclear States to acquire nuclear weapons, which they regard as a guarantee of their own security. Kazakhstan is confident that the conclusion of such an instrument will encourage the further establishment of a new nuclear-free zone and strengthen cooperation with and within the States concerned.

Kazakhstan, as a participant in the Central Asian Nuclear-Weapon-Free Zone, believes that granting unconditionally negative security assurances will boost the climate of trust necessary to advance the disarmament regime. On the other hand, we have a full moral right to claim that assurances which would clearly demonstrate the genuine interests of the five permanent members of the United Nations Security Council in achieving a nuclear-free world.

Taking into consideration that the conclusion of a universally legally binding instrument on negative security assurances will be an important achievement of the international community towards arms control, nuclear disarmament and non-proliferation, my delegation is eager to discuss constructively all aspects of that particular issue. My delegation therefore joins the call that the Conference on Disarmament should establish a working group on the issue of negative security assurances, with a negotiating mandate.

Ms. Djajaprawira (Indonesia): Mr. President, in my statement on nuclear disarmament last week, I reaffirmed Indonesia's staunch commitment to achieving total global nuclear disarmament and underlined that this objective remains a matter of the highest priority for the Indonesian Government. Pending the achievement of that goal, and as a State which has renounced the nuclear-weapons option, we underscore that our demand for security assurances remains relevant. Let me recall the initiatives that have been taken in the context of negative security assurances.

Negative security assurances have been deemed very important since the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) was negotiated in the 1960s, and they have been constantly discussed in the NPT ever since. The final document of the 2010 NPT Review Conference stipulated that all States agreed that the Conference on Disarmament should immediately begin discussion of effective international arrangements to assure without limitation non-nuclear-weapon States against the use or threat of use of nuclear weapons, with a view to elaborating recommendations dealing with all aspects of negative security assurances, not excluding an international legally binding instrument.

In 1966, General Assembly resolution 2153 (XXI) requested the Eighteen-Nation Committee on Disarmament to consider urgently the proposal that the nuclear-weapon powers should give an assurance that they would not use, or threaten to use, nuclear weapons against non-nuclear-weapon States without nuclear weapons on their territories.

Unfortunately the response from the nuclear-weapon States, reflected in General Assembly resolutions 255 (1968) and 984 (1995), which included a number of reservations from the four nuclear-weapon States of the Security Council, remained incomplete. However, the requests for these security assurances are still made.

In 1978, the Final Document of the first special session of the General Assembly devoted to disarmament requested nuclear-weapon States to pursue efforts to conclude appropriate, effective arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

In the context of the Conference on Disarmament, an ad hoc committee was set up to discuss negative security assurances, but it did not make any progress. There has not

been any effort since 1999 to reconvene this ad hoc committee in spite of requests to do so from a large number of member States.

A resolution on negative security assurances was introduced in the General Assembly in 1990, and, with reference to the latest General Assembly resolution 65/43, a large majority of States approved the resolution by 119 in favour to none against, with 58 abstentions.

The point that I would like to make by citing the aforementioned references to these initiatives is that a lot of initiatives have been taken, and no State objects to the concept of negative security assurances, yet no single legally binding instrument is under way to guarantee the attainment of negative security assurances for States that do not possess nuclear weapons.

In Tuesday's deliberations concerning the prevention of an arms race in outer space, some of us argued that existing instruments are not sufficient to prevent an arms race and space weaponization. This is also the case for the instruments providing assurances to States that do not possess nuclear weapons.

Indonesia believes that, given the geographical limitations, the establishment of nuclear-weapon-free zones is not sufficient to guarantee the aforementioned security assurances, and neither is the declaration by States that possess nuclear weapons. These zones and the unilateral declaration may constitute efforts to provide security assurances; however, they cannot serve as a substitute for universal legally binding security assurances that are designed to convince States not to pursue the nuclear-weapons option.

In order to curtail nuclear proliferation, every State that possesses nuclear weapons must be willing to provide assurances that they will not use or threaten to use nuclear weapons against States that do not possess these weapons.

Pending the achievement of the complete elimination of nuclear weapons, I would like to stress the urgent need for an early agreement on a universal, unconditional and legally binding instrument to assure States that do not possess nuclear weapons against the use or threat of use of nuclear weapons. In order to attain this objective, I consider that the establishment of an ad hoc committee or a working group dealing with negative security assurances in the Conference on Disarmament would be appropriate.

