

CONFERENCE ON DISARMAMENT

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FINAL RECORD OF THE NINE HUNDRED AND EIGHTY-NINTH PLENARY MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 7 July 2005, at 10.15 a.m.

President:

Mr. Wegger STRØMMEN

(Norway)

The PRESIDENT: I declare open the 989th plenary meeting of the Conference on Disarmament.

It is with great sadness that we have learned about the passing away of Mrs. Enny Sekarwati Wibisono, wife of Ambassador Wibisono, Permanent Representative of Indonesia. On behalf of the Conference on Disarmament I would like to extend our sincerest condolences to Ambassador Wibisono and his family.

As for today's business on disarmament, I have a list of speakers of 19 delegations, and without any further ado, I will turn over the floor to the first speaker on my list, which is the delegation of South Africa, Ambassador Mtshali.

Ms. MTSHALI (South Africa): During the process of our democratic transformation, South Africa voluntarily decided to dismantle its apartheid nuclear weapons arsenal with the hope that this example would be emulated. On the contrary, South Africa, like many others, remains deeply concerned by the continued retention of nuclear weapons and security doctrines that envisage the use of nuclear weapons.

Due to this reality and the general lack of progress on security assurances, South Africa continues to believe that non-nuclear-weapon States have the right to be provided with internationally legally binding security assurances under the NPT. The negotiation of such assurances within the NPT context - as opposed to some other forum - would in our view provide a significant benefit to the NPT parties and could serve as an incentive to those who still remain outside the Treaty. It is our belief that security assurances rightfully belong to those States that have forsworn the nuclear weapons option, as opposed to those who still prefer to keep their options open.

As the NPT is the primary nuclear non-proliferation agreement in terms of which the non-nuclear-weapon States have forgone the nuclear weapons option, it follows logically that security assurances should be provided under the Treaty. In South Africa's view, the negotiation of legally binding security assurances should therefore take place under the NPT umbrella within the context of the strengthened review process of the Treaty.

South Africa also continues to hold the view that security assurances should be provided in the context of an internationally legally binding instrument, which could either be in the format of a separate agreement reached in the context of the NPT, or as a protocol to that Treaty. In this regard, we do not subscribe to the arguments by some delegations that declarations that have been made by the nuclear-weapon States are sufficient, or that security assurances should only be granted in the context of nuclear-weapon-free zones. We believe that the primary undertaking not to aspire to nuclear weapons was made under the NPT. It therefore follows that security assurances should also be given in the context of, or as a part of, the Treaty on the Non-Proliferation of Nuclear Weapons.

In spite of the overall failure of the NPT Review Conference, my delegation appreciates the fact that the Conference at least managed to have a short dedicated focus on security assurances. We are delighted that Subsidiary Body I on "Nuclear disarmament and security

(Ms. Mtshali, South Africa)

assurances", established under Main Committee I, revived and emphatically brought to the fore the question of security assurances which had almost become a prodigal child in the nuclear disarmament discourse. We trust that the impetus set at the Review Conference will keep this matter in our minds.

In conclusion, I would like to reiterate my delegation's belief that the total elimination of nuclear weapons is the only absolute guarantee against the use or the threat of use of such weapons. Pending the total elimination of nuclear weapons, efforts towards 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.

The PRESIDENT: I thank the representative of South Africa for her statement. I now give the floor to the representative of the United Kingdom, Ms. Paterson.

Ms. PATERSON (United Kingdom of Great Britain and Northern Ireland): Since the United Kingdom ratified the Nuclear Non-Proliferation Treaty and formally recognized its responsibilities as one of the nuclear-weapon States, we have set about meeting our disarmament obligations under article VI of the Treaty. We are fully committed to those obligations. They contribute to the ultimate objective of the Treaty: a safer world free from the dangers of nuclear weapons.

The United Kingdom gave negative and positive security assurances to non-nuclear-weapon States in our letter to the United Nations Secretary-General in 1995, subsequently noted in the United Nations Security Council resolution 984. We remain committed to those security assurances.

In addition we have given legally binding NSAs in treaty form through the protocols we have signed to the nuclear-weapon-free-zone Treaties. The United Kingdom fully supports the principle of nuclear-weapon-free zones and plays an active and constructive role as a nuclear-weapon State in their development. We believe they can make a valuable contribution to nuclear non-proliferation and global and regional peace and security, as long as they are based on arrangements freely arrived at by all the States in the region concerned. And for that reason the United Kingdom has signed and ratified protocols to the zones which cover Latin America and the Caribbean - the Tlatelolco Treaty; Africa - the Pelindaba Treaty; and the South Pacific - the Rarotonga Treaty. We continue to work with the ASEAN States to produce an agreed protocol to the treaty of Bangkok, and hope ASEAN will continue consultations with the nuclear-weapon States so that the Protocol can be concluded. We continue to support the principle of a Central Asia nuclear-weapon-free zone and look to the five Central Asian States to resume and conclude consultations with the nuclear-weapon States, in accordance with UNDC guidelines.

We believe that our 1995 NSA and the protocols we have signed offer non-nuclear-weapon States the assurance they seek regarding nuclear use. Furthermore we consider that the way forward is to make further progress with the nuclear-weapon-free-zone treaties and protocols, which will provide, on a credible, regional basis, the internationally binding legal instruments on NSAs that many are looking for.

The PRESIDENT: I thank the representative of the United Kingdom for her statement. The next speaker on my list is the representative of Peru, Ambassador Astete Rodríguez.

Ms. RODRIGUEZ (Peru) (translated from Spanish): In my statement on 23 June I reaffirmed the importance Peru attaches to the Non-Proliferation Treaty, which we consider as a fundamental element for reaching the objective of nuclear disarmament and avoiding the proliferation of such weapons. During the negotiations that led to the signing of the Treaty in 1968, the five nuclear States undertook not to use nuclear weapons against non-nuclear States, except in response to a nuclear attack or an attack with conventional weapons in an alliance with a nuclear State. There might have been some logic in these arguments in the context of the cold war. We regret to note that recent developments in the military doctrines of one of the nuclear States strengthens the legitimacy of the demand of the non-nuclear-weapon States, the majority of mankind, to secure from the nuclear Powers legal assurances that they will not be the subject of the use or threat of use of nuclear weapons against them. That nuclear Power has reserved the right to use nuclear weapons in response to an attack with chemical or biological substances. This means that it is possible that other States may conclude that nuclear weapons are also necessary for their protection. These developments undermine the negative security statements that were reaffirmed at the NPT Review Conference in 1995.

In his statement last March, the Foreign Minister of Peru expressed my country's conviction of the indispensable need to implement in their entirety the 13 essential steps agreed on at the sixth NPT Review Conference in the year 2000. I want to take this opportunity to underscore that these 13 essential steps reaffirmed the need for nuclear weapons to play a diminishing role in security policies to minimize the risk that these weapons will ever be used and to facilitate the process of their total elimination. In this respect Peru considers that an essential item on the agenda of the Conference is the negotiation of a legally binding instrument that would grant the non-nuclear countries concrete assurances that they will not be victims of the use of nuclear weapons.

It should be remembered that in the special case of Latin America and the Caribbean, the nuclear-weapon States accepted Additional Protocol I to the Treaty of Tlatelolco, which establishes a system for the regional application of negative security assurances. Nonetheless, some nuclear States made interpretative declarations when they signed it. One of them states that the use of nuclear weapons falls within the context of the full exercise of the powers granted under Article 51 of the United Nations Charter - that is, self-defence. This logic gives rise to serious concerns. The exercise of self-defence recognized in Article 51 of the United Nations Charter should be proportional to the armed attack that gave rise to it. No conventional attack can be repulsed through the use of nuclear weapons. As was rightly stated by the International Court of Justice in its advisory opinion on 8 July 1996, the requirements of proportionality must be respected, and a distinction must be drawn between a nuclear attack and a conventional one. It is appropriate to remember here the appeal made by the first Conference of States Parties and Signatories to Treaties that Establish Nuclear-Weapon-Free Zones, held in Mexico City in May 2005, to the nuclear-weapon States which, on signing or ratifying some of the relevant protocols to a treaty establishing nuclear-weapon-free zones, did so with reservations or unilateral interpretations which have an impact on the denuclearized status of the zone, calling on them to modify or withdraw such unilateral reservations or interpretations.

