

2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Security assurances against the use or the threat of use of nuclear weapons

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 disarmament measures in accordance with article VI of the Treaty on the Non-Proliferation of Nuclear Weapons.
2. Pending attainment of that objective, it is the legitimate right of non-nuclear-weapon States to have credible safeguards to ensure their security, independence, territorial integrity and sovereignty against the use or threat of use of nuclear weapons provided that they respect their commitments to non-proliferation under articles II and III of the Treaty, in accordance with the principle of undiminished security for all.
3. The issue of negative security assurances draws its legitimacy from the Charter of the United Nations, in particular from article 2, paragraph 4, thereof, which calls upon Member States to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State. Moreover, the International Court of Justice stated in its Advisory Opinion of July 1996 that the use or threat of use of nuclear weapons was contrary to the principles of international law.
4. The commencement of negotiations on credible, universal, unconditional, non-discriminatory, irrevocable and legally binding security assurances against the use or threat of use of nuclear weapons under all circumstances, for all the non-nuclear-weapon States parties to the Treaty, is an absolute priority.
5. The positive and negative security assurances currently in force are based on the assurances given in the framework of Security Council resolutions, the unilateral declarations made by each of the five nuclear-weapon States and the protocols relating to the treaties establishing nuclear-weapon-free zones signed by the five nuclear-weapon States.
6. Being by their very nature unilateral statements, the negative security assurances granted in the framework of Security Council resolution [984 \(1995\)](#) are not international legal commitments and can be terminated unilaterally. Moreover, with the exception of China, which gave a commitment to no first use of nuclear



weapons and, unconditionally, to not use such weapons against non-nuclear-weapon States, the other four States that are parties to the Treaty on the Non-Proliferation of Nuclear Weapons have placed certain conditions on the assurances. The safeguards embodied in the framework of protocols to treaties establishing nuclear-weapon-free zones suffer from certain shortcomings and are subject to the same conditions as safeguards granted in the framework of resolution [984 \(1995\)](#). In any case, nuclear-weapon-free zone status does not cover all regions of the world.

7. This system is further weakened by doctrines of deterrence under which the nuclear-weapon States have given themselves the right to use nuclear weapons against non-nuclear-weapon States in certain circumstances.

8. To be effective and credible, negative security assurances should be codified in the framework of a legally binding multilateral agreement banning the use or the threat of use of nuclear weapons against non-nuclear-weapon States provided that they are in compliance with the non-proliferation commitments made under articles II and III of the Treaty on the Non-Proliferation of Nuclear Weapons.

9. In that regard, the Conference should urge nuclear-weapon States to reaffirm undertakings in respect of security safeguards for non-nuclear-weapon States against the use or threat or use of nuclear weapons, and urge States parties to facilitate the conclusion of a legally binding international instrument whereby nuclear-weapon States undertake, in all circumstances and whatever the conditions, not to use or threaten to use nuclear arms against non-nuclear-weapon States parties to the Treaty.

10. Such an instrument would not threaten the security of any State and would be an effective means of strengthening the Treaty system and promoting its universal nature.

11. With this in view, Algeria proposes to the Review Conference that it should set up, under the auspices of Main Committee I, a subsidiary body tasked with conducting a review of the issue of security assurances and with making the necessary recommendations in this respect, including the practical commitments for the conclusion of a legally binding international instrument.