In conclusion, I think it is self-evident that, as long as the elimination of nuclear weapons has not been achieved, security assurances should be given.

Mr. Hannan (Bangladesh): Mr. President, it would be remiss of me not to begin by expressing my appreciation to you, as we have seen how efficiently and professionally you have been guiding our work over the last two weeks. We are deeply encouraged by the enhanced level of participation by delegations in our deliberations at the beginning of the session.

Bangladesh endorses the position of the Movement of Non-Aligned Countries on negative security assurances, as contained in the 2009 Sharm el Sheikh Summit Declaration and its Final Document, which stated that the total elimination of nuclear weapons was the only absolute guarantee against the use or threat of use of nuclear weapons and that non-nuclear-weapon States should be effectively assured of such a guarantee. Subsequently, the action plan adopted at the 2010 NPT Review Conference also reaffirmed and recognized the legitimate interest of non-nuclear-weapon States in receiving unequivocal and legally binding security assurances from nuclear-weapon States. My delegation takes positive note of the 2010 United States Nuclear Posture Review that has given added assurance of the non-use of nuclear weapons against non-nuclear-weapon States.

Bangladesh shares the views of other G21 members that as long as nuclear weapons exist, so also will the risk of their proliferation and possible use remain with us. Therefore, total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons. However, until the achievement of this goal, non-nuclear-weapon States have a legitimate right to receive security assurances from nuclear-weapon States that there will be no use or threat of use of nuclear weapons against them. We therefore urge the Conference to ensure the early negotiation of a universal, unconditional and legally binding instrument for negative security assurances.

We also subscribe to the view that all nuclear-weapon States should make a legally binding commitment not to use nuclear weapons against non-nuclear-weapon States at any time, under any circumstances. Such commitment will help build enhanced trust between non-nuclear-weapon States and nuclear-weapon States. It will also encourage the non-nuclear-weapon States to comply with the provisions of the nuclear non-proliferation regime.

We understand that five nuclear-weapon States made unilateral declarations offering voluntary negative security assurances to non-nuclear-weapon States during the mid-1990s. Such unilateral declarations were important steps towards negative security assurances. However, these declarations represent only political commitments, since they have no legally binding obligations. Security Council resolution 984 does not make such assurances strictly binding either. Therefore, those unilateral declarations are not sufficient to dispel the security concerns of non-nuclear-weapon States. Moreover, implementation of such declaratory arms control measures depends on the good intention of their providers. Bangladesh therefore underlines the importance of negotiating a legally binding framework for providing negative security assurances. Bangladesh believes that such negotiations should take place in this Conference, since it might bring all nuclear-weapon-possessing States on board.

Some may argue that negative security assurances could be ensured through the creation of nuclear-weapon-free zones and accession to their protocols. Bangladesh supports the idea as an interim step, pending the conclusion of a global agreement on negative security assurances. We had supported the creation of nuclear-weapon-free zones in various parts of the world. However, my country subscribes to the view that use or non-use of nuclear weapons against any country is a problem of a global rather than a regional nature. We also understand that the idea of nuclear-weapon-free zones may not be applicable to every region, including ours. Thus, the establishment of nuclear-weapon-free zones cannot be a complete and permanent solution for ensuring negative security assurances globally. A global legally binding instrument would be the most appropriate and effective option for ensuring negative security assurances for a country like Bangladesh.

Mr. Elatawy (*spoke in Arabic*): At the outset, I would like to reiterate that the complete and comprehensive elimination of nuclear weapons is the only genuine guarantee against their use or the threat of their use. However, for this to come about, there is an urgent and legitimate need for non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) to receive legally binding and unconditional negative security assurances from the five nuclear powers, as stipulated in the final documents of the NPT Review Conferences, including the most recent conference. This point was also made in the final document of the first special session of the General Assembly devoted to disarmament (1978), which states, and I quote, “the nuclear-weapon States are called upon to conclude ... effective arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons”.

The calls from non-nuclear-weapon States for negative security assurances are not new, but precede the NPT itself. Non-nuclear-weapon States which have voluntarily renounced nuclear weapons have continued to insist on their legitimate right not to be

subjected to the use, or threat of use, of nuclear weapons, hence these States' repeated insistence on receiving legally binding and unconditional negative security assurances.