The PRESIDENT: I thank the representative of Peru for her statement. I now give the floor to the representative of China, Ambassador Hu.

Mr. HU (China) (translated from Chinese): Security assurances for non-nuclear-weapon States is an important issue in the field of nuclear disarmament and nuclear non-proliferation. The Chinese delegation would like to make some observations on the main aspects of this issue.

First, the non-nuclear-weapon States must be entitled to obtain security assurances from nuclear-weapon States. Not developing nuclear weapons themselves, it is entirely normal and reasonable for the non-nuclear-weapon States to seek not to be threatened by nuclear weapons and to insist that this form of security assurance be made legally binding.

Security assurances for non-nuclear-weapon States are not a one-way favour accorded by the nuclear-weapon States. By refraining from developing nuclear weapons, the non-nuclear-weapon States are helping to prevent nuclear weapon proliferation and contributing to nuclear disarmament, thus benefiting world peace and stability. Obtaining security assurances will enhance their sense of security, reduce their motivation to acquire nuclear weapons and therefore play a positive role in preventing nuclear weapon proliferation and safeguarding the international nuclear non-proliferation regime, of which the NPT is the cornerstone.

Secondly, the fundamental solution to the issue of security assurances for non-nuclear-weapon States is the complete prohibition and thorough destruction of nuclear weapons. Before meeting this objective, all nuclear-weapon States should undertake not to be the first to use nuclear weapons, not to use or threaten to use nuclear weapons against non-nuclear-weapon States or nuclear-weapon-free zones at any time or under any circumstances, and should conclude an international legal instrument to this effect at an early date.

The use of biological and chemical weapons was prohibited under the 1925 Geneva Protocol. Only thereafter were the conventions on the complete prohibition and thorough destruction of biological and chemical weapons concluded. Similarly, without a commitment on no first use of nuclear weapons and security assurances for non-nuclear-weapon States, the objective of nuclear disarmament cannot be truly served, nor will the world be truly freed from nuclear weapons.

Gradually reducing the role of nuclear weapons in national security policy, not listing any States as nuclear strike targets and not making nuclear strike plans against any non-nuclear-weapon States will facilitate progress on security assurances for non-nuclear-weapon States.

Thirdly, the launching of negotiations on an international legal instrument on security assurances for non-nuclear-weapon States is a realistic task in the current context of international arms control and disarmament. The non-nuclear-weapon States have worked long and hard for security assurances and have achieved something: through the adoption of Security Council resolutions 255 and 984, the nuclear-weapon States have to a certain extent provided the non-nuclear-weapon States with positive and negative security assurances. By signing and

(Mr. Hu, China)

ratifying protocols to the various nuclear-weapon-free-zone treaties, they have also provided security assurances to the States parties to these treaties. However, Security Council resolutions do not amount to international legal instruments. Security assurances for States parties to nuclear-weapon-free-zone treaties cannot solve non-States parties' security-assurance problems. That is a far cry from the objective of concluding an international legal instrument on security assurances.

China supports the CD's establishment of an ad hoc committee on NSA pursuant to the mandate contained in the A-5 proposal so that it can start substantive work, negotiating an international legal instrument on security assurances for non-nuclear-weapon States. We also support the negotiation of a protocol on security assurances for non-nuclear-weapon States within the framework of the NPT. China will give favourable consideration to any proposals or initiatives as long as they are conducive to progress on security assurances for non-nuclear-weapon States. We are of the view that any such international legal instrument or protocol must clearly stipulate that the five nuclear-weapon States offer unconditional security assurances to all non-nuclear-weapon States.

China has always undertaken not to be the first to use nuclear weapons, not to use or threaten to use nuclear weapons against non-nuclear-weapon States and nuclear-weapon-free zones at any time or under any circumstances, thus providing unconditional NSAs to non-nuclear-weapon States.

In the statement issued by the Government in 1995, China reaffirmed the above position and pledged to provide positive security assurances to non-nuclear-weapon States. We have always called upon the other nuclear-weapon States to make an unconditional commitment not to use or threaten to use nuclear weapons against non-nuclear-weapon States.

China has signed all the protocols to nuclear-weapon-free-zone treaties which are open for signature. It has already reached an agreement with ASEAN on the protocol to the South-East Asian nuclear-weapon-free-zone treaty. We hope for an early resolution of the relevant issues between ASEAN and the other four nuclear-weapon States so that the protocol can be opened for signature as soon as possible. China supports the efforts of the five Central Asian countries to establish a nuclear-weapon-free zone and welcomes their agreement on a Central Asia nuclear-weapon-free-zone treaty and protocol. China has no difficulty with the current text presented by the five Central Asian countries and hopes that an agreement can quickly be reached between the five Central Asian countries and the relevant nuclear-weapon States. It is the hope of China that the aspiration of non-nuclear-weapon States for universal, legally binding security assurances can be realized at an early date, and we shall continue our endeavours to that end.

I would also like to take this opportunity to announce that on 27 April 2005, the Standing Committee of the National People's Congress of China approved China's accession to the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques, and that the representative of China submitted China's instrument of accession to the depositary of the Convention, Mr. Kofi Annan, Secretary-General of the United Nations, at United Nations Headquarters in New York on 8 June 2005.

The PRESIDENT: I thank the representative of China for his statement. I now give the floor to the representative of Colombia, Mr. Quintero Cubides.

Mr. QUINTERO CUBIDES (Colombia) (translated from Spanish): For reasons beyond our control, Ambassador Clemencia Forero is unable to be present, and therefore I shall be reading the statement on her behalf.

Mr. President, as my delegation is taking the floor for the first time during your term of office, I wish to begin by congratulating you on taking on the leadership of the Conference on Disarmament and assuring you of the support of the delegation of Colombia. We are sure that your initiative in convening this cycle of formal meetings to address the four items identified as core issues by the member States will help to ensure that the Conference on Disarmament can speedily agree on a programme of work that is satisfactory to all.

In the three meetings we have held so far, we have heard the voices of delegations representing countries from the four corners of the world, which, despite their vast differences in social, economic and cultural terms and their wide-ranging national interests, have once again, as they do each time we are called on to speak, spoken in unison in favour of multilateralism as the sole means of arriving at agreements which will guarantee international security, and have reiterated that they view the Conference on Disarmament as the sole forum in the area of disarmament for negotiating such agreements. Not one of the delegations expressed agreement or satisfaction with the present state of inactivity in the Conference on Disarmament, and none has rejected the possibility of contributing their ideas and efforts to overcome this situation. It is a fact that there is no consensus on procedure, but it is also true that we are all in agreement that the goal we are seeking and need to achieve is to preserve a world which is viable for our children. Despite this, in the past eight years the Conference has preferred arguments for not moving forward over the urgent need to begin substantive work. We have preferred to seek all types of reasons to counter initiatives that are put forward or simply to ignore or sidestep them, instead of using our political will and displaying flexibility and imagination to break this vicious circle. In short, we have preferred to prejudge the outcome without even beginning to work towards it.

The State of Colombia is convinced of the merits of the multilateral system, and therefore has signed the relevant international instruments in the field of disarmament and constantly underscores the achievements they have led to. We form part of the nuclear-weapon-free zone set up under the Treaty of Tlatelolco, a binding legal instrument of which Latin America is so proud and which provides us with negative security measures. Nonetheless, we understand the concern and the right of other countries to be granted negative security assurances that would properly address their needs in keeping with their particular circumstances, as stated by the heads of State and government of the Non-Aligned Group at their thirteenth conference in Kuala Lumpur. Consequently, we call for action in pursuance also of the resolutions of the General Assembly, the relevant part of which I venture to quote (resolution 59/64): “Reaffirms the urgent need to reach an early agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons”, and resolution 59/83, which, in relation to follow-up to the advisory opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons, “underlines once again

(Mr. Quintero Cubides, Colombia)

the ... conclusion of the ... Court ... that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control”, and which also “emphasizes the need for the Conference on Disarmament to commence negotiations on a phased programme for the complete elimination of nuclear weapons with a specified framework of time”.

