

2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Security assurances

Working paper submitted by Algeria

1. Algeria remains convinced that the ultimate assurance against the threat of the use of nuclear weapons is their total elimination through transparent, verifiable and irreversible measures, in accordance with article VI of the Treaty on the Non-Proliferation of Nuclear Weapons.
2. Until that objective is achieved, nuclear-weapon States must provide credible and effective security assurances for the protection of non-nuclear-weapon States from the use or threat of use of these weapons.
3. The provision of these assurances will help to consolidate the non-proliferation regime, to promote nuclear disarmament and to strengthen the authority and credibility of the Treaty.
4. These assurances, which are in no way excessive, are not a favour to be granted by nuclear-weapon States as they choose. They are a legitimate *quid pro quo* for the renunciation of such weapons by non-nuclear-weapon States, in accordance with the principle of undiminished security for all. Their legitimacy is based on Article 2, paragraph 4, of the Charter of the United Nations, and on the twelfth preambular paragraph of the Treaty.
5. Algeria sees these security assurances as one element that counterbalances the renunciation of nuclear weapons by non-nuclear-weapon States. While the Treaty does not include specific provisions in that regard, this issue, from the outset, occupied a prominent place in the negotiations held prior to the adoption of the Treaty as an urgent request to meet the legitimate security concerns of non-nuclear-weapon States. In resolution 2153 (XXI), by which it called for the conclusion of a treaty on the non-proliferation of nuclear weapons, the General Assembly also requested the Conference of 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. Such assurances are also fully consistent with the advisory opinion issued by the International Court of Justice in July 1996.



6. It should be recalled that, in resolution 1653 (XVI), the General Assembly declared that the use of nuclear weapons was contrary to the spirit, letter and aims of the Charter of the United Nations.

7. It was in response to the insistent appeals of non-nuclear-weapon States and growing pressure from all sides that the nuclear-weapon States recognized this legitimate interest for the first time in 1978.

8. Seventeen years later, on the eve of the 1995 Review and Extension Conference of the Parties to the Treaty, the nuclear-weapon States made individual statements to the Conference on Disarmament in which they provided security assurances to non-nuclear-weapon States Parties to the Treaty.

9. The General Assembly annually adopts a consensus resolution, including resolution 64/27 adopted at the sixty-fourth session, reaffirming the need urgently 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.

10. The Security Council, in paragraph 1 of its resolution 984 (1995), took note with appreciation of the statements made by each of the nuclear-weapon States (S/1995/261, S/1995/262, S/1995/263, S/1995/264, S/1995/265), in which they gave security assurances against the use of nuclear weapons to non-nuclear-weapon States Parties to the Treaty. In the second preambular paragraph of that resolution, the Council recognized the legitimate interest of non-nuclear-weapon States Parties to the Treaty to receive security assurances.

11. The assurances referred to in Security Council resolution 984 (1995) remain, by their very nature, declarative and limited; they do not amount to international legal commitments and are also subject to conditions. The assurances provided under protocols to treaties establishing nuclear-weapon-free zones also display gaps and are subject to conditions. Moreover, the status of nuclear-weapon-free zones does not extend to every region of the world.

12. The need for credible and effective assurances has taken on greater importance in view of developments in nuclear deterrence doctrines, which rely increasingly on nuclear weapons. Such doctrines provide for the use of those weapons, even against non-nuclear-weapon States, under discretionary conditions defined by the nuclear-weapon States, thereby calling into question previous security assurance commitments. The expandable notion of “vital interests”, which could be invoked to justify resorting to such weapons, is a case in point. However, the preamble to Security Council resolution 984 (1995) states 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.

13. This demonstrates without doubt that previous statements and initiatives, including Security Council resolution 984 (1995), are outdated and cannot achieve the objective of a legally binding and irreversible international obligation to provide security assurances.

14. In that regard, the legitimate need for security of non-nuclear-weapon States is incompatible with the unilateral declarative character of these assurances and the conditions to which they are subject.

15. In the sixth preambular paragraph of resolution 984 (1995), the Council considers “that the resolution constitutes a step in this direction”, thus implying that more substantial qualitative stages will subsequently be needed to achieve this objective.

16. Algeria is therefore convinced that, in order to be credible and to act as a deterrent, security assurances for non-nuclear-weapon States against the use or threat of use of nuclear weapons should be codified in a universal, legally binding instrument. These assurances should explicitly set out the commitment of nuclear-weapon States not to use or threaten to use such weapons against non-nuclear-weapon States.

17. With that end in mind, Algeria proposes that the Conference consider establishing a subsidiary body within Main Committee I, entrusted with the task of examining the question of security assurances and making the necessary recommendations, including on practical modalities for the conclusion of an international legally binding instrument.

18. Algeria recommends that the Conference should reaffirm the commitments undertaken previously and reiterated in Security Council resolution 984 (1995); recognize the legitimate right of non-nuclear-weapon States to obtain effective assurances; and call upon States Parties to conclude an international legally binding instrument containing a commitment on the part of nuclear-weapon States not to use or threaten to use nuclear weapons against non-nuclear-weapon States.
