

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

23 December 2021

Original: English

New York, 4–28 January 2022

Security Assurances against the Use or Threat of Use of Nuclear Weapons

Working paper submitted by the Islamic Republic of Iran

1. The precedent of using nuclear weapons reminds one of the most heinous historical event and the greatest genocide in the world. The nuclear bombings of Hiroshima and Nagasaki by the United States created a human catastrophe with unprecedented dimensions. As long as nuclear weapons exist, the risk of their use or threat of use persists.
2. Any use or threat of use of nuclear weapons would be contrary to Article 2 (4) of the Charter of the United Nations, general principles of international law and rules and regulations of international humanitarian law, and would constitute a crime against humanity. The International Court of Justice, in its advisory opinion of 8 July 1996 on the legality of the threat or use of nuclear weapons, decided that “there is in neither customary nor conventional international law any specific authorization of the threat or use of nuclear weapons”, and “the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law”.
3. The only absolute guarantee against the use or threat of use of nuclear weapons is nuclear disarmament and the total elimination of nuclear weapons.
4. As an interim measure pending the realization of the total elimination of nuclear weapons, there should be assurance by the nuclear-weapon States that they will not use or threaten to use nuclear weapons against the non-nuclear weapon States.
5. It is the legitimate right of all non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons, which have renounced the acquisition of nuclear weapons, to receive from the nuclear-weapon States effective, universal, unconditional, non-discriminatory and irrevocable legally binding security assurances against the use or threat of use of nuclear weapons under all circumstances. Such assurances, by strengthening the security of the non-nuclear-weapon States parties to the Treaty, would promote the objective of nuclear disarmament and non-proliferation.
6. Since nuclear weapons were used in 1945, there have been repeated calls, by the non-nuclear-weapon States, in numerous resolutions of the General Assembly, for the realization of effective, universal, unconditional, non-discriminatory and irrevocable



legally binding security assurances against the use or threat of use of nuclear weapons. Such calls have also been made at all Review Conferences of the Parties to the Treaty. Regrettably, no real progress has yet been made to meet this reasonable requirement.

7. Some nuclear-weapon States argue that negative security assurances should be granted only in the context of the nuclear-weapon-free zones. To date, none of the existing nuclear-weapon-free zones have received “unconditional and irrevocable legally binding assurances”. Moreover, the prospects for the establishment of a nuclear-weapon-free zone in some regions, such as the Middle East, are quite unclear owing to the persistent refusal of the Israeli regime to accede to the Non-Proliferation Treaty without any further delay and condition as a non-nuclear-weapon party.

8. The relevant unilateral statements by nuclear-weapon States regarding security assurances against the use and threat of use of nuclear weapons are limited, ambiguous and conditional and can justify the use of such weapons by resorting to such vague and undefined concepts as “defending the vital interests” of a nuclear-weapon State or its “allies and partners”.

9. Under the nuclear strategies, concepts and policies of some nuclear-weapon States and the North Atlantic Treaty Organization (NATO) nuclear alliance, the use of nuclear weapons against non-nuclear-weapon States in specific circumstances is envisaged. For instance, the 2018 Nuclear Posture Review of the United States has broadened the circumstances to use nuclear weapons including by leaving open the possibility of using nuclear weapons against non-nuclear-weapon States. The United States, by developing new low-yield nuclear warheads, has raised the risk of possible use of nuclear weapons against non-nuclear-weapon States.

10. Given the growing recognition that the risk of use of nuclear weapons has never been so high since the Cold War, the issue of providing negative security assurances to all non-nuclear-weapon States parties to the Treaty has taken a new importance and urgency and, in the view of the Islamic Republic of Iran, needs to be addressed by the tenth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons as a matter of priority and through the establishment of a subsidiary body on security assurances with a view to reaching a meaningful action-oriented result.

11. To this end, the tenth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons should adopt a “decision on negative security assurances to non-nuclear-weapon States”, containing the following elements:

(a) Recognizing that the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons;

(b) Considering that, until the total elimination of nuclear weapons, it is imperative on the part of the nuclear weapon States to adopt measures that assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, and recognizing the central role of such assurances in upholding the credibility of the Treaty;

(c) Reaffirming the right and legitimate interest of all non-nuclear-weapon States parties to receive unequivocal and legally binding security assurances from nuclear-weapon States against the use or threat of use of nuclear weapons, pending the total elimination of nuclear weapons;

(d) Urging the Conference on Disarmament to immediately begin negotiations on concluding an internationally legally binding instrument to effectively, unconditionally, non-discriminatorily and irrevocably assure all non-nuclear-weapon

States parties to the Treaty against the use or threat of use of nuclear weapons under all circumstances;

(e) Considering the negative security assurances as an effective means of nuclear risk reduction;

(f) Decides that all nuclear-weapon States, through individual or collective declarations to be issued no later than 2022, undertake not to use or threaten to use nuclear weapons, under any circumstances and without discrimination or exception of any kind, against any non-nuclear-weapon State party to the Treaty.