In conclusion, we think there is an urgent need to begin negotiations on the four items on the Conference’s agenda that have been assigned priority in the five Ambassadors’ proposal. But it is indispensable that we member countries of the Conference on Disarmament should take a step forward and, for a start, launch negotiations on a treaty to put an end to the production of fissile material for nuclear weapons, which will properly address the issue of verification and existing stockpiles, but without prejudging the outcome, nor linking that outcome to that of other negotiations. The selection of this first issue should be facilitated through a gentleman’s agreement which could take the form of a political declaration whereby member States of the Conference on Disarmament will adopt a collective commitment also to tackle sequentially each of the remaining issues through the mechanism of negotiating rounds focusing exclusively, and for a specific period of time, on each of the issues, in keeping with the same principles that we should not prejudge outcomes or link issues in advance. In this way my delegation wishes to make a further appeal for flexibility and a display of political will by the member States of the Conference on Disarmament, particularly those that have not yet been able to share the readiness of the majority to accept as a basis for the programme of work the various proposals and methods of work that are currently under consideration by the Conference.

The PRESIDENT: I thank the representative of Colombia for his statement. I now give the floor to the representative of Canada, Ambassador Meyer.

Mr. MEYER (Canada): The extensive participation in the last three structured plenary discussions has demonstrated that CD members are keenly interested in undertaking real substantive work in this body. Topic-specific discussions, by providing an opportunity to set out positions, pose further questions and express views can help lead us closer to the widely shared objective of a comprehensive programme of work.

Today, I want to comment briefly on the fourth item, security assurances. In our opening statement at the seventh NPT Review Conference, Canada stated that “we also recognize that action is required pursuant to other engagements undertaken in 2000, such as agreement to begin discussions to codify negative security assurances”. While our preferred forum for such discussion would be the NPT, given that we consider such assurances as one of the benefits of adherence to the NPT, we also recognize that this subject has long been an issue on the CD’s agenda. Given its importance for many States, we need to make the best use of the available multilateral forums to address it. The CD has a role to play here.

Canada is flexible as to how to address the issue of security assurances in the CD, whether in a separate ad hoc committee, with the mandate as proposed in the A-5 proposal or the “food for thought” non-paper, or combined with the subject of nuclear disarmament, as we ourselves suggested last year, if this would facilitate attaining consensus. What is required, though, is for this issue to be adequately addressed.

(Mr. Meyer, Canada)

As this is the last formal plenary under the Norwegian presidency, I would like to again commend your initiative, Mr. President, and express the hope of my delegation that we can carry forward these useful structured discussions. The large number of statements and their extensive substantive content has provided much material for consideration.

And if I can, by way of an aside, direct a remark to the secretariat, I would hope there would be a way of expediting the preparation and posting of the procès-verbaux from our formal sessions. The other day I was looking at the website, and although we are halfway through the current year, the only formal session PV that was available on the website is that of our 27 January meeting. I really think, as we provide more substantive commentary, it would be very helpful to all delegations and other concerned parties if there were a more timely posting of the PVs from our formal sessions.

Let me return to my text. I would continue by noting that we would encourage in the balance of this year's sessions further opportunity to have a substantive exchange on the chief elements of the proposed programme of work. For example, we would be interested in participating in a second round of discussions organized around the same topics or subtopics that would allow delegations to discuss and comment on the statements that were delivered in the first round. This could also provide an occasion for some interactivity between delegations and permit interested delegations to go deeper into the subject matter than was possible during the initial series of national statements.

The PRESIDENT: I thank the representative of Canada for his statement and for his very kind words addressed to the Chair. The next speaker is the representative of the Syrian Arab Republic, Ambassador Ja'afari.

Mr. JA'AFARI (Syrian Arab Republic) (translated from Arabic): This meeting on NSA follows on from the three sessions devoted to other items on our agenda, namely nuclear disarmament, FMCT and PAROS. All this comes after the failure of the seventh NPT Review Conference, and, here, my delegation would like to raise the following points:

Firstly, we are convinced that the NPT remains one of the most important treaties ever concluded in the field of nuclear disarmament. The fact that the majority of countries have acceded to it only proves its importance in averting the threat of nuclear war.

Secondly, achieving universality of the Treaty is a moral and political imperative for which all States parties, particularly nuclear-weapon States, bear responsibility. Universality has not been achieved in the Middle East region because of one State, namely Israel, which has yet to accede to the Treaty. While some nuclear-weapon States are making every effort to stop nuclear proliferation in the region and elsewhere, those same States are turning a blind eye to the nuclear disarmament question, prevaricating on the question of achieving universality of the Treaty in the Middle East and thus undermining the credibility of the arguments of those same nuclear-weapon States.

(Mr. Ja'afari, Syrian Arab Republic)

Thirdly, we are convinced that the best guarantee of the non-use of nuclear weapons is the complete elimination of these weapons. Here, we should like to recall the advisory opinion which the International Court of Justice issued on 8 July 1996 on the legality of the threat or use of nuclear weapons. The opinion reiterates that the threat or use of nuclear weapons is incompatible with the international law applicable in armed conflict. The opinion reiterates that all States, both nuclear-weapon and non-nuclear-weapon States, have an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.

Fourthly, procrastination in starting such negotiations has become a serious obstacle to confidence-building for non-nuclear-weapon States. The fact that nuclear-weapon States not only cling to their arsenals but are also developing them threatens the non-proliferation regime as well as international peace and security. The fact that these States are holding on to their nuclear weapons means that the use or threat of use of such weapons remains a possibility. In this connection, we should like to refer to the threat posed by the fact that some States have recently adopted new nuclear strategies that would allow them to use nuclear weapons against non-nuclear-weapon States.

Fifthly, it follows from what I have said that non-nuclear-weapon States are entitled to receive security assurances from nuclear-weapon States, as provided for in a legal instrument which is legally and morally binding on nuclear-weapon States. This is not a favour for which we must be grateful, as the Ambassador of China has said in his statement. Unconditional negative security assurances for non-nuclear-weapon States are part and parcel of the understanding that was reached during the NPT Review Conferences of 1995 and 2000.

Sixthly, in this regard, we reiterate our former position, as reflected in the Group of 21 proposal, contained in document CD/1570, dated 4 February 1999, which relates to the establishment of an ad hoc committee on nuclear disarmament to negotiate a treaty on effective security assurances for non-nuclear-weapon States and on the threat or use of nuclear weapons against those States.

The PRESIDENT: I thank the representative of the Syrian Arab Republic for his statement. I now give the floor to the representative of Malaysia, Mr. Wan Aznainizam Yusri.

Mr. WAN AZNAINIZAM YUSRI (Malaysia): Ever since the beginning of the nuclear age, no State has been completely safe against the threat of nuclear weapons. For as long as there is the continued existence of nuclear weapons, together with the development of new types of nuclear weapons, the risks that these weapons will be used are highly probable. Regrettably, such risks have been further increased in the last couple of years due to the doctrine of pre-emptive action.

While deeply convinced that the only absolute guarantee against the use of nuclear weapons is the total elimination of all nuclear weapons, Malaysia is strongly of the view that pending nuclear disarmament, it is imperative to prohibit the use of these weapons. In this

(Mr. Wan Aznainizam Yusri, Malaysia)

regard, we call for the international community to develop effective measures to ensure the security of all States, in particular the non-nuclear-weapon States, against the use or threat of use of nuclear weapons.

The idea of negative security assurances (NSA) is not new to the international community and to the CD. In fact, the first significant step towards NSA was made at the United Nations first special session devoted to disarmament (SSOD-1) in 1978 when the five nuclear-weapon States made their respective unilateral declarations on NSA. These unilateral declarations, however, are inadequate to prevent the use or threat of use of nuclear weapons against non-nuclear-weapon States, as they could be withdrawn. 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 threat of use of nuclear weapons be given to non-nuclear-weapon States. Having voluntarily forsworn the nuclear weapons option under the NPT regime, the non-nuclear-weapon States should be accorded assurances against the use or threat of use of nuclear weapons that are unlimited in scope, application and duration. Furthermore, under Article 2, paragraph 4, of the United Nations Charter, which calls for Member States to refrain from the threat or use of force, nuclear-weapon States have a responsibility to avoid the use of nuclear weapons, in particular against non-nuclear-weapon States.

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 would also be in the interest of the nuclear-weapon States to address the issue of NSA.

Nuclear disarmament is of paramount concern to Malaysia, and we would like to underscore that nuclear disarmament should continue to be the highest priority for the CD. However, pending the total elimination of nuclear weapons, and in line with paragraph 76 of the Final Document of the thirteenth NAM summit, Malaysia would also like to urge members of the Conference that efforts towards 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. In this connection, Malaysia looks forward to working with the members of the Conference to continue to explore all available avenues for a balanced and comprehensive programme of work in order to commence substantive work in the CD.