In this perspective non-nuclear-weapon States considered the positive security assurances provided by nuclear-weapon States in Security Council resolution 255 (1968) as insufficient, just as they considered the unilateral conditional assurances made by nuclear-weapon States within the framework of Security Council resolution 984 (1995) as insufficient.

Recent years have, in fact, seen a shift in the stance of certain nuclear-weapon States as regards negative security assurances. This shift is to be welcomed and encouraged, although it must be underlined that it is still not enough and fails to meet the legitimate demands of non-nuclear-weapon States that are parties to the NPT. As was noted earlier in the context of Egypt's statement on the prevention of an arms race in outer space, any political initiatives or declarations that are not legally binding have not been, and will not be, enough to provide that climate of trust and sense of obligation which are necessary in international relations. Moreover, some nuclear-weapon States still refuse to confirm that they will not use, or threaten to use, nuclear weapons against non-nuclear-weapon States parties to the NPT.

I would like to recall the call from the Movement of Non-Aligned Countries (which Egypt currently has the honour to preside), at its last summit meeting in Sharm el-Sheikh, for legal and unconditional commitments to be made. I would also like to recall that the Conference on Disarmament has been discussing the issue of negative security assurances for a long time; it established a subcommittee on negative security assurances in 1998. This has not resulted in a text being produced for the desired treaty, despite the fact that the issue was raised long before other subjects put forward by certain parties which are now considered ripe for negotiation.

In this context, I would like to refer to the paper which the New Agenda Coalition presented in 2003 to the Preparatory Committee for the 2005 Review Conference, and which was mentioned earlier by representatives of Ireland and South Africa. In that paper, the Coalition presented a draft protocol, within the framework of the NPT, on the basis of which the five nuclear powers would present negative security assurances to non-nuclear-weapon States that are parties to the NPT. This text can be used as a basis for negotiations on this subject at the Conference on Disarmament.

We have listened repeatedly to the arguments of certain nuclear-weapon States that priority should be given to nuclear-weapon-free zones rather than to unconditional legal commitments to provide negative security assurances. Moreover, we have heard a number of nuclear-weapon States expressing their commitment to promoting nuclear-weapon-free zones, also through ratification of the relevant protocols. Egypt welcomes any effort to promote nuclear-weapon-free zones, including the establishment of a nuclear-weapon-free zone in the Middle East in accordance with the resolution adopted by the 1995 NPT Review and Extension Conference. In this context, we are looking forward to seeing the Secretary-General and the depositary States complete the preparations for the 2012 Conference on the establishment of such a zone, in accordance with the decisions adopted by the 2010 Review Conference. We call on all nuclear-weapon States to ratify the protocols on these zones without any reservations. Nuclear-weapon-free zones cannot, in any circumstances, be viewed as a substitute for the legal obligation to provide negative security assurances, since these zones, including the Middle East, do not include all the non-nuclear-weapon States that are parties to the NPT.

These two approaches — that is to say, the legal commitment to providing negative security assurances and nuclear-weapon-free zones — complement one another. Both are

very important additional steps towards ridding the world of nuclear weapons, which is the ultimate objective that we are all endeavouring to achieve in our lifetime.

Ms. Karner (Austria): Mr. President, Austria fully subscribes to the statement delivered by Hungary on behalf of the European Union, but allow me to add some comments from a national perspective.

In its statement of 1 February, my delegation expressed Austria's commitment to the total elimination of nuclear weapons and called for a chain reaction in disarmament steps. While nuclear disarmament in the strictest sense might pertain only to a reduction in the number of warheads, the concept encompasses broader questions about the role and legitimacy of such weapons. It is against this background that Austria attaches importance to negative security assurances. The action plan adopted at the 2010 NPT Review Conference reaffirmed that any use of nuclear weapons would have catastrophic humanitarian effects and referred explicitly to international humanitarian law.

Let me be clear. As was stated by many others this week, for Austria the only guarantee against the use or threat of use of nuclear weapons is their total elimination. For this very reason, Austria has repeatedly voiced its support for a complete ban on nuclear weapons. In the absence of such a comprehensive ban, Austria supports all measures that can serve to increase global security and prevent the use of nuclear weapons.