The PRESIDENT: I thank the representative of Malaysia for his statement. I now give the floor to the Ambassador of Italy, Ambassador Trezza.

Mr. TREZZA (Italy): We are pleased to participate today in a discussion focused on negative security assurances, an issue to which a number of member States attribute priority at the Conference on Disarmament.

(Mr. Trezza, Italy)

Together with its European Union partners, Italy pursues the further consideration of security assurances. Positive and negative assurances - as stated in the European Union strategy against the proliferation of weapons of mass destruction (WMD) - can serve both as an incentive to forgo the acquisition of WMD and as a deterrent. On the basis of the European Union common position for the NPT Review Conference, we call on the nuclear-weapon States to reaffirm existing security assurances noted by United Nations 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, recognizing that treaty-based security assurances are available to such zones.

Under United Nations Security Council resolution 984, which was adopted unanimously, all the nuclear-weapon States have individually provided negative security assurances. In addition - and perhaps more significantly - NSA are provided by nuclear-weapon States within the framework of their legally binding nuclear-weapon-free-zone (NWFZ) engagements. In this respect, we support the progress recently made by the Central Asian States to create an NWFZ in their region. We believe that the negative security assurances concept should continue to be pursued within the framework of NWFZ, which could be extended to additional areas on the basis of arrangements freely entered into between the States of the region concerned.

Some countries do not consider the protection regime established by the existing provisions to be sufficient. Indeed, NSA given under resolution 984 are not considered legally binding. On the other hand, NSA given within the NWFZ provisions, although legally binding, do not cover the whole world. As a matter of fact, some of the most sensitive regions in the world from a security point of view are not covered by nuclear-weapon-free-zone provisions.

Elements of flexibility could also be explored within the NSA concept itself. NSA should be granted to countries party to the NPT. One should also give more thought to the option of granting NSA on a unilateral, plurilateral or regional basis. Some countries have recently requested NSA on a bilateral basis.

As an alternative to a global agreement on NSAs, there are other options which, in present circumstances, seem more practical and realistic. The CD is not necessarily the only forum for such negotiations. The NPT has been mentioned during today's meeting, as a possible forum. But for the purpose of achieving an overall consensus, which would bring the Conference back to negotiating mode, Italy could accept the establishment of an ad hoc committee in the CD to develop recommendations on how the Conference could more effectively deal with effective international arrangements to assure non-nuclear-weapon States against the use or the threat of use of nuclear weapons.

The PRESIDENT: I thank the representative of Italy for his statement. The next speaker on my list is the delegation of Mexico, Ambassador Macedo.

Mr. MACEDO (Mexico) (translated from Spanish): For the Government of Mexico one of the essential components of the disarmament and non-proliferation regime is that the nuclear-weapon States should guarantee unequivocally that they will not use or threaten to use nuclear weapons against all those of us that have voluntarily and legally renounced the nuclear

(Mr. Macedo, Mexico)

option. This is a legitimate security interest that has been recognized by the Security Council itself. Of course, the only absolute guarantee for freeing the world from the threat posed by the very existence of nuclear weapons and the growing risk that they might be used is their prohibition and total elimination. My delegation stresses that in its advisory opinion on the legality of the threat or use of nuclear weapons in the event of armed conflict, the International Court of Justice unanimously decided that “there is in neither customary nor conventional international law any specific authorization of the threat or use of nuclear weapons”. Despite this clear-cut assertion, we are now facing the existence of military doctrines and security policies that are advocating the development of a new generation of nuclear weapons and their delivery systems, and even provide for the pre-emptive use of non-strategic nuclear weapons.

It is therefore increasingly necessary to bolster the regime by means of a legally binding instrument in which States that have nuclear weapons would guarantee not to use them against those of us that do not.

Mexico is of the view that the declarations by nuclear-weapon States referred to in resolution 984, which was unanimously adopted by the United Nations Security Council on 11 April 1995, are almost all partial, conditional and inadequate. The resolution recognizes the legitimate interest of the non-nuclear-weapon States that are parties to the Non-Proliferation Treaty in the adoption of “further appropriate measures ... to safeguard their security”. A legally binding instrument would make it possible to attain that objective. In the context of the Non-Proliferation Treaty and its review conferences, my country submitted personally in 1995, and together with the other members of the New Agenda in 2003, draft protocols or agreements that would fill this void and provide a secure legal footing for the political commitments of the nuclear-weapon States.

Also, in the context of the Disarmament Conference, my delegation has worked in the various subsidiary bodies that have been established on this subject for more than 20 years. We continue in our determination to achieve our objective, which would strengthen the non-proliferation regime. In this respect we accept the mandate contained in the five Ambassadors’ proposal. Let us resume our dialogue in an ad hoc committee in order to make progress in the consideration of the issue and thus address the legitimate concerns of those of us who do not possess nuclear weapons.

Lastly, Mr. President, as you come to the end of your term at the head of the Conference, I would like to reiterate to you my delegation’s congratulations on the way in which you have been guiding our work and the dynamism that you have injected into our deliberations. We hope that in the coming weeks you will be able to submit to us your own assessment of what has taken place during your term, so that the lessons learned bring us closer to approval of the programme of work.

The PRESIDENT: I thank the representative of Mexico for his statement and for the kind words addressed to the Chair. I now give the floor to the representative of the Russian Federation, Ambassador Skotnikov.

Mr. SKOTNIKOV (Russian Federation) (translated from Russian): In order to help achieve a compromise on the programme of work of the Conference of Disarmament, the Russian Federation would be ready not to object to a possible consensus based on the five Ambassadors' proposal (CD/1693/Rev.1). In this context we would also not object to the proposal formulated therein to establish in the CD an ad hoc committee on the issue of assurances for non-nuclear-weapon States against the use or threat of use of nuclear weapons. We would also be ready to support consensus based on Ambassador C. Sanders' "food for thought", including the proposed mandate for work on security assurances. We realize the significance of this problem for many States and we are ready to attend to the concerns they have expressed. Russia would be ready to move towards the drawing up of a global agreement on negative assurances, provided, of course, that this took into account our military doctrine and national security concept.

This issue of security assurances is particularly important within the NPT context. The provision and application of such assurances is a fundamental task for all parties to the Treaty. We highlighted this point at the recent Review Conference. Russia has consistently supported the aspiration of non-nuclear-weapon States parties to the NPT to obtain such assurances. We believe that the achievement of this objective would contribute to the universalization of the Treaty, strengthen the nuclear non-proliferation regime and boost confidence and predictability in relations between States. We would like to point out that in 1995 Russia, along with other nuclear Powers, co-sponsored a United Nations Security Council resolution under which positive security assurances were granted, and national statements by nuclear States on negative assurances were noted.

The obligations of the nuclear States under their negative assurances have already become legally binding through the protocols to the nuclear-weapon-free-zone treaties. Russia has signed such protocols to the treaties of Tlatelolco, Rarotonga and Pelindaba. This number will grow as new non-nuclear zones are established. We are ready to contribute to these processes. While support efforts to create new nuclear-weapon-free-zones, Russia views them in the light of the task of strengthening the nuclear non-proliferation regime and enhancing regional security. We welcome the efforts of the Central Asian States to establish a nuclear-weapon-free zone in their region. We support the draft treaty on a nuclear-weapon-free zone in Central Asia agreed upon by these countries.

Russia is ready to settle outstanding problems with respect to the treaty on a nuclear-weapon-free zone in South-East Asia as a part of the dialogue between nuclear Powers and ASEAN States. The lack of progress in efforts to establish a nuclear-weapon-free zone in the Middle East gives grounds for concern, especially given the fact that the military and political situation in the region remains difficult. We believe that the issue of the establishment of a nuclear-weapon-free zone in South Asia remains topical, as it would strengthen regional stability and security.

The Conference on Disarmament is the most appropriate forum for work on security assurances. In the past, during the years of activities by its Ad Hoc Committee on security assurances, the CD accumulated considerable intellectual expertise on this issue. While building on this expertise, we must at the same time take into account the dynamic changes in the

(Mr. Skotnikov, Russian Federation)

situation which have occurred in recent years and set ourselves realistic and achievable objectives. The development of negative security assurances for non-nuclear States parties to the NPT is an important instrument in strengthening security and stability throughout the world. Russia will continue its active work to secure progress in this direction.