As a non-nuclear-weapon State, Austria subscribes to the reasoning that those countries that voluntarily renounced the option of a nuclear weapons programme should benefit from a guarantee that those atrocious weapons would never be used against them. As such, negative security assurances would contribute not only to our disarmament efforts but also to non-proliferation, providing a strong incentive for States to forgo the acquisition and/or production of nuclear weapons.

In fact, this thinking seems to enjoy growing support, as more nuclear-weapon States incorporate negative security assurances into their national security and defence strategies. We welcome this development, most recently illustrated by the United Kingdom's announcement not to use nuclear weapons against non-nuclear-weapon States in compliance with the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). We thank the United Kingdom delegation for this information today. We also welcome the growing support for nuclear-weapon-free zones and negative security assurances granted in this connection. We call on those nuclear-weapon States which have not yet extended negative security assurances to non-nuclear-weapon States to join this trend in accordance with actions 8 and 9 of the Final Document of the 2010 NPT Review Conference.

Article 7 of the action plan adopted at the NPT Review Conference encourages the Conference on Disarmament to start "discussion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons". It is my delegation's hope that the Conference on Disarmament will swiftly start its work on this important subject in order to prepare for a proper multilateral framework. The Conference can count on my delegation's full support in this regard.

Before concluding, allow me to stress once again Austria's support for the greater inclusion of civil society. Since we discuss topics on which civil society does have not only an opinion but also outstanding expertise and knowledge, we would wish to hear their voices more often in this chamber.

Mr. Zvekić (Serbia): Mr. President, as a State party to the Treaty on the Non-Proliferation of Nuclear Weapons, Serbia attaches great importance to the issue of obtaining broader international guarantees to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, in particular through a universal international treaty to be negotiated within the framework of the Conference on Disarmament.

We also appreciate the value of existing protocols and treaties in support of the internationally recognized nuclear-weapon-free zones. One of most appropriate ways forward to achieving a common goal — a world free of nuclear weapons — is a region-by-region extension of binding negative security assurances through the establishment of new nuclear-weapon-free zones. All initiatives that might be undertaken in this regard will be unreservedly supported by my Government. Nevertheless, it is only a world totally free of nuclear weapons in which humankind will enjoy true security assurances.

Ms. Higgie (New Zealand): Mr. President, my delegation welcomes the opportunity to contribute to this debate today. We believe that the spirit of engagement that has characterized our discussions over this past fortnight, and which you have helped promote, is very encouraging. It seems clear to me that many delegations here are relishing the opportunity to discuss their Conference on Disarmament priorities in a substantive, rather than a procedural, way.

If you will indulge me, I would like, in addition to commenting on negative security assurances in this statement today also to refer briefly to the prevention of an arms race in outer space (PAROS), since my absence at a meeting in Helsinki precluded my speaking on that topic on Tuesday. Therefore, at the risk of sounding as if I have arrived at the wrong place on the wrong day, I will make a few comments on PAROS.

We believe that it is strongly in the collective interests of the international community as a whole to preserve the area beyond the Earth's atmosphere for the development of peaceful technologies and scientific exploration. The commercial and scientific applications of outer space are constantly expanding for an increasingly diverse range of functions – from communications, to navigation, to the monitoring of climate change. We must ensure that future opportunities for peaceful development are not compromised by weaponization.

In this connection, my delegation continues to draw an analogy with the Antarctic Treaty. When that agreement was concluded, a key consideration of its parties was the need to put global interests before national ones. The parties judged that the benefits for the global community deriving from peaceful uses and scientific research on that continent, conducted under an agreed international treaty regime, outweighed any narrow benefits to individual States which could have accrued to them through weaponization or military deployment there.

The global dividends from creating an overarching legal framework for the peaceful uses of Antarctica have been considerable. As well as the ongoing peaceful pursuit of science taking place there, the non-weaponization of Antarctica, enshrined in article I of the Treaty, has helped spawn other weapon-free zones in the southern hemisphere.

The preservation of a weapon-free outer space has long been a core issue for this Conference, and this is rightly so. It is significant that the records of the Conference on Disarmament not only reflect a strong interest in preventing an arms race in outer space, but also contain a number of well-developed approaches towards that goal.

I am thinking not only of the draft treaty on prevention of the placement of weapons in outer space and of the threat or use of force against outer space objects, but also of analytical papers such as that put forward by your own delegation, Mr. President, in 2007 in document CD/1815. We regard document CD/1815 as a very useful working paper, aiming as it does to identify gaps in the existing legal systems pertinent to outer space. We saw that paper as offering a good starting point from which to explore whether better understandings can be reached on the existing gaps in the outer space regime before proceeding to consider how best to fill them.