In conclusion, Mr. President, we would like to congratulate you on your successful guidance of the Conference proceedings. We believe that the series of official plenary CD meetings you initiated has been useful. These meetings have clearly shown once again the great potential of the Conference and the desire of the vast majority of delegations to engage in the work for which the Conference was designed. The experience of holding thematically focused official plenary meetings could be drawn on in the future. The subjects of such meetings could be even more focused, in order to move the substantive discussion forward and create groundwork for the activities of the CD after it adopts its programme of work.

The PRESIDENT: I thank the representative of the Russian Federation for his statement and for his very kind words addressed to the Chair. The next speaker is the delegation of the Republic of Korea, Ambassador Park.

Mr. PARK (Republic of Korea): While the Republic of Korea stands firmly behind international non-proliferation endeavours against nuclear weapons and other WMD and agrees that they must be enhanced and strengthened, we believe that these efforts will work best when they address the causes of proliferation. We believe that the most effective way to prevent proliferation is to eliminate the incentives for acquiring nuclear weapons, while ensuring that nuclear options are ultimately negative to the security interests of the proliferators. Insecurity, real or perceived, is in many instances a key motive for the pursuit of nuclear weapons. In dealing with these complexities, the international community must redouble its efforts to alleviate these security concerns that have prevented certain States from joining the NPT and caused others to clandestinely pursue nuclear weapon capabilities.

As part of a practical means of reducing the sense of insecurity, we support the concept of negative security assurances. In this regard, we believe that nuclear-weapon States should provide strong and credible security assurances to non-nuclear-weapon States that faithfully meet their NPT obligations and other safeguards. At the same time, we also recognize the value of providing enhanced security assurances and other incentives to those States parties that voluntarily accept additional non-proliferation commitments beyond the parameters of the NPT.

At the same time, we also need to take into consideration general political realities which necessarily influence deliberation on how best this strategic issue could be addressed at international forums.

In line with this position, the Republic of Korea supports efforts by the CD to address the issue of security assurances under a formula which reflects both the necessities of providing security assurances and evolving strategic and political realities.

(Mr. Park, Republic of Korea)

In this regard, since we believe the formula contained in the “food for thought” paper fulfils these requirements at this moment, we hope that the CD can conduct lively discussions on this important issue under the agreed work programme in the future.

I also join other delegations in appreciating your great initiative, Mr. President.

The PRESIDENT: I thank the representative of the Republic of Korea for his statement and for the kind words addressed to the Chair. The next speaker is the delegation of Pakistan, Ambassador Khan.

Mr. KHAN (Pakistan): We do not need a sterile, divisive debate but a proactive, common approach in the Conference on Disarmament (CD) to finish what we began years ago - to give legally binding negative security assurances (NSA) to the non-nuclear-weapon States.

We can start from where the United Nations General Assembly left off last year. At the last General Assembly, 20 countries sponsored resolution 59/64 on security assurances; 118 voted in favour; none voted against. Pakistan has been spearheading this effort for years.

The General Assembly designated the following priority objectives: an early agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons; a search for a common formula or a common approach that can be included in an international instrument of a legally binding character; and intensive negotiations by the CD to reach early agreement, taking into account the widespread support for the conclusion of an international convention on NSA.

There is a legitimate interest to ensure lasting security for all States and peoples. Security assurances to non-nuclear-weapon States are an obligation arising directly from the United Nations Charter. The obligation not to use or threaten to use force extends to the non-use and non-threat of use of nuclear weapons. The General Assembly and the Security Council have underlined and upheld this obligation.

Definitely, security assurances have been given by the nuclear-weapon States. But most States' assurances are restrictive, partial and qualified. What we need is universal and legally binding assurances. This is not merely a moral imperative, but a legal obligation. Security Council resolution 984 clearly linked the need for security assurances with the provisions of article VI of the NPT. The International Court of Justice, in its opinion of 1996, ruled unanimously that the threat or use of force by means of nuclear weapons was unlawful as it was contrary to the United Nations Charter. The 2000 NPT Review Conference affirmed that legally binding security assurances strengthened the nuclear non-proliferation regime. There has been no follow-up beyond that commitment.

The absence of such assurances is compounded by several factors. With the indefinite extension of the NPT, most nuclear-weapon States presume that they have the right to retain nuclear weapons, while complete nuclear disarmament under article VI of the NPT remains open-ended. The geographical scope for the use of nuclear weapons has increased with the expansion of nuclear alliances encompassing nuclear weapons as well as command and control.

(Mr. Khan, Pakistan)

New security doctrines expound the possible use of nuclear weapons, contrary to the letter and spirit of Security Council resolutions 255 and 984. NATO proclamations are potentially inconsistent with the pledges made by its constituent nuclear-weapon States. And, finally, there are two declared nuclear-weapon States, and one undeclared nuclear-weapon State, with an indeterminate status.

Under these circumstances, credible negative security assurances have gained even greater urgency. Until nuclear disarmament is achieved, security guarantees to non-nuclear States can provide the most effective tool to reduce incentives for the proliferation of WMD and thus prevent it effectively.

The Non-Aligned Movement has been expressing its serious concern that the development of new types of nuclear weapons is being considered. It has consistently underlined that pending the total elimination of nuclear weapons, efforts for the conclusion of a universal, unconditional and legally binding instrument on security assurances to non-nuclear-weapon States should be pursued.

The United Nations Secretary-General's High-level Panel, in its report issued late last year, noted that despite the United Nations Security Council's commitment to the contrary (under resolution 984 of 1995), nuclear-weapon States are increasingly unwilling to pledge assurances of the non-use of negative security assurances; and they maintain the right to retaliate with nuclear weapons against chemical and biological attack.

Secretary-General Kofi Annan himself has urged the nuclear-weapon States to reaffirm their commitment and give negative security assurances to the non-nuclear-weapon States.

All along, Pakistan has been conscious of the importance of NSA. It was due to the efforts of Pakistan and several other like-minded countries that we were able to establish an Ad Hoc Committee on NSA in 1998. This Committee could not continue its work after the nuclear tests that year.

For its part, Pakistan has made a solemn pledge that we will not use or threaten to use nuclear weapons against non-nuclear-weapon States.

On NSA, we do not have to start from scratch. There is a large body of literature covering all the legal and political dimensions of the subject. Unilateral declarations made by nuclear-weapon States can be expanded. The negotiations undertaken in the Conference on Disarmament and its Ad Hoc Committee dealing with NSAs can help reach an agreement. Proposals, including drafts of an international convention, have been submitted under the relevant item in the CD. If there is political will we can get down to work.

A legally binding instrument on negative security assurances would be a major confidence-building measure and could help reduce the nuclear threat. It is high time for the CD to agree on a comprehensive and balanced programme of work on the four core issues, including NSA, that we have been discussing for years. The A-5 proposal can be the way forward.

(Mr. Khan, Pakistan)

Mr. President, I close my statement by congratulating you on your initiative to infuse some energy into the Conference on Disarmament and the successful conduct of the debate on the four core issues.

The PRESIDENT: I thank the representative of Pakistan for his statement and for the very kind words addressed to the Chair. The next speaker is the delegation of Switzerland, Ambassador Streuli.

Mr. STREULI (Switzerland) (translated from French): Mr. President, allow me first of all to tell you on behalf of my delegation how pleased we are to see you presiding over the recent plenaries of this Conference. The involvement of most of the delegations in this room was a clear indication of a general determination to continue our efforts here in Geneva in the field of arms control and disarmament.

Following your request to delegations to take advantage of our meetings to deal with issues that are of decisive importance for the work of our Conference, I should like to deal with four specific problems linked to negative security assurances. Firstly, it is clear from Security Council resolutions, statements by nuclear-weapon States and agreements on nuclear-weapon-free zones that negative security assurances are generally accompanied by reservations by nuclear States. These reservations deal with the right of the latter to use nuclear weapons under certain circumstances. In practice this implies that the nuclear States do not fully accept the prohibition on the threat or use of such weapons. Consequently, my country considers that the negative security assurances provided by the nuclear-weapon States parties to the NPT are insufficient. Secondly, along with these reservations, the decision by certain nuclear States that are parties to the NPT to allocate funds for the development of nuclear weapons - a decision which we feel runs counter to the spirit of article VI of the NPT - makes the adoption of negative security assurances even more fundamental. Thirdly, while supporting the generalized establishment of nuclear-weapon-free zones, as in Latin America, in the Caribbean, in the South Pacific, in South-East Asia, in Africa, or the zone referred to in the 1995 resolution on the Middle East or the one still being developed in Central Asia, Switzerland believes that countries such as mine which are outside nuclear-weapon-free zones and have never possessed such weapons cannot benefit from the negative security assurances provided under regional agreements. These countries are thus facing unequal treatment. Fourthly, there is the difficult and complex question of negative security assurances granted by States that are not parties to the NPT but which are assumed to possess nuclear weapons. In this respect, it is clear that the negative security assurances provided under the NPT are a solution that is not entirely satisfactory.

In conclusion, my delegation believes that the non-nuclear-weapon States that are parties to the NPT have a legitimate right to secure a legally binding commitment from the nuclear-weapon States not to use or to threaten to use such weapons against them. It is clear that only States which fully meet their obligations under the NPT can claim such a right. We are convinced that the negotiation and conclusion of an international agreement on negative security assurances would strengthen the non-proliferation regime and would promote the universality of

(Mr. Streuli, Switzerland)

the NPT. Without wishing to prejudge the framework for such negotiations, it seems to us that the most appropriate forum to negotiate such an instrument would certainly be the Conference on Disarmament. The CD is the only negotiating forum for multilateral disarmament which includes among its members all the nuclear-weapon States that are members of the NPT as well as the States that are not parties to the NPT which are assumed to possess nuclear weapons.

The PRESIDENT: I thank the representative of Switzerland for his statement and for the kind words addressed to the Chair. The next speaker is the representative of France, Mr. Despax.

Mr. DESPAX (France) (translated from French): You have invited us, Mr. President, to devote five plenary sessions to the core major topics of the CD. Today's is the fifth and last session, on the question of negative security assurances. On the occasion of the seventh Review Conference of the Nuclear Non-Proliferation Treaty in May 2005 in New York, the European Union spoke with a single voice on the question of security assurances and nuclear-weapon-free zones. The European Union called on the nuclear-weapon States to reaffirm the United Nations security assurances in its resolution 984 of 1995 and to sign and ratify the relevant protocols on nuclear-weapon-free zones drawn up following the requisite consultations, recognizing that treaty-based security assurances are available to such zones.

On the substance, my delegation's position is well known. With a view to enhancing security assurances over and above the measures taken in 1995, France remains in favour of the regional approach, via the creation of nuclear-weapon-free zones. This approach, which involves trying to find a political solution to regional tensions, to latent or overt conflicts, in order to permit progress in security and thus in disarmament and non-proliferation, seems to us the most realistic approach. In this way, France participated actively in the drafting of the guidelines agreed by consensus in 1999 by the Disarmament Commission in New York, in which I had the honour to participate at that time. It has signed and ratified all the relevant protocols to the treaties of Tlatelolco, Rarotonga and Pelindaba. With respect to the latter treaty, we encourage African countries to bring it into force as rapidly as possible so that the assurances provided by the nuclear-weapon States can be fully implemented. Together with the other nuclear-weapon States, France continues discussions with the States parties to the Bangkok Treaty on the related protocol. France is, in particular, awaiting a response from the non-nuclear-weapon States in South-East Asia in order to relaunch the negotiations on this protocol. It is also hoping for continued consultations between the P-5 - the five nuclear-weapon States - and the five Central Asian States on the creation of a nuclear-weapon-free zone in this region. My country's interest in the regional approach and nuclear-weapon-free zones is borne out by France's participation in the Mexico City seminar on this problem held in May 2005 just before the NPT Review Conference.

The "food for thought" put forward by Ambassador Chris Sanders at the beginning of our 2005 session takes a procedural look at how to launch the work of the Conference on Disarmament on negative security assurances. My delegation has noted that, in the "food for thought" paper, he clearly calls for a discussion mandate, which was not the case in the wording

(Mr. Despax, France)

of the previous mandate, and we are pleased at this development. This is a development along the right lines. As we have already had occasion to point out, my delegation does not object to dealing with negative security assurances in the Conference on Disarmament within an appropriate framework, and is ready, in keeping with the European common position, to pursue our consultations on this subject in order to participate in an agreement on a work programme.

In conclusion, Mr. President, allow me to congratulate you on the active and dynamic way in which you have presided over our work and the value we also attach to the organization of these thematic public official sessions, which we have found very useful and to which we will need to give some thought, on how best to build up and use all of the elements that have been put forward here in order to move towards the adoption of a work programme.

Finally, Sir, allow me exceptionally to take certain liberties with the normal customs in the Conference on Disarmament and, as a chargé d'affaires, to say farewell to my neighbour and friend the chargé d'affaires of Finland, who is leaving us after five years of loyal and most devoted service to the cause of disarmament and non-proliferation. Other colleagues here, who, like me, normally belong to the working level, will also be leaving. I bid them farewell. They know who they are.

The PRESIDENT: I thank the representative of France for his statement and for the kind words addressed to the Chair. I now give the floor to the representative of New Zealand, Ambassador Caughley.

Mr. CAUGHLEY (New Zealand): New Zealand has long believed that those States that have formally renounced nuclear weapons should be accorded legally binding commitments by the nuclear-weapon States that they will not be subjected to the use or threat of use of nuclear weapons. We worked hard to ensure that such a commitment was included in the Treaty of Rarotonga, which established a nuclear-weapon-free zone in the South Pacific. The Treaty of Rarotonga essentially expresses the objectives of States parties that nuclear weapons, through both disarmament and non-proliferation, will have no role in the region. This objective will only be complete when all the nuclear-weapon States have ratified the protocol to the Treaty of Rarotonga that provides negative security assurances.

New Zealand welcomed United Nations Security Council resolution 984. It represented an important step forward by the nuclear-weapon States and one which we had hoped would lead to a new climate of trust and would significantly contribute to a diminishing role for nuclear weapons in national security policies.

Even though New Zealand has been a strong supporter of nuclear-weapon-free zones and welcomed United Nations Security Council resolution 984, we recognize that each of these avenues has its limitations. In regard to treaties that establish nuclear-weapon-free zones, these are of course regional rather than universal, and their negative assurance protocols have been subjected to interpretive statements and reservations. Although United Nations Security Council resolution 984 meets the universality requirement, it does so on an individual and political rather than a legally binding basis.

(Mr. Caughley, New Zealand)

We believe that legally binding negative security assurances would be both beneficial in the current security environment in restoring trust and also instrumental in stifling any nefarious impulse to proliferate.

In this regard, we envisage that the negotiation of a legally binding instrument on NSA in the context of the Treaty on the Non-Proliferation of Nuclear Weapons would build upon the negative security assurances provided in nuclear-weapon-free zones and the declarations made by the nuclear-weapon States in United Nations Security Council resolution 984.

Such an instrument would demonstrably underline for non-nuclear-weapon States the benefit of being within the NPT regime. At the same time, agreement on a single instrument would necessarily entail making it clear that negative security assurances would not be unconditional, bringing to bear a further layer of accountability for non-nuclear-weapon States in regard to their non-proliferation obligations.

We look forward to the time when the nuclear-weapon States, in discharging completely their obligation to eliminate their nuclear weapons, render the concept of negative security assurances in relation to such weapons obsolete.

Mr. President, my delegation sees the initiative that you have taken during Norway's turn in the Chair as an important contribution towards breaking the long-standing impasse in the CD's programme of work. This has been a business-like constructive debate drawing widespread participation. As Mexico has observed, a record of it will be invaluable. Your flexibility when setting us on this course, including the broaching of matters beyond the core issues, has also offered the opportunity for delegations to make a case for the Conference to turn its attention to new and additional issues. My delegation, however, has heard no compelling widely supported reason advanced on the record of the CD for doing so. We have, however, detected a welcome increase in flexibility on the treatment of the core issues in the work programme, and like Canada, we believe that there is scope to develop in a further round of plenaries. It is not too late for the CD to have something really positive to report to the General Assembly at its sixtieth session. Finally, we congratulate you warmly on the manner in which you have led our work this past month.

The PRESIDENT: I thank the representative of New Zealand for his statement and very kind words addressed to the Chair. The next speaker is the representative of Algeria, Ambassador Jazairy.