We are also drawn to the Conference on Disarmament records of recent coordinators of agenda item 3, including yourself in 2008 and 2009, and our Brazilian colleague, Ambassador Macedo Soares, last year. It seems to us from these that there is widespread agreement that there are deficiencies in the existing outer space architecture. This state of affairs has in part been reflected in other efforts to address those gaps, such as through the development of transparency and confidence-building measures as an important stepping stone towards a strengthened, legally binding regime, or to take them up directly in the context of the draft treaty on prevention of the placement of weapons in outer space and of the threat or use of force against outer space objects tabled by China and Russia.

My delegation stands ready to participate in further work on this important issue. We hope that the procedural gridlock that has inhibited deeper treatment of core issues in recent years, such as item 3, will soon be resolved and that the issue of PAROS can be allocated the time and attention it warrants.

Turning now to negative security assurances, New Zealand has long supported the notion, embodied also in outcomes of recent NPT review conferences, that legally binding security assurances would strengthen the nuclear non-proliferation regime. In NPT circles it is often said that non-nuclear-weapon States, in deciding to become parties to the NPT, did so in the expectation that their decision to forgo the right to develop nuclear weapons would not compromise the security of their people, since they would receive security assurances that they would not be left vulnerable to attack by countries that had nuclear weapons.

As a member of the New Agenda Coalition, New Zealand has frequently made clear its views on negative security assurances during NPT meetings. In its very first ministerial declaration in 1998, the New Agenda Coalition called for a legally binding instrument on the non-use, or threat of use, of nuclear weapons against non-nuclear-weapon States.

New Zealand has continued to call upon the nuclear-weapon States to respect fully their existing commitments with regard to security assurances pending the conclusion of multilaterally negotiated legally binding security assurances for all non-nuclear-weapon States parties, whether as a separate agreement reached in the context of the NPT or as a protocol to that treaty. Indeed, most recently, as other New Agenda Coalition colleagues here have mentioned today, the New Agenda Coalition put forward a working paper for the 2005 NPT Review and Extension Conference which contained a draft of a possible protocol or agreement. This is the approach that New Zealand has been advocating in the context of NPT meetings.

In the Conference on Disarmament, however, my delegation has in the past expressed some hesitation about the prospect of negotiating negative security assurances in this forum. By their very nature, negative security assurances are commitments between those countries that have nuclear weapons and those countries that do not. To us, an issue arises with regard to the potential conferring of the status of nuclear-weapon States outside of the range of NPT rights and obligations. I note, however, the distinction usefully made here this morning by the Ambassador of Ireland that the forum in which an instrument on negative security assurances is negotiated, namely the Conference on Disarmament, is not necessarily determinative at all of questions such as the nature of the recipients or the status of the parties to any instrument on negative security assurances negotiated here.

On a quite separate point, I would wish to stress that, of course, if countries that have nuclear weapons wish to give an assurance that they will not use nuclear weapons against those countries which do not have them, then obviously it is open to them to give those assurances unilaterally. Without fundamentally disagreeing with the comments made on this issue this morning by the Irish Ambassador, I note that the International Court of Justice has indeed determined that such unilateral assurances can have a legally binding

effect. This determination comes, in fact, from a judgement of the Court in a case relating to nuclear weapons, and in which New Zealand was a party.

Given New Zealand's broader view that negative security assurances would strengthen the non-proliferation regime, we certainly remain open to active participation in the debate on negative security assurances in the Conference on Disarmament. However, any real deepening of the debate here would first of all benefit from the provision of information from those States that possess nuclear weapons, and are arguing that negative security assurances should be actively pursued in this forum, as to what they have done in terms of giving unilateral assurances to non-nuclear-weapon States that they will not use such weapons against them. Without information of that kind, it seems to my delegation that it will be difficult for the Conference on Disarmament to develop a universal approach to security assurances that will provide genuine confidence and greater security to us all.

Mr. Macedo Soares (Brazil) (*spoke in Spanish*): I ask for your indulgence and that of our colleagues to make a brief observation on our debate. My colleague from Bangladesh earlier on referred to the number of statements made in this and preceding debates. That is a positive sign.