Mr. JAZAIRY (Algeria) (translated from Arabic): The question of negative security assurances is extremely important not only for non-nuclear-weapon States, but for mankind as a whole, since the issues of negative security assurances and non-proliferation are closely interlinked. Contrary to the views expressed by the Secretary-General of the United Nations in his report on reform, where he states that progress in disarmament and non-proliferation should not be held hostage to one another, we believe that negative security assurances for non-nuclear-weapon States would build confidence among States and thus dissuade States from acquiring nuclear weapons.

(Mr. Jazairy, Algeria)

This was the thinking behind the decision by non-nuclear-weapon States to voluntarily forsake the nuclear option when they joined the NPT in 1968 and to agree to the indefinite extension of the Treaty at the 1995 Review Conference. The non-nuclear-weapon States are therefore entitled to receive unqualified assurances against the use or threat of use of nuclear weapons.

There are clearly two points of view on this subject. On the one hand, nuclear-weapon States take the view that the real threat lies in the proliferation of nuclear weapons and their falling into the hands of irresponsible entities. Non-nuclear-weapon States, on the other hand, are convinced that, in addition to this well-recognized danger, there is also a no less serious danger that nuclear-weapon States could resort to the threat or use of nuclear weapons in order to bring pressure to bear on other States. The only absolute guarantee against the threat or use of nuclear weapons is an end to nuclear proliferation and total and comprehensive disarmament.

In reality, this is the substance of the commitments made by the international community, including nuclear-weapon States, according to article VI of the NPT, various resolutions, and the outcome of the Review Conferences of 1995 and 2000 on the implementation of article VI. Those commitments were also made at the first special session of the United Nations General Assembly on disarmament in 1978. Pending the achievement of this final objective, namely the complete eradication of nuclear weapons, non-nuclear-weapon States need legally binding international assurances.

Providing negative assurances for non-nuclear-weapon States is a fair interim measure in return for the concessions which they have made in order to guarantee non-proliferation. However, such assurances are just a preliminary response to the legitimate security concerns of non-nuclear-weapon States. They do not in any way constitute recognition of the right to retain nuclear weapons indefinitely.

Negative assurances derive their legitimacy from the Charter of the United Nations, Article 2, paragraph 4, of which calls upon all Member States to refrain from the threat or use of force against the territorial integrity or political independence of any State. The International Court of Justice, in its advisory opinion of July 1996, ruled by a majority that the threat or use of force was contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of international humanitarian law. Moreover, the United Nations General Assembly, at its sixteenth session in 1961, stated in resolution 1653 (XVI), that the use of nuclear weapons is contrary to the spirit, letter and aims of the Charter of the United Nations and constitutes a direct violation of the Charter.

It is because of all these considerations that the question of negative security assurances has been constantly on the international agenda since the beginning of negotiations on the NPT. The first special session of the General Assembly on disarmament in 1978, in paragraphs 32 and 59 of its Final Document, called upon nuclear-weapon States 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, the question of negative security assurances has

(Mr. Jazairy, Algeria)

been at the forefront of the concerns of the Conference on Disarmament. Every year the General Assembly calls on the Conference on Disarmament to intensify its efforts in order to achieve this goal, the most recent such call being found in General Assembly resolution 59/64.

In spite of all the efforts made, no tangible results have been obtained because some nuclear-weapon States refuse to be bound by an international instrument that commits them to refraining from the threat or use of such weapons against non-nuclear-weapon States. Those nuclear-weapon States argue that the unilateral declarations which they made in 1995 and Security Council resolution 984 (1995) offer adequate positive and negative assurances. In this regard, I would like to stress that while the unilateral declarations and Security Council resolution 984 (1995) are important, they still fall far short of what is needed to respond to the legitimate concerns of non-nuclear-weapon States regarding security and peace.

In the past few years the world has seen some very worrying developments in security policies. New doctrines and military policies which authorize pre-emptive strikes, including with nuclear weapons, are completely at odds with previous policies which prohibited the use of nuclear weapons as a first strike option. They also betray the commitment made by nuclear-weapon States at the 2000 Review Conference to reducing the role of nuclear weapons in military policies.

The development of new kinds of nuclear weapons is further aggravating this situation. Indeed, the disappointing results of the Review Conference held last May show that the cause of nuclear disarmament has suffered a serious setback and that many nuclear-weapon States are now focusing entirely on non-proliferation, as illustrated by their refusal even to refer to the outcome of the 2000 Review Conference and its final document. This only strengthens our attachment to the provision of unconditional negative security assurances, as part of an internationally binding instrument, and my country takes the view that efforts towards this end must be pursued as a matter of priority.

These same concerns were expressed by the distinguished Ambassador of Egypt in the statement which she delivered on behalf of the Group of 21 at the Conference on 15 March 2005. They are also voiced in the working paper submitted by the members of the Movement of Non-Aligned States parties to the Non-Proliferation Treaty, submitted to the Seventh NPT Review Conference and issued as an official document of this Conference with the symbol CD/1752.

Algeria believes that the Conference on Disarmament, in its capacity as the only multilateral negotiating forum in the field of disarmament, could make a great contribution in this area. In this regard, please allow me to express my satisfaction at the statement made by his Excellency Ambassador Carlos Trezza of Italy, who announced his country's willingness to establish an ad hoc committee to develop recommendations on NSAs. We hope that this committee will be established in the framework of item 4 of the Conference's agenda, concerning the adoption of effective international arrangements to assure non-nuclear-weapon States against the threat or use of nuclear weapons. We also hope that the committee will have a mandate to conduct negotiations on arrangements that could take the form of a legally binding international instrument, in accordance with the A-5 proposal.

(Mr. Jazairy, Algeria)

As regards the A-5 proposal, we still believe that it constitutes the most realistic and the most objective basis for reaching agreement on a balanced programme of work. This official proposal contains a balanced set of elements and concessions aimed at securing agreement on a programme of work. Naturally, this proposal could be developed and improved. We are willing to cooperate with everyone on this proposal. We expect delegations to submit their proposals and recommendations on the draft, particularly in the light of the ideas and other non-papers that have since been circulated.

Finally, we would like to thank the President of the Conference on Disarmament for everything that he has done to allow us the opportunity to review all these matters, which are important to us all. We believe that agreement on these matters could form the basis of a future programme of work for this Conference.

The PRESIDENT: I thank the representative of Algeria for his statement and for his very kind words addressed to the Chair. The next speaker is the delegation of the Islamic Republic of Iran, Mr. Eslamizad.

Mr. ESLAMIZAD (Islamic Republic of Iran): Mr. President, as it is the first time my delegation is taking the floor under your presidency, let me congratulate you on your assumption of the presidency of the CD and thank you for providing the members of the Conference with the opportunity for some focused deliberations on the four main issues on the table. We hope that the results of these deliberations will help ensure a balanced and comprehensive programme of work and bring the CD back on track.

The end of the cold war and the demise of the bipolar system rightly created new hopes. The wheels of the United Nations disarmament machinery rolled more easily. The prospect of a world free from the rivalries of the two super-Powers made compromises easier to strike. In the 1990s the CWC, the CTBT and the Ottawa Convention were finalized, negotiations on a protocol strengthening the implementation of the BTWC got under way and the NPT was extended indefinitely.

However, things did not all go as hoped. The rejection of the CTBT by a major nuclear-weapon State, the abrogation of the ABM Treaty and the blockage of a decade of common endeavours to strengthen the BTWC were just the very first setbacks. Contrary to the expectations of the international community reflected in the consensus final document of the NPT 2000 Review Conference, the role of nuclear weapons was not diminished in the security policies of some nuclear-weapon States and military alliances. New nuclear postures were based on new types of nuclear weapons, the threshold of resort to them was lowered to the level of conventional confrontation scenarios and the non-nuclear weapon States parties to the NPT were named as the targets of such weapons in contravention of the unilateral declarations which made the indefinite extension of the NPT possible.

(Mr. Eslamizad, Islamic Republic of Iran)

Unlike those few who consider the current agenda of the Conference as outdated as that of the cold-war era, we believe that the threats posed by nuclear arsenals to mankind are still real and the concerns over the use or threat of use of nuclear weapons are deep and relevant. That the Conference on Disarmament has so far not been able to deal with these issues properly does not mean that we should ignore the question rather than providing appropriate solutions.

The Group of Non-Aligned States parties to the NPT in the course of the 2005 Review Conference stressed that it was the legitimate right of States that have given up the nuclear-weapon option to receive security assurances and called for the negotiation of a universal unconditional and legally binding instrument on security assurances. We fully subscribe to this position. I would also like to reiterate our conviction that the total elimination of nuclear weapons is the only absolute guarantee that there will be no use or threat of use of nuclear weapons, that the non-nuclear-weapon States should be effectively assured by the nuclear-weapon States that there will be no use or threat of use of nuclear weapons, and that pending the total elimination of nuclear weapons, efforts to conclude a universal, unconditional and legally binding instrument on security assurances to the non-nuclear-weapon States should be pursued as a matter of priority.

Before concluding, let me recall the NPT 2000 Review Conference's assertion that "legally binding security assurances by the five nuclear-weapon States to the non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons [NPT] strengthen the nuclear non-proliferation regime". If there is any real concern about the credibility of the non-proliferation regime, a win-win approach is set to achieve it, and we stand ready to take this approach here in the CD.

The PRESIDENT: I thank the representative of the Islamic Republic of Iran for his statement. The next speaker is the representative of Australia, Mr. MacLachlan.

Mr. MACLACHLAN (Australia): Mr. President, as this is the first time that my delegation has taken the floor during your presidency, may I also echo others in applauding your initiative to encourage debate on issues covered by the agenda of the Conference on Disarmament?

Australia's positions on the topics under discussion are well known. Indeed, we expressed our strong support for further nuclear disarmament and the entry into force of the CTBT, a fissile material cut-off treaty reinforced through verification and the role of nuclear-weapon-free zones in providing security assurances at the recent Nuclear Non-Proliferation Treaty Review Conference. Accordingly, we do not intend to rehearse these positions here.

Australia continues to work for effective multilateral approaches to non-proliferation, arms control and disarmament. We share the frustration of others at the impasse besetting this forum, but will not be deterred from action by it. Australia will continue to support pragmatic initiatives that deal effectively with threats to our collective security and which complement broader multilateral efforts.

(Mr. Maclachlan, Australia)

For example, we - along with some 60 other nations - have engaged fully in the Proliferation Security Initiative. And we have offered assistance to nations in our region to help them meet their obligations under United Nations Security Council resolution 1540.

Another initiative - the Australia Group - marks its twentieth anniversary this year. Australia convened the first meeting of 15 nations in Brussels in response to Iraq's use of chemical weapons in its war with Iran. The 15 participants sought to prevent Iraq from acquiring materials to build chemical weapons through otherwise legitimate commercial trade. Their response - harmonized national export controls - led to the Australia Group's birth.

At the Australia Group plenary held in Sydney earlier this year, participants focused on key issues, including terrorism. They agreed significant measures to strengthen the Group. Of note were refinements to export control lists, including the addition of specific aerosol sprayers suitable for the dispersal of biological agents - a direct response to terrorist interest in such agents and devices. The Group also agreed to continue engaging non-participants, particularly in the Balkans and key trans-shipment countries, to promote robust export control standards as required under United Nations Security Council resolution 1540.

Australia Group participants remain firmly committed to the Chemical Weapons Convention and the Biological and Toxin Weapons Convention. Their efforts to prevent the diversion of key chemicals, biological agents and dual-use equipment to the production and proliferation of chemical and biological weapons reinforce these vital treaties, which are yet to achieve universal and effective implementation.

Encouragingly, there is growing acceptance among non-participants of Australia Group measures as an international benchmark for effective export control.

In conclusion, the success of practical initiatives such as the Australia Group, the PSI and United Nations Security Council resolution 1540 are a reminder of how much we are still to achieve in this body after nearly nine years of fruitless efforts.

The PRESIDENT: I thank the representative of Australia for his statement. The last speaker on my list is the representative of Argentina, Ms. de Hoz.

Ms. de HOZ (Argentina) (translated from Spanish): Argentina is convinced that negative security assurances will make a positive contribution to avoiding proliferation of nuclear weapons. For that reason, as we have stated in other international forums such as the Disarmament Commission, the OPANAL Conference and the Conference on nuclear-weapon-free zones recently held in Mexico City, we reiterate our appeal to the P-5 to ensure full and effective compliance with these measures and arrangements, in keeping with the provisions of the Nuclear Non-Proliferation Treaty - the cornerstone of the regime for the non-proliferation of nuclear weapons. The adoption of a global, legally binding instrument on negative security assurances should in no way undermine the assurances granted by the nuclear-weapon States in the framework of nuclear-weapon-free zones

(Ms. de Hoz, Argentina)

and in the framework of the resolutions of the Security Council. Related to this point is the situation of the countries of the Latin American region and its status as a nuclear-weapon-free zone. Thus, Argentina urges the nuclear-weapon States to grant more effective assurances to the non-nuclear-weapon States that they will never use or threaten to use such weapons against them. In that connection, and in particular as regards the Treaty of Tlatelolco, Argentina calls on the nuclear-weapon States to review the interpretative declarations they made at the time they signed the additional protocols to the Treaty with a view to withdrawing them. This position will make it possible to consolidate the effectiveness of the Latin American nuclear-weapon-free zone. Full observance of the Treaty of Tlatelolco by the nuclear-weapon States through such full assurances - the withdrawal of the declarations - will be an important disarmament measure and will mark full compliance with the commitments stipulated in the Final Document of the 2000 Conference.

The PRESIDENT: I thank the representative of Argentina for her statement. This concludes my list of speakers. Does any delegation want to take the floor at this stage? I recognize the representative of Algeria.

Mr. JAZAIRY (Algeria) (translated from Arabic): Mr. President, I think these discussions, as I said before, have been extremely useful, and your initiative was very fruitful. I was wondering how you could capture the benefit of these sessions that we have had. Of course, we are going to have summary records, but I was wondering if there could not be in addition to that some kind of tabular presentation with some of the key points which were made on different themes and different points of view that could then be helpful in moving the process forward, perhaps, and helping to work out a work programme for the Conference.

The PRESIDENT: I thank the representative of Algeria and would only like to say that I will, in my concluding remarks, at least to some extent, address the issue that he raised.

Is there any other delegation that would like to take the floor at this stage? That does not seem to be the case.

I should now like to make some concluding remarks as Norway finishes its term as President of the Conference.

Today is the last plenary session of the Conference on Disarmament under Norway's presidency.

On this occasion I regret to report to you that the presidency has received no indications from any delegation that we are closer to a resolution with regard to a programme of work for the Conference. This important outstanding issue has to be transferred to the incoming President, the Ambassador of Pakistan, who I know is as keen as any of us to undo the knot that keeps the Conference deadlocked.

(The President)

Four weeks ago I encouraged all of you to make statements on nuclear disarmament, fissile material cut-off, outer space, security assurances and so-called “new issues” on specific dates in order to facilitate a more orderly debate. The response has been remarkable. The national views of a great number of Governments are now on record in a systematic manner. I take this opportunity to thank all of you who have participated in the discussions.

It is hard to say whether the debate has brought us closer to a programme of work. Nonetheless, the records now show that there is a strong interest in addressing the real substantive issues. This is how it should be, at a time when we are all confronted with new and increasingly dangerous security challenges.

I encourage the upcoming presidencies and all interested delegations to study the records from the last four weeks to examine whether any issue is ripe to bring forward for more in-depth study. The plenary meetings of the CD are also public, and I equally encourage civil society and academia to analyse the records from their particular perspective and assist all of us in identifying prospects and opportunities - obviously bearing in mind not all delegations have expressed themselves on all of the topics under discussion. This exercise was in no way meant to be scientific or exhaustive. Nevertheless, a broad range of views have been expressed. Suggestions and proposals have been made. Positions have been explained. All this deserves further attention.

I will now hand over the presidency to Pakistan. Before doing so, I want to thank all of you for valuable support and encouragement. I thank the entire secretariat for assisting me in the most professional manner. The interpreters have been busy and deserve our admiration. I am also grateful to the Group Coordinators and other participants in the Presidential consultations. You have all been outstandingly supportive and cooperative. I thank you all. And to those colleagues leaving the Conference this summer, I thank them and wish them every success and happiness. I thank you all.

It only remains for me to wish my successor in this post, Ambassador Khan of Pakistan, every success during his term in office.

This concludes our business for today. The next plenary meeting of the Conference will be held in these chambers on Thursday, 14 July 2005, at 10 a.m.

The meeting rose at 12.15 p.m.