However, following this debate from my vantage point, I have the privilege of an overarching view. Although I would not take it upon myself to summarize what has been said, it seems to me that, on the issue discussed this morning and this afternoon, the overwhelming majority of participants, variations in emphasis and viewpoint notwithstanding, would like some sort of legal instrument to regulate security assurances.

It goes without saying that consensus is required in the Conference on Disarmament but, in the specific case of security assurances, the position of the nuclear-weapon States is key. Amid the vast majority of "yeses" we have also heard from a handful of participants a very clear "no" to the possibility of concluding a treaty on security assurances.

I mention this because the top priority for my delegation, as it is for others, is nuclear disarmament, preceded by security assurances. Today's debate in particular has given us a very clear indication of why we are not making progress and that the blame for this lies neither with the institution nor with its rules of procedure.

The President: I thank Ambassador Macedo Soares for his statement. Is there anybody else who would like to take the floor? If not, I would also beg your indulgence to make a few comments, as I am thinking about what to do next week.

Firstly, you will recall that on 25 January, in my first statement as President, I gave an update on where my consultations had led me, and then I concluded on what my priorities would be. I said that they were very, very clear and that there were four of them. Based on where we are right now, I have of course failed. I have scored maybe 25 per cent out of 100 per cent. You will recall my saying that first of all I would continue to consult all parties and identify a programme of work acceptable to all members, and this has not happened.

Secondly, while I was doing this I wanted to ensure that we were not wasting our time and that we would have substantive exchanges on the four core issues. I thank Ambassador Higginson for saying that the spirit of engagement was there, that we have had substantive discussions rather than procedural ones, although Ambassador Macedo Soares commented that we are still not there yet in terms of what this Conference should be doing.

Thirdly, I wanted to see how we could collectively engage with civil society; those discussions are moving forward, and I may have a plan by Tuesday.

Lastly, in terms of the rules of procedure, rule 2 states that the membership of the Conference will be reviewed at regular intervals; those consultations are ongoing. I am

already consulting with our colleagues, the other session presidents. We have had a number of discussions, both as a group and bilaterally, and, of course, my Chilean colleague and I have had other discussions on the side, in accordance with the rules of procedure, in preparation for the handover. What is interesting is that many of you — in fact, almost all of you — have spoken during the discussions on the four core issues that we have explored, and the discussions have been very useful, educational and substantive. There were probably no surprises in the positions of individual States or even groups, but two of the sessions, including today's, actually continued into the afternoon, which to me indicated that there is an interest in engaging and an interest in listening too.

I suspect that there could be quite a bit of useful further exchange in reading through the national positions and asking questions like "What did you mean by that?" However, I also heard calls and readiness to adopt an early programme of work. I am not sure what "early" means. Is it "early" in this decade or century, or "early" in this particular year? It rather goes up and down. Certainly, there is willingness, expressed by many of you, to establish either ad hoc committees or subsidiary bodies to discuss or to negotiate on a particular topic of the four core issues. Perhaps, as all of you well know, that is where the differences come out, where certain States will say, "We will not negotiate on x of the four core issues", or others will say, "We will negotiate on x, but certainly under no circumstances on y." We are still in that kind of conundrum. I will continue, of course, to consult with the other session presidents. We will hold a meeting on Monday with the regional coordinators, who have been extraordinarily helpful to me and to the other presidents, to get a sense of where the various groups are coming from.

However, on the programme of work, there has been no change, since I said positions appear to be entrenched and mutually exclusive. When I go to my children's school, there is an activity list outside the classroom, and I am almost tempted to post some activity lists here for everybody to sign up. One would read: "Do you want just plenary? Will you attend a plenary session and have just plenary sessions?" The other might read: "Negative security assurances activity, discuss, negotiate – would you do both?" We could just see if we can get 65 members signing up for at least one of the activities. I am not sure; maybe we could do something like that. However, right now I have about a maximum 25 per cent score, which is still a fail, but I would like to explore possibilities next week, both on Tuesday and Thursday, to see how we can continue to advance. I really hope that my successor, Ambassador Oyarce, will have a better mark from the school of the Conference on Disarmament and get a pass mark!

I will leave this matter right now, and I look forward to talking again with the other presidents on Monday and also with the regional coordinators in advance of our meeting on Tuesday.

I declare this session adjourned.

The meeting rose at 4.10 p.m